



UGANDA MANAGEMENT INSTITUTE

**THE RELATIONSHIP BETWEEN LAND TENURE SYSTEMS AND
LAND CONFLICT: A CASE OF NAKASONGOLA
DISTRICT- CENTRAL UGANDA**

BY

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DECLARATION

I, Fredrick Byekwaso do hereby declare that the report entitled, “*The Relationship between Land Tenure Systems and Land Conflict: A Case of Nakasongola District, Central Uganda.*”

Is my original work, all pieces of work used are dully acknowledged and has never been submitted to any other Institution of learning for any academic award.

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APPROVAL

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DEDICATION

This piece of work is dedicated to my wife Carolyn Namutebi Byekwaso, our children Emmanuel, Elijah and Esther, family members and all my friends whose love, patience, support and contributions inspired me to attain this.

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LIST OF ABBREVIATIONS

CCO	-	Certificate of Customary Ownership
CVI	-	Content Validity Index
DLB	-	District Land Board
DV	-	Dependent Variable
FAO	-	Food and Agricultural Organisation
FY	-	Financial year
GoU	-	Government of Uganda
IV	-	Independent Variable
Km	-	Kilometres
NDLG	-	Nakasongola District Local Government
Shs	-	Shillings
SPSS	-	Statistical Package for Social Sciences
Sq	-	Square
UBOS	-	Uganda Bureau of Statistics
ULC	-	Uganda Land Commission
UMI	-	Uganda Management Institute

ABSTRACT

The study investigated the relationship between land tenure systems and land conflict in Nakasongola District. The objectives of the study were; to investigate the relationship between customary land tenure system and land conflict, establishing the relationship between mailo land tenure system and land conflict, investigating the relationship between freehold land tenure system and land conflict as well as establishing the relationship between leasehold land tenure system and land conflict. A correlation cross-sectional research design was used supplemented with both qualitative and quantitative approaches. An accessible population of 287 participants was identified from which a sample of 187 participants was selected and used. A response rate of 74% was obtained from which the key finding was a positive significant relationship for customary land tenure system (.366**), mailo land tenure system (.538**), free hold land tenure system (.319**) and leasehold land tenure system (.466**) and land conflict was obtained. Based on the key findings, the following are concluded: Customary land ownership permits the primary owners all use rights, consensual decisions are based on family or clan ties with fewer female members (widows) legally recognised to inherit the customary land. mailo land belongs to powerful persons and Institutions like churches and Buganda kingdom to which rent is supposed to be paid. In some areas, the land has squatters. Free hold land tenure system allows land owners to have deeds while government deserved the right to mineral ownership on such land. Leasehold land is used for a specific period of time, it's formally registered and a title deed is issued. Formal agreements on customary land should be encouraged by the Lands department at the District. Government should pay off absentee Land Lords and facilitate tenants to acquire title deeds. Further studies on Presidential directives, population pressure and land value appreciation and land conflicts should be undertaken.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter comprises the introduction, background to the study, problem statement, general objective of the study, specific objectives, research questions, research hypotheses, conceptual framework, justification of the study, significance of the study, scope of the study and the key operational definition of land tenure systems and land conflict in Nakasongola District.

1.2 Background to the Study

The background to the study comprises four core parts namely the historical background, theoretical background, conceptual background and contextual background as detailed below.

1.2.1 Historical Background

Land is one of the major factors of production and for any given society to develop, this natural resource needs to be regulated and utilized optimally. This resource is even vital for marginalized communities since it offers diversified livelihood opportunities and alternatives. It provides a sense of security where formal employment opportunities and access to resources are limited and continue to have great historical, cultural and spiritual significance. However, despite the fact that land is vital for society's growth and development, pressures arising out of the quest for economic activities, high rate of population growth and poor land use policy were causing serious land conflict in Nakasongola District.

Land scarcity is generally a global problem and over the years, different countries of the World have witnessed land conflicts. However, the literature presented shows the numerous trends land conflicts had taken from a more global perspective narrowing down to the Ugandan context.

From a global perspective, traditionally, Korea's early political and land tenure systems were based largely on those of China. In the period of the dynasties (12th century), Korea was characterized by centralized rule, with the country divided into provinces, districts, towns and villages (Caraway, 2001). The vast majority of Koreans were the poor peasants who worked on the land, usually living in small hamlets of about ten families. They paid rent to the castle lords, provincial aristocrats who controlled both private and public lands. The castle lords were wealthy gentry who had moved away from the capital to the countryside, where they could hold power over the surrounding area and avoid the chaotic situation in the capital (Caraway, 2001). The peasants were often saddled with heavy rents and forced servitudes to support the lifestyles of the elite, causing much dissatisfaction and leading to many revolts. Those peasants who could not pay their taxes and debts were forced into slavery, and could be bought and sold freely as property (Caraway, 2001).

In addition, under the Koryo Dynasty, Korea's land was divided into public and private lands. Rent from peasants farming the public lands was used to support the government. These lands could also be allocated for uses such as schools, government offices, and hostels, or could be allocated for the use of government and military officials. Private lands were given to the aristocrats, who could buy, sell, and inherit land and collect rent from the peasants. Almost all private land was passed on through inheritance, staying within the same families for generations (Caraway, 2001). Small, individual plots of land were also made available to civil servants and soldiers as payment for their services. This land became the property of the state again after retirement or death (Caraway, 2001).

Following the Japanese invasions in the early seventeenth century, Korea's economy fell into disarray. Agricultural lands throughout the country were destroyed, reducing tax revenues at the same time that the government was strained by war debts. To address the situation, land reform was again instituted in the form of the Uniform Land Tax Law. This law changed

replaced the previous tax system with a uniform tax of one percent of the agricultural harvest. This reduced the burden on peasants, helped lead to the development of a commercial economy, and increased Government revenues (Lone & McCormack, 1993). A number of land surveys were carried out during this period to improve map accuracy. Mapping accuracy was also improved with the introduction of perspective and scale from the West (Savada & Show, 1990)

Later in the 20th Century, there was rising transaction costs and growing discontent specifically in the 1930's, which led to strikes and the refusal by many tenants to pay rent. Despite this disorder in the agricultural sector, Korea in general was well controlled during the period due to the presence of Japanese police and military forces. Following the war, however, the weak temporary government was unable to maintain social order. Strikes became more frequent and violent, and the lack of law enforcement made it very hard for landowners to punish tenants for violation of contracts. Discontent among tenants also fostered sympathy for socialism and communism, something the U.S. military administration wanted to prevent. Adding to support for communism was the fact that the North Korean Government had already taken landlords' land without compensation and distributed it to the people (Jeon & Kim, 2000). It soon became clear that a major reform of the land system was necessary.

The Middle east on the other hand has been inhabited or occupied by Hebrews and Muslims known as Palestinians; the principal residents after the destruction of Jerusalem by the Romans in 70 A.D. up until about 100 years ago. Historically, the root cause of the conflict began as a struggle over land especially after World War I until 1948, the area that both groups claimed was known internationally as Palestine. That same name was also used to designate a less well-defined "Holy Land" by the three monotheistic religions. With the injustices and atrocities to Jews during World War II fresh in their minds, much of the

international community began to support the creation of a Jewish homeland (Beinin & Hajjar, 2014).

The United Nations developed a plan to grant Jews their own state shortly after World War II. In 1947, the U.N. General Assembly passed Resolution 181 (II) outlining the partition of the Palestine territory to form one Arabic country and one Jewish country. The nation of Israel was founded on May 14, 1948 on the land west of the Jordan River. A day later, the bordering Arab states invaded the new nation in protest (U.N. General Assembly Resolution 181, II).

The Palestinians claimed that the land belonged to them because of their continued settlement in the country for hundreds of years and the fact that they represented the demographic majority until 1948. They rejected the notion that a biblical-era kingdom constitutes the basis for a valid modern claim. The issue of Arab-Israeli land problem has continuously presented one striking dilemma throughout the 50s, 60s, 70s and 80s, for those who would weigh the scales between the two parties (Rives, 2011).

Lastly, since the 1990s throughout the 2000s, a number of violent acts have been directed to Israeli aimed at forcefully evicting them from the occupied land. These have included terrorist attacks, stone throwing by the Palestinian youths and open shooting spheres among others (Chomsky, 2006)

From the African context, South African Institute of Race Relations (2004) reports that land conflict issues relate back mainly to the 19th Century. The institute highlights that in South Africa, conflict over territory and control of certain areas of the world caused several wars. With critical issues traceable around the 1812's when American and British forces clashed over Canada and its rich resources. The conflict between the Khoikhoi and the Dutch during the 17th century was also ultimately about territory, but also involved issues like cultural

differences. The Khoikhoi were a migrant nation and did not believe in the ownership of land, whereas the Dutch believed in the ownership and cultivation of farmland. Eventually the Khoikhoi were virtually extinct as a culture and nation, while the Basotho, under Moshoeshoe, created their own homeland, Lesotho, and retained their identity to a degree.

The Institute further writes that in 1820, the settlement of the area north of the Orange River began in earnest, which laid the ground for later conflicts over land. The weakness of local tribes as a result of drought and the Mfecane was thoroughly exploited and a great part of South Africa was won for European colonisation in this manner. Frontiers were changed and shifted according to various circumstances and for many different reasons during the 19th century. European colonisation was responsible for bringing advancement and development of many countries and continents, but at the same time was also responsible for the destruction of many lives and cultures. In many cases the changes were enforced and driven by greed, but in others by necessity. The conquering of territory is still an issue in today's world, where commodities like oil and diamonds cause war and destruction, especially in Africa and the Middle East.

According to the FASID Discussion Paper (2005), in Kenya, land conflicts started in 1899, when the British colonialists declared that all land was "Crown Land" and therefore available for alienation to white settlers. Africans were considered "tenants at the will of the Crown." In 1902, the same year that Britain extended its colonial claim inland to Uganda, the British government granted the private East Africa Syndicate 1,300 km² of land in the Rift Valley and surrounding highlands to promote white settlement and export agriculture.

The discussion paper further presents that in 1904, The British introduced a policy to settle Africans on "native reserves," the basis of ethnically defined administrative units, and the precursors of today's districts and locations. By 1934, the 30,000 white settlers in the British-ruled East African Protectorate less than 0.25% of the total population controlled about one-

third of the arable land. Beginning in 1941, the British embarked on a series of resettlement schemes involving forceful evictions and repatriations of Kikuyu, Maasai, Kalenjin and other tribes, back and forth between the central highlands and the Rift Valley (Yamano, 2005).

Yamano (2005), stresses that from Kenya's first African political protest movement, the Young Kikuyu Association established in 1921, land rights was and remained a central tenet of an independence movement that grew in strength in the following decades. However, after independence in 1963, the fundamentals of the colonial land tenure system remained in place, including the unequal relationship between statutory and customary tenure, and de facto ethno-territorial administrative units. As a result, conflicts over land, often ethnic-based and for political gain, continued in the post-independence era. More recently, however, meaningful land governance reforms have been enacted, and Kenya's new Constitution of 2010 provides hope that some historical injustices will be addressed, (Kenyan Constitution, 2010).

According to Tukahirwa (2002), in Uganda, land conflicts can be traced back in the early 1900s when the colonial powers were massively engaged in territorial conquer. The "land problems" in Uganda deal with the ways in which we were trying to harmonize the traditions of Ugandans and the freehold system brought to us by the British in the far back days of colonialism. Before colonialism, land was available for communal use, held for grazing purposes and small scale subsistence agriculture. No single individual owned land. Land tenure and management was perpetually customary.

Uganda's land problems have been shaped by history and the concept of freehold, a system that was appropriate for Great Britain during the 19th century but not consistent with the traditions of Uganda and its people at that time. As a result, land reforms in Uganda in the 20th and 21st centuries have been under fire to repair those historical mistakes.

Scholar Elliot (2005), argues that when Uganda became a British protectorate at the end of the 19th century, the land tenure and management system was profoundly changed creating 'haves' and 'have-nots' in land ownership. The land reforms by the British in Buganda, the central part of the country, created a grossly unequal land tenure system. It gave large tracts of land to the political elite but turned most of the people of Buganda into tenant farmers. He further explains that the colonialists entered into agreements with the Buganda, Ankole and Toro Kingdoms paving way for increased individualized ownership of land, increased communal grazing and farming into a means of supporting the industrial revolution in Europe and America with their huge demand for raw materials many of which came from Africa.

LUCID (2005) contends that in 1900, the British Government signed an agreement with the Kabaka of Buganda by then which fundamentally changed the land structure and market in Buganda and beyond. The agreement divided land in Buganda in two tracts: mailo land and Crown land. Mailo land was doled out to the Kingship, the chiefs and some notables while Crown land was held for government purposes. The land title was nominally vested in the Queen of England as "Custodian". This agreement with the Kabaka led to the first major displacement of Ugandan people from the land they had occupied for periods long before a British foot found its way into Uganda.

Mailo land system created a situation where both Baganda peasants and immigrants on large tracts of undeveloped land were legally rendered landless. Their traditional customary unwritten right to use the land for grazing and farming was terminated. Instead, if they wished to use the land, they were supposed to pay '*Busuulu*' and '*Envujjo*' rent to the holders of certificates, LUCID (2005) on the land they hitherto used by right of history and custom. This turned the bonafide occupants into tenants. Tenants were by law required to pay rent to their newly imposed owners. However, the landlords kept hiking the '*Busuulu*' and '*Envujjo*' rates.

In line with the above, Mair (1934, 154) argues that Mailo land suffered underdevelopment due to absentee landlords. However, apart from Buganda and a few areas of Bunyoro, Toro and Ankole, the colonial changes in the land tenure system did not affect many rural areas in other parts of Uganda. And indeed, the customary tenure remained very dominant with its demerits. In short, the colonial period changed the traditional communal use of land and exposed it to market forces of demand and supply.

Additionally, Roscoe (1923) supplements on the above by arguing that by distributing freehold interests in land to some individuals, social inequalities began to arise based on the British concept of ownership of land. In some cases, land was distributed to absentee landlords. This led to the evolution of squatters, people who settled, farmed and grazed animals on the undeveloped land of an absentee landlord but who could later be evicted by the landowners. As the population of Uganda continued to grow, the gap between land 'haves' and 'have-nots' grew even wider. Disputes over the use and ownership of land increased.

The Land Reform Decree of 1975 that was passed declared all land in Uganda public land and title to it was vested in the Uganda Land Commission. All free land, including mailo, was converted into leaseholds. Customary occupants were deemed to hold the parcels of land at sufferance which could be terminated any time without notice. Rent payment by tenants was also removed. Evictions from land became rampant and customary occupants could be evicted at any time. However, occupants could be evicted upon payment of compensation, though cases of illegal evictions existed, (Uganda Land Reform Decree of 1975). There have been attempts to streamline the land tenure and management system in Uganda in the recent past. Among them are the 1995 Constitution of the Republic of Uganda, and the 1998 Land Act and its amendment in 2010.

Outstanding land reforms in Uganda were brought about by the 1995 Constitution and the 1998 Land Act. It is clearly stated that land belongs to the citizens of Uganda, (Uganda Constitution 1995, Article 238) and is vested in the citizens of Uganda in four land tenure systems: Customary, Freehold, Mailo and Leasehold. It establishes the Uganda Land commission whose function is to “hold and manage any land in Uganda vested in or acquired by the Government of Uganda.

Considering Uganda’s history of land tenure systems and land conflicts, the researcher believes that, that was a colonial mistake committed which required legislative solution. This solution should be through legislation by parliament to address the causes of land conflicts.

1.2.2 Theoretical Background

This study was guided by Karl Max’s Conflict Theory which states that society is in a state of perpetual conflict due to competition for limited resources. Karl Marx’s work in the early to mid-1800s specifically, (1818–1883), was centrally concerned with class and dialectics of capitalism. He argued that capitalism would produce its own gravediggers by creating the conditions under which class consciousness and a failing economy would come into existence.

Those with wealth and power try to hold on to it by any means possible, chiefly by suppressing the poor and powerless. The wealth and power applies to the free hold and lease hold tenure system. The Freehold System is a system whereby owners of the land have a deed to their land which allows them to hold the registered land indefinitely and lease hold is a system where the owner of the land grants the tenants’ exclusive use of the land, usually for a specific period of time.

Karl Marx in his Conflict Theory expounded his view that society is a dynamic entity constantly undergoing change driven by class conflict. Whereas functionalism understands

society as a complex system striving for equilibrium, the conflict theory views social life as competition. According to the conflict theory, society is made up of individuals competing for limited resources. Competition over scarce resources is at the heart of all social relationships. Competition, rather than consensus, is characteristic of human relationships. The explanation above had a link with both the customary and mailo land tenure systems where the former, is where access to land is governed by the customs, rules and regulations of the community and the latter, is a quasi-freehold tenure system established in 1900 by the British colonial Government to reward the colonial agents who advanced British interests with large estates of land. In addition, the theory focuses on the broader social structures and organizations (e.g., religions, government, etc.) reflect the competition for resources and the inherent inequality competition entails; some people and organizations have more resources (i.e. power and influence), and use those resources to maintain their positions of power in society.

Conflict Theory has been criticized for its focus on change and neglect of social stability. Some critics acknowledge that societies are in a constant state of change, but point out that much of the change is minor or incremental, not revolutionary. For example, many modern capitalist states have avoided a communist revolution, and have instead instituted elaborate social service programs. Although Conflict Theorists often focus on social change, they have, in fact, also developed a theory to explain social stability. According to the conflict theory, inequalities in power and reward are built into all social structures. Individuals and groups who benefit from any particular structure strives to see it maintained. For example, the wealthy may fight to maintain their privileged access to higher education by opposing measures that would broaden access, such as affirmative action or public funding. Based on Karl Marx Conflict Theory, the researcher was able to obtain detailed information about land tenure systems and land conflict.

1.2.3 Conceptual Background

This study was conceptualised based on two variables; land tenure systems causing land conflict. This line of thought is alluded to by Wehrmann (2005) who argues that land conflict is a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land - the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land.

Reimann (2004) concurs with the above line of thought by saying that land conflict often involves at least two parties who disagree over the distribution of material or symbolic resources or perceive their underlying cultural values and beliefs to be different on land. The origins of conflict can also lie in the social and political make-up and structure of society. Food and Agriculture Organisation (2002) conceptualises land tenure systems as an institution, i.e rules invented by societies to regulate behaviour. Rules of tenure explain how property rights to land are to be allocated within societies.

USAID (2013), considered land tenure system as the political, economic, social, and legal structure that determines how individuals and groups access and use land and related resources including trees, minerals, pasture, and water. Land tenure rules define how rights to use, control, and transfer land and resources are allocated within societies.

1.2.4 Contextual Background

In Nakasongola, land conflict has emerged as a critical issue of concern today than before. With financial implications tagged to the sale and purchase of land, numerous land owners and tenants have continuously engaged in land matters with their associated negative trends that have followed thereafter. In the wake of development strategies in the country

Nakasongola district inclusive, the power to control and to use land in Uganda is seen as an impetus to investors for both agricultural and industrial development with the Land Act of 1998 that has contributed to the increased tension between the concerned parties over the same land. For instance the issue of willing buyer-willing seller coined in the Land Act has further complicated the transfer of land from one person to another. The involvement of land agencies, courts of law and district land boards, has but created a lot of confusion on who possess the power to act on behalf of the affected victims, (Uganda Land Act, 1998).

The district land board has continuously engaged in land matters for instance President Yoweri Museveni halted the establishment of a sugarcane project in Lwabyata Sub County by Tirupati Development Uganda limited, an Asian owned firm saying it would displace thousands of residents, (Uganda Radio Network, 2014). Where the landlord wanted to buy the tenant off the land, the tenant had to be willing to sell his/her rights to use the land and vice-versa. This was the case in Lwabyata sub-county where the Land lord was willing to buy off tenants and on the other side the tenants were not willing to sell. Moreover, tenants have failed to develop land out of fear that the landlords would one day evict them; likewise, landlords could not develop land because they could not evict the tenants. Even the very architect of the law, the government, was highly affected by these issues when trying to allocate land for investment.

Despite these problems, majority inhabitants of Nakasongola district seemed to be ignorant about the existing tenures, laws and land reforms. In some instances, tenants had continued to occupy land they do not own without the consent of the landlords and later only to be evicted forcefully which had resulted into destructions and more conflicts hence creating insecurity in these affected areas. It was upon that background that the researcher considered establishing the relationship between land tenure systems and land conflict in Nakasongola district, with

land tenure systems constituting the independent variable while persistent land conflicts formed the dependent variables.

1.3 Statement of the Problem

Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems (1995 Constitution). The roles according to the 1995 Constitution were decentralized to the district land boards (Uganda Land Act). The functions of the District Land Boards among others were to allocate land in the district which was not owned by any person or authority (Uganda Land Act Cap, 227). This was the ideal situation and it would be assumed that settlement on land would be harmonious. It was disturbing to note that in Nakasongola district, cases of land conflict resulting into loss of time, money, life and property were so rampant and on the increase.

Five to six land conflicts were reported every month in Nakasongola district resulting into loss of resources (time, money and lives) as per district land board reports to district council standing committees (Nakasongola DLG First Quarter, 2013/2014 FY).

These conflicts hindered development and impede service delivery in the district. Nakasongola District was considered to be sparsely populated 41 per sq km compared to 123 per sq km national average UBOS population and housing census (2002) and therefore cases of conflict over land would be minimal but instead the reverse was true. In the month of October 2013, the state Minister for Lands visited Nakasongola District twice trying to resolve land conflicts. Despite these visits, there were fears that those conflicts would escalate into ethnic conflicts for instance the sugarcane project in Lwabyata Sub County by Tirupati Development Uganda Limited. In view of the above coupled with a gap in the available literature about the problem, it was important to establish the relationship between the various land tenure systems and land conflicts in Nakasongola with Mailo being the most

predominant land tenure system. This would add to the body of scholarly information about the problem.

1.4 General Objective of the study

To investigate the relationship between land tenure systems and land conflicts in Nakasongola District.

1.5 Specific Objectives of the Study

- 1) To investigate the relationship between customary land tenure systems and land conflict in Nakasongola District.
- 2) To establish the relationship between mailo land tenure systems and land conflict in Nakasongola District.
- 3) To investigate the relationship between freehold land tenure systems and land conflict in Nakasongola District.
- 4) To establish the relationship between leasehold land tenure systems and land conflict in Nakasongola District.

1.6 Research Questions

- 1) What is the relationship between customary land tenure system and land conflict in Nakasongola District?
- 2) How does mailo land tenure system influence land conflict in Nakasongola District?
- 3) To what extent does freehold land tenure system contribute to land conflict in Nakasongola District?
- 4) How does leasehold land tenure system contribute to land conflict in Nakasongola District?

1.7 Study Hypotheses

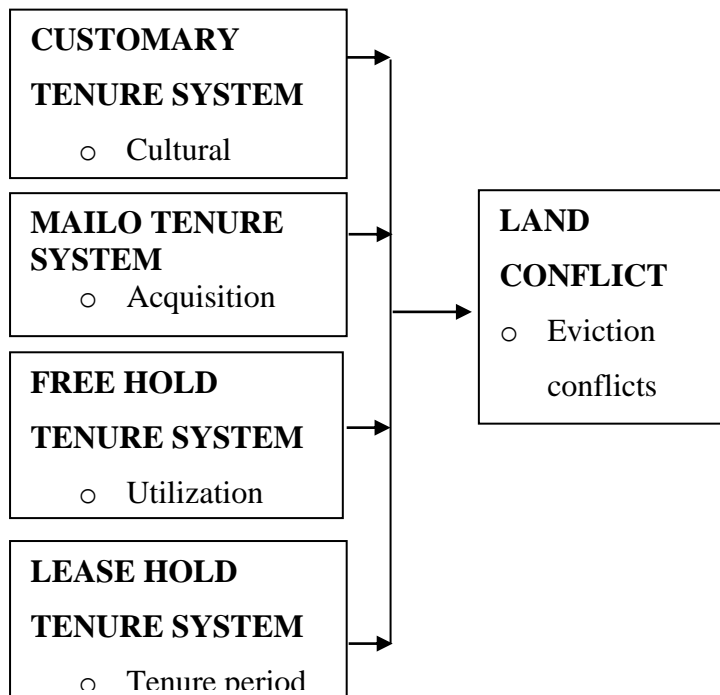
- 1) There is a significant positive relationship between customary land tenure system and land conflict.
- 2) There is a significant positive relationship between mailo land tenure system and land conflict.
- 3) There is a significant positive relationship between freehold land tenure system and land conflict.
- 4) There is a significant positive relationship between lease hold land tenure system and land conflict.

1.8 Conceptual Framework

The conceptual framework shows diagrammatically the study variables and how they relate to each other and affect or are affected by the other.

INDEPENDENT VARIABLE
(LAND TENURE SYSTEMS)

DEPENDENT VARIABLE
(LAND CONFLICT)



1.

Source: Adapted from Rugadya (2009) and Modified by the Researcher.

Figure 1.1: The relationship between land tenure systems and land conflicts.

As can be observed from figure 1.1, the diagram is conceptualized in a way that the land tenure systems in place causes land conflicts and therefore unsettlement. Customary tenure

systems is categorised as acquisition, utilisation and disposition which relate to land conflict. In addition, the mailo tenure system also categorised as acquisition, rent and utilisation relates well with land conflict, and the freehold tenure system and land conflict are interlinked. In relation to the above, the manner in which lease hold tenure system comprising of tenure period, acquisition and transfer rights form a platform for more land conflict. Lastly, land conflict as a dependent variable measured in terms of eviction, inheritance and boundary conflict.

1.9 Significance of the study

The results of the study about the relationship between land tenure systems and land conflict in Nakasongola would enlighten policy makers for instance the District Council that the existing land tenure systems contribute greatly to the increased land conflicts in the District. That would form a foundation upon which remedies to the problem are sought. More so, the study would inform the academia about the unearthed challenges or dimensions pertaining to the numerous land tenure systems. It equally forms a basis for further study or investigation and also acts as a point of reference for scholarly material to other researchers.

The findings of the study would open the complexities in the land tenure systems and thereby help both the people of Nakasongola and its leadership to find ways of mitigating these conflicts. Additionally, the study informs the authorities which tenure system needs further legislation or possibly an amendment in general.

1.10 Justification to the study

Studies by Deininger and Castagnini (2005) examine the determinants and impact of land conflicts on agricultural productivity in Uganda. But going with these findings and assuming that they apply to Nakasongola district, would be a generalization. Mwebaze (1999) wrote

about the integration of statutory and customary tenure systems in policy and legislation in Uganda. This was short of the relationship between land tenure system and land conflict.

The study investigated the relationship between land tenure systems and land conflict in Nakasongola. This had never been done before. This was the first study about this topic sensitive as it was for society's growth and development.

Lastly, the study findings would go a long way in trying to address the challenges that touch the epicentre of livelihood of the people of Nakasongola District in particular and Uganda in general.

1.11 Scope of the Study

The scope of the study entailed the content scope, geographical location of the study area and time scope as explained below.

1.11.1 Content scope

The study was limited to the four constitutional land tenure systems of Uganda namely customary, mailo, freehold and lease hold and their relationship to land conflict comprising of inheritance conflicts, boundary conflicts and eviction conflicts. This scope in relation to land conflicts seem to leave out certain variables that are worth investigating.

1.11.2 Geographical scope

The study was carried out in Nakasongola District which is located in central Uganda (Buganda region) bordering Masindi District on the west and north western side, Luwero and Nakaseke Districts on the Southern side, Kayunga District on the eastern side, and Amolatar and Apac Districts on the northern side. It is located on latitudes 055N 1 40'N and longitudes 31 55E and 3250E. It covers an area of 3,424sq Km representing about 1.42% of the

country's total surface area. Nakasongola had eight sub counties and three town councils boasted with an estimated population of 127,064 inhabitants, (UBOS Population and Housing Census, 2002).

1.11.3 Time scope

The period of study was from 2008 to 2014. The reason to this choice was attributed to the fact that numerous land conflicts had rocked or emerged during that period and resulted into several deaths, land grabbing and caused bad publicity of the district nationally and internationally.

1.12 Operational definition of key terms

Land tenure Systems: Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. This concept meant the different land systems existing in Uganda

Customary Tenure System: is land "Governed by the customs, rules and regulations of the community."

Freehold Tenure System: In this study, means land ownership that is also in perpetuity, and a certificate of title is issued. This is crown land or land belonging to the Government. The Government had executive powers over it.

Mailo Tenure System: In this study, mailo tenure system was referred to as the quasi-freehold tenure system established in 1900 by the British colonial Government to reward the colonial agents who advanced British interests with large estates of land. It is found in the central region and parts of central western Uganda

Leasehold Tenure System: Leasehold tenure in this study refers to as a system whereby land is held based on an agreement between the lessor and the lessee. There are two types of

leasehold tenure arrangements, namely, private leases given to individual landlords and official or statutory leases given to individuals and/or corporate groups under the Public Act terms.

Land Conflict: This variable refers to the land related indifferences that can cause land loss to either of the involved party. In this study, conflict refers to the land differences or misunderstandings that one or more persons have in regard to land ownership

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Chapter one introduced land tenure systems and land conflict in details. Chapter two, on the other hand, also known as the literature review focuses and draws critics for and against scholarly literature as presented by authors. The chapter is arranged starting with the theoretical review, critical review of the existing literature and summary of the chapter.

2.2 Theoretical Review

This study was guided by Karl Max's Conflict Theory. Karl Marx argues that society is in a state of perpetual conflict due to competition for limited resources. Karl Marx's work in the early to mid-1800s specifically (1818–1883), was centrally concerned with class and dialectics of capitalism. He argued that capitalism would produce its own gravediggers by creating the conditions under which class consciousness and a failing economy would come into existence. Under the Conflict Theory, those with wealth and power try to hold on to it by any means possible, chiefly by suppressing the poor and powerless. The wealth and power applied to the freehold and leasehold tenure systems. The freehold system is a system whereby owners of the land have a deed to their land which allows them to hold the registered land indefinitely and lease hold is a system where the owner of the land grants the tenants' exclusive use of the land, usually for a specific period of time.

Functionalism on the other hand understands society as a complex system striving for equilibrium, yet the conflict theory views social life as competition. According to the Conflict theory, society is made up of individuals competing for limited resources. Competition over scarce resources is at the heart of all social relationships. Competition, rather than consensus, is characteristic of human relationships. The explanation above had a link to both the

customary and mailo land tenure systems where the former, is where access to land is governed by the customs, rules and regulations of the community and the latter, is a quasi-freehold tenure system established in 1900 by the British colonial Government to reward the colonial agents who advanced British interests with large estates of land. In addition, the theory focuses on how the broader social structures and organizations (e.g. religions, government, etc.) reflect the competition for resources. The inherent inequality competition entail some people and organizations having more resources (i.e. power and influence), and use those resources to maintain their positions of power in society.

Conflict Theory has been criticized for its focus on change and neglect of social stability. Some critics acknowledge that societies are in a constant state of change, but point out that much of the change is minor or incremental, not revolutionary. For example, many modern capitalist states have avoided a communist revolution, and have instead instituted elaborate social service programs. Although Conflict Theorists often focus on social change, they have, in fact, also developed a theory to explain social stability. According to the conflict theory, inequalities in power and reward are built into all social structures. Individuals and groups who benefit from any particular structure strives to see it maintained. For example, the wealthy may fight to maintain their privileged access to higher education by opposing measures that would broaden access, such as affirmative action or public funding. Based on Karl Marxs Conflict Theory, the researcher had an insight into land tenure systems and land conflict.

2.3 Land Tenure Systems and Land Conflict

According to FAO (2002), land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. In addition, the rules of tenure define how property rights to land are to be allocated within societies, define how access is granted, rights to use, control, and transfer land, as well as the associated

responsibilities and restraints. For the case of Nakasongola District, land ownership is a very sensitive issue, with the four tenure systems fully operational namely customary, mailo, freehold and finally leasehold. Perhaps the outstanding land reforms in Uganda were brought about by the 1995 Constitution and the 1998 Land Act. The 1995 Constitution is very clear; it states that land in Uganda belongs to the citizens of Uganda. Land is vested in the citizens of Uganda in four land tenure systems: customary, freehold, mailo and leasehold.

The Constitution further establishes the Uganda Land Commission whose function is to “*hold and manage any land in Uganda vested in or acquired by the Government of Uganda in accordance with the Constitution and any other functions as may be prescribed by Parliament.*”, (Article 237(1) of the Constitution of the Republic of Uganda 1995).

On the other hand, land conflicts refer to the land related indifferences that can cause land loss to either of the involved parties. In Nakasongola District, these conflicts were common and could appear as boundary conflicts between districts, ethnic land conflicts, conflicts between pastoralists and agriculturalists and within families; and most of these cases were on the rise (GOU, 2011). Intra-familial land conflicts for instance between husbands and spouses, between sisters and brothers, and between generations, were increasing notably as a result of land scarcity and these contributed also to land fragmentation.

Scholars like Levine and Adoko (2006) in their study argued that land cases were the most common disputes brought to local courts or legal assistance projects in many parts of the country. In line with the above, Rugadya et al, (2008) and Kigula (1999) both argue that most land disputes are evidence of pressure point in land use or localities in which competition over resource use increases, trouble spots in the definition and regulation of tenure rights, in which old rules (on mailo and other registered tenures) and norms (customary) are no longer sufficient to sustain orderly use and co-existence of land users and owners.

Similarly, Rugadya et al (2008), acknowledges that tensions over use of land and other resources have the potential to grow into bigger and societal level (ethnic or religious) conflicts if not responded to in time. He further says that the presence of inequitable distribution of resources where powerful groups marginalizes the weak could in particular be a source of grievance and conflict, where property rights are not responsive to scarcity of resources in a way that allows equitable access, efficient use and security of tenure. More recently, Kairaba (2002) says that the increased awareness of the economic and political importance of land related conflict in African countries, such as Rwanda, Burundi and Uganda among others with relatively low population density, were traditionally characterized by relatively egalitarian land access.

Deninger & Castagnini (2004), argued that it was useful to place land conflicts into a broader context of increasing land values and scarcity. If the value of land increased in an environment where access to land across groups was highly unequal or governed by other factors such as ethnicity, it could give rise to conflicts that run along ethnic lines and spread to areas completely unrelated to land. That appreciation was attributed to increased population, a key variable that underlies the need for better definition of property rights to land. Based on this context presented above, it was found out that land tenure systems formed the basis for the increased land conflicts in Nakasongola District.

2.3.1 Customary Tenure System and Land Conflict

Customary tenure is the common tenure system in Uganda whereby access to land is *“Governed by the customs, rules and regulations of the community.”* Holders of land under the customary system do not have a formal title to the land they use although Article 237(4a) of the 1995 Uganda Constitution stipulates that all citizens owning land under customary tenure may acquire certificates of ownership in a manner prescribed by parliament. Over 80% of the land in Uganda is held under unregistered customary tenure. Despite the lack of

registration, customary tenure is recognised by the State, (Article 237(1) of the 1995 constitution of Uganda). In this study, customary tenure systems is looked at in terms of how land is acquired, utilized and disposed off in relation to land conflicts.

2.3.1.1 Cultural Inheritance and Land Conflict

Cultural inheritance refers to measures in place that aid getting land for use. According to the Uganda Constitution of 1995, customary land acquisition may be communal, thus a household is the primary owner of the land and may include extended members of the family or ownership are through the family, clan or the community. Further, it may be individual/family or clan, (Uganda Constitution, 1995). This ownership has been more traditional where the male elders are the custodians of customary land in most communities and determine distribution of the land. There are numerous literature sources available in favour of and against cultural inheritance and land conflict as indicated below.

According to the World Bank (2011), the fertility rate of Uganda's population is 6.7 children per mother and the population growth rate is 3.2, the second highest in the world. This has led to land scarcity in most regions of Uganda. With land value rising, the original owners have been prompted to claim land from the squatters, which had led to increased tenure insecurity and high incidences of eviction-related conflicts.

The Republic of Uganda, (2010) presents that a majority of Ugandans, perceive ownership of land in the "Traditional African Sense," according to a national survey where 75 percent of the respondents claimed they owned land (Republic of Uganda, 2010), although 95 percent of Ugandans do not have land titles (Ministry of Lands, Housing and Urban Development, 2011: 174). This particular case formed the back ground upon which the Nakasongola locals had owned land over the generations. However, the situation was worsened by failure to attain land titles for proper ownership. In view of that, Government of Uganda (2010: 173),

believes that land ownership in the “Traditional African” sense is inefficient and delays development. It further argues that this understanding impedes the transformation of the country from a peasant-based culture to a modern economic society. The above interpretation by the locals in Nakasongola district can be catastrophic and worsen land conflicts as they believe that Government has failed in its role to protect the locals, hence leaving them with the option of taking the law in their own hands. Furthermore, Pottier (2007) argued that Uganda’s customary tenure fits the description of land ownership in the “traditional African sense”, in which land is a resource for which people have use-rights. In this understanding, unconditional individual ownership of land is not allowed but access to land for individuals, in accordance with community authority, is encouraged.

Aliber & Walker (2006) in their study reported that between 33 percent and 56 percent of households have experienced threats, tensions, and attempts of expropriation related to land; between 0 percent and 11 percent have actually lost tenure. Women have few legal protections, and access land through their husbands, and so depend not only on them but on their husbands' families. Increasingly, divorced and widowed women must obtain land from their natal households, (Aliber & Walker, 2006).

Furthermore, customary system of land holding by its very nature is a very complex system of land relations hence difficult to define its incidents as they vary from community to community. What is important to note however, is that rights to control, use and ownership are derived from being a member of a given community and are retained by performance of certain obligations in the community (Uganda National Land Policy Framework, 2002).

This 2002 Framework of Uganda National Land Policy further highlights that, members have realised the value of owning land and its financial benefits, they have continuously demanded for their share and opted that customary land rights are registered and certificates of ownership issued yet a lot of complexities in this system have evolved over time, this has

been a core platform for inheritance conflicts amongst community members in Nakasongola. In addition, customary tenure may have been legislated but the practices and cultures of people in terms of its administration and management may not change for a long time. This was the case in Nakasongola district as most of the land owned was customary owned by individuals, clans or the community.

2.3.1.2 Communal use and Land Conflict

Utilisation refers to the human use of land according to the 1995 Constitution of the republic of Uganda, (Article 237 (4) (a). Perhaps the most important provision for customary land ownership was the provision for communal land ownership through Associations. Section 16 of the Land Act prescribes for a communal land association; it can be formed by a group of persons with the purpose of communal ownership and management of land. Meybeck and Place (2013) in their study on evolutionary changes in land tenure report that communal grazing areas including customary tenure system had been declining and converted to crop fields the same applied to Nakasongola especially in areas of Kalungi sub-county.

In addition, the Association could be asked to set aside land for common use by members of the group, recognize that part or all of the land held, was occupied and used by individuals and families for their own purposes and benefit. To support this, Nafula (2008) in her study found out that women head 26 percent of rural households and grow between 70 percent and 80 percent of the food crops, yet own less than 8 percent of the land. While, most rural land acquisition was by inheritance following traditional customs (Tukahirwa 2002), the share of households renting land from others increased three-fold between 1992 and 1999, and this was about 33 percent of the families (Deininger 2003).

2.3.1.3 Consensual decision in disposition and Land Conflict

Land disposition refers to the act of transferring land rights to the care or possession of another. Land rights in Uganda were catered for in the Ugandan Constitution (1995), the Land Act provides in section 23 (2) for purposes of customary land ownership, the family shall be considered as a legal person and shall be represented by the head of the family. This family head in most cases was a man who had been given power by this provision to make all transactions in respect of the family land on behalf of the others. He even had the option to convert land to freehold.

Mwebaza and Ziwa (2011), argue that land conflicts relating to customary land were handled in accordance with area specific customary land arrangements. However, due to ambiguous land laws, especially with regard to the relationship between land-owners and land tenants, the mandated institution failed to resolve the land conflicts. The main conflict cases, especially those relating to land rights and evictions among others were being handled by the state minister for lands who faced numerous criticisms pertaining to that sensitive matter, (Ministry of Land, Housing and Urban Development 2011).

Furthermore, World Bank (2011) reports that land tenure systems as a result of mixing of tribes had been weakened. This in most cases led to breakdown of previous ethnic specific land customary tenure arrangements like transfer of land rights and the commonly agreed upon procedures of resolving conflicts in place. Further, formal institutions including the legislature and judiciary had been weakened.

According to the Global Land Tools Network (2008) there were efforts to address women's land rights in new land registration and formalization programs. It further goes ahead to highlight that because of the nature of those reforms, the evidence was fragmentary and

focused more on women's security of tenure vis-à-vis localized challenges to property rights from within the family, rather than on external challenges.

Similarly, Holden and Tefera (2008) found that a large share of the land holdings that were registered for land certification in Southern Ethiopia were below the minimum holding size stipulated by the law as 0.5 ha for cereal crops and 0.25 ha for perennial crops. It was therefore far from obvious that changes in national laws had an effect on land fragmentation and conflicts.

Linked to the above, findings of a 2008 household survey by Rugadya et al (2008) for Ministry of Justice in 20 districts, it was reported that land disputes ranked highest among conflicts countrywide and were often the cause of other disputes including family and domestic violence, assaults and murder. In addition, Rugadya (2007) contends that although women had the legal right to own and inherit land, in practice, their access to land continued to be limited by cultural norms, particularly in rural areas. Rather than being landowners in their own right, women typically accessed land through male relatives, usually their husbands or sons.

Authors including Deininger and Castagnini (2006) proposed that one of the main reasons for the increasing incidence of land-related conflicts in Africa was the failure of land tenure systems to respond to the increasing land pressures. For instance, a response to the transfer of land right in the customary tenure system and that undermined investment incentives as well as land productivity. In addition to the above, an important question then was whether policy interventions could help to reform those tenure systems such that land rights among others could be enhanced by reducing land conflicts and tenure insecurity.

Lastarria and García (2005), assert that from a gender perspective, most customary tenure systems in Africa favour men, granting women rights primarily through a father, husband,

brother, or son (Although statutory land-rights systems in many countries allowed women to own land, titling programs could not necessarily improve women's land tenure security). In line with the above, Deininger and Castagnini (2004) found out that in Uganda, female-headed households and widows were particularly affected by land reforms and that the reforms had failed to reduce the number of land conflicts. They also found signs of large negative effects of land conflicts on land productivity. It could therefore be argued that, only a few women were able to purchase land for themselves. A woman's limited income-generating activities, was one reason as to why they could not purchase land. Yet, even when women accumulated the financial resources to purchase land, social norms discouraged them. *"Many husbands expect that women acquire land individually only when they are preparing to leave the marriage"*, (Bikaako & Ssenkumba 2003).

Following the above, Platteau and Baland (2001) also found evidence of increasing incidence of family land conflicts when population pressures become very severe in areas with the common practice of equal sharing of land among children, and in the sharing between parents at old age and their children on very small holdings that were insufficient to meet the needs of all.

2.3.2 Mailo Tenure System and Land Conflict

Mailo land tenure is a quasi-freehold tenure system established in 1900 by the British colonial Government to reward the colonial agents who advanced British interests with large estates of land. It was found in the central region and parts of central western Uganda. Mailo ownership rights were well recognised by the state (Article 237(1) of the 1995 Constitution of Uganda). An important feature of mailo system was that much of the land was used under a *Kibanja* tenancy system (peasant tenancy), which may or may not be documented with *Kibanja* certificates.

Under mailo tenure system, tenants did not hold full ownership rights; they had to pay rent to the mailo owner (*Busuulu & Envujjo Law of 1927*) and faced some restriction on what they could do on the land. However, reform under the Land Amendment Act (GoU, 2010) has strengthened tenants' rights by limiting the rent they had to pay to a nominal amount and made it more difficult for mailo owners to evict the tenants. In addition, under the Mailo tenure system, land ownership was held in perpetuity, (Nyamugasira, 1996).

2.3.2.1 Acquisition and Land Conflict

Under this system, land was held in perpetuity and a certificate of title issued. The chiefs did not have their allotted land in one contiguous area. It was usually the case that land would be scattered over different parts of the country, so long as the different parts added up to the total allocation. This was for two reasons. First, the chiefs wanted to have their mailo carved out of heavily populated areas for therein lay the greatest economic benefit in form of *busuulu* and *envujjo* (call it rent) payable by people already found on the land, most often having been there for generations (*Busuulu & Envujjo Law of 1927*).

The people found on this land automatically became the chief's tenants (*Basenze*). The more tenants occupied the chief's land, the more rent he would obtain. So, if his 'mileage', to use the word in a new sense, did not cover enough populated area, he would look for additional area elsewhere to make up. Secondly, if the area chosen to map out his 'mileage' was interspersed with what was designated as crown land (*mailo akenda*) comprising of forests and wet lands, again the chief would take only so much as was not so designated and be compensated elsewhere. It is this taking over of populated areas that has come back to haunt Buganda today, (The Independent, 27th September, 2013).

In addition, tenants do not hold full ownership rights, they must pay rent to the mailo owner, (*Busuulu & Envujjo Law of 1927*) and face some restriction on what they can do on the land.

This is a common phenomenon in Nakasongola district where areas of Kakooge and Kalongo sub counties belong to the Buganda Kingdom and the sitting tenants pay *Busuulu* to the Kingdom. Such land could form a potential source of land conflicts in this district especially where the locals are greeted with messages of eviction.

On the other hand, Government had practically engaged in settling tenants on such land. For instance as a compromise solution to mailo/tenants, especially in Kibaale, a Land Fund was created by the 1998 Land Act, to acquire the registrable interests from the Baganda landlords for the tenants.

One of the major objectives of the fund, according to the latest comprehensive national land policy document, was to redress the historical injustices and inequities in the ownership. The Land Fund was under the Uganda Land Commission (ULC), but political indecisiveness remained unclear as to whether the acquired mailo land was going to be managed directly from ULC or redistributed via Kibaale District Land Board. The 1998 Land Act does not specify the arrangements, but the Government's decentralization approach would suggest the latter arrangement. The original purpose of the Land Fund was that all tenants in Uganda would acquire the registrable interests on the land they had tenure rights to, the political purpose however was to buy registered mailo from the Baganda absentee landlords in Kibaale, (The Monitor 14th, December 2004).

Further still, the previous socio-cultural bonds that existed between mailo owner and tenants have increasingly dissolved as the value of land has appreciated in the land markets, the feeling of brotherliness and good neighbourliness have faded as the value of land has increased, therefore tenure relations have degenerated as well. Existing landlord-tenant relationship as enacted in the Land Act 1998 (pursuant to Article 237(9) (a) of the Constitution) attempt to revert back to the pre 1920s time, instead of resolving the tensions

between landlords and tenants, which are now a major contributor to the escalating land disputes and conflicts. This has been evident in Nakasongola district local Government.

2.3.2.2 Rent and Land Conflict

Land rent refers to land value tax, a levy on the unimproved value of land only. It is an ad valorem tax on land that disregards the value of buildings, personal property and other improvements. The beneficiaries of mailo land allocations who also happened to be serving chiefs could not spare the time to superintend their land holdings scattered in different parts of Buganda. This situation compelled them to appoint agents to collect rent from the *basenze*, approve the sub-division and to allocate new *bibanja* on the mailo. The sub-division of *bibanja* was encouraged as it meant an increase in the number of people bound to pay rent for the gain of the mailo owner.

At the beginning the mailo owners freely charged rent to the *basenze* until they protested its excess and arbitrariness and threatened rebellion. In 1928, it was found necessary to pass the *Busuulu* and *Envujjo* Law to fix and standardise the rent (*busuulu*) at Shs.3/= per year per *kibanja* no matter its size. As the economic value of this amount was eroded, in many parts of Buganda, the mailo owner's zeal to collect it diminished (*Busulu & Envujjo* Law, 1928).

As the economic value of *bibanja* rent disappeared for all practical purposes, the value of mailo land with *basenze* on it began to rest in the eviction of the tenants and the sale of the land 'as is' to those better placed to deal with the *basenze* as the better option. Therefore the hue and cry about 'land grabbers'. The State once again intervened and passed the 1998 Land Law which fixed the rent on *bibanja* at Shs.1000/= per *kibanja* regardless of its size, state or location. It also tried to address the issue of those being evicted on grounds that they were unknown to the land owner (Uganda Land Law, 1998). That seemed to be the case for Nakasongola district *bibanja* owners as they had continued to enjoy paying low charges for

the land. To supplement the above, Adoko and Levine (2007), in their study about land transactions in Teso agreed that rental agreements were more common than land sales.

2.3.2.3 Utilization and Land Conflict

Under that tenure, land real estate was communally owned by a particular group of people in a particular area. Its utilization was usually controlled by elders, clan heads or a group in its own well-defined administrative structures. The local peasants or cultivators who settled on land were pastoralists and domestic cultivators, among others. Nowadays with the rapid industrialisation and modern agriculture, a lot of this land had been allocated to such businesses

The landlords restricted tenants as to which projects their tenants could carry out on their land. One land lord in Kakooge sub county, Nakasongola district stopped a tenant from contrasting a shrine on his land. That contradicted the 1995 Constitution that gave citizens liberty to worship. Lastly, Anten (2010), argues that the fact that land conflicts continue is due to inadequate formal and informal rules, and weak formal agencies. These weaknesses persist because they are an integral part of the workings of the political market place.

2.3.3 Free Hold Tenure System and Land Conflict

Free hold tenure is a system whereby owners of the land have a deed to their land which allows them to hold the registered land indefinitely. The land owner is given complete rights to use, sell, lease, transfer, subdivide, mortgage and bequeath the land as they see fit, so long as it is done in a manner consistent with the laws of Uganda, and these rights are well respected by the state, (Uganda Constitution, 1995). However, freehold interests in land are not widespread as they were formerly established and limited to a small category of individuals for instance kings, chiefs, estate developers, churches among others, (Bikaako & Ssenkumba, 2003)

2.3.3.1 Utilization and Land Conflict

In the historic concept of freehold ownership of land, a person who had a freehold title had, in addition to the surface of the land, the ownership of all minerals down to the centre of the earth. If gold or diamonds were found, then the person with the freehold title would enjoy the good fortune associated with the discovery. This fortune however, was reversed by 2005 amendment to the 1995 constitution of Uganda. The amendment gave powers to the Government in regard to utilization of land under the freehold. It can be noted that the ownership of all petroleum products are not vested in the person with freehold title to the land; rather Article 244 of the Constitution provides that “the entire property in, and the control of, all minerals or petroleum in, on or under, any lands or waters of Uganda were vested in the Government on behalf of the Republic of Uganda”.

2.3.3.2 Acquisition and Land Conflict

In Uganda, the Government’s authority to acquire private property in a compulsory manner was established in the Constitution, but governed and regulated principally by the Land Acquisition Act of 1965. This Act makes provisions for the procedures and methods of exercising compulsory land acquisition whether for temporary or permanent use. It addresses four issues i.e., the recognized and established uses of compulsory land acquisition; the procedures for exercising that authority; the compensation awarded for expropriated property; and the rights for redress which are central to balancing private land rights and compulsory land acquisition for public purposes, and to ensure against the abuse or indiscriminate use of this authority by the state. As for Nakasongola District, it was found out that several land in acres had been allocated to private companies or organisation for development. However, for such land, the tenants had over time been evicted with minimal compensation which resulted into more land conflicts and eventually instability.

Sserwanga (2007) argued that the Government (GoU) had sought (unsuccessfully, to date) to amend the Constitution and make legislation to grant the president the authority to acquire private land in a compulsory manner for economic development purposes. Similarly, the Government (GoU) has sought (unsuccessfully, to date) to change the law to allow the president to acquire land without first paying compensation (GOU 2004b; Tumushabe & Bainomugisha 2004). By law, any person aggrieved by the compulsory acquisition of land may petition the court for redress. In practice, few poor people have access to courts of law.

In line with that, Article 26(2) (a) of the Constitution provides that, “The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health.” Additionally, the Land Acquisition Act (1965) states that land can be acquired for “public purposes and for matters incidental thereto and connected therewith.” Uganda’s courts had interpreted these provisions narrowly to mean that the property must be used to promote the general interests of the community, not the particular interests of any private individuals or institutions. As a result, private investment and economic growth are not justifiable uses of compulsory land acquisition.

The Uganda National Land Policy (2011) stipulates that the incidents of freehold tenure, which were basically standard, included the conferment of full power of disposition and the compulsory registration of title in perpetuity. It was clear that public policy regards freehold as the property regime of the future, to the extent that the current law provides for conversion from leasehold tenure or customary tenure to freehold. That stipulation was contentious in some areas of the country, Nakasongola inclusive. This had been tested, it was expensive because it required substantial resources for adjudication, consolidation, and registration. In some instances, freehold ownership poses challenges to public regulation since its covenants were not conditional.

2.3.3.3 Transfer Rights and Land Conflict

Transfer rights refer to the process of transferring land rights from one individual to another in a legally prescribed manner. Historically speaking, a written deed is the instrument used to convey ownership of real property. The intention of Government of Uganda as laid down in the 1998 Land Act, is to move rapidly and convert land to free hold tenure system. Free hold tenure system, is where each surveyed parcel is recorded in a formal land registry, and a title deed is issued, which serves as proof of ownership. Thereafter, a land title or certificate of customary ownership is issued, (Uganda Land Act, 1998). This is important because it is the only legal and conclusive evidence you have of ownership. It also contributes to tenure security because you can be sure that you cannot be evicted. It minimises on land disputes.

To date, land transfer happens to be among the most contested issues in Uganda. In the wake of development strategies in the country, the power to control and to use land in Uganda was seen as an impetus to investors for both agricultural and industrial development. For example, the Land Act of 1998 made clear the tension between more than one involved people over the same land. These conflicting rights made it hard for landlords to develop their land even when they were financially able, which threatened the powers of the landlords over their land. The issue of willing buyer-willing seller coined in the Act further complicates the transfer of land from one person to another. Where the landlord might wish to buy the tenant off the land, the tenant must be willing to sell his/her rights to use the land and vice- versa, (Uganda Land Act, 1998).

The 1924 Registration of Titles Act (amended in 2004), states that a title is the ultimate proof of ownership and a document that cannot be contested, unless fraud can be proved, “even if the procedure of registration was irregular” (S 59). No CCOs existed at the time of the Act, so of course no mention was made of them. That meant that, until the amendment of the act, someone who acquired title to land (even by ‘irregular’ means) became the lawful owner of

the land, even if someone else already had a CCO proving ownership of that same land. Lawmakers may not be aware of the legal position they have inadvertently created, and they should be encouraged to amend the Registration of Titles Act, making CCOs and title legally equivalent, and therefore giving priority to the title or certificate that was issued first. It was upon this background that the researcher picked interest to investigate the relationship between land tenure systems and land conflicts in the Local Government, (Land Policy, 1998).

Sjaastad and Bromley (2000), discovered that property rights to land was not static but constituted a social construct that responded to broader needs and evolved over time. They further argue that given its spatial extension, defining property rights to land or to write contracts regarding their exchange is costly. Therefore, boundaries may, at low levels of population density, be defined only loosely, transfers will normally involve only usufruct and not ownership and often be confined to community members, thereby allowing much of the content of land rights and associated transactions to be defined informally by unwritten “custom” (Sjaastad & Bromley, 2000).

Conclusively, Barzel (2000) argued that changing economic and social conditions that made land more valuable and increase the benefits to be obtained from land transfers imply that the value of attributes which had previously been left un delineated may increase sufficiently to offset the transaction costs associated with more precise delineation of land rights.

2.3.4 Lease hold Tenure System and Land Conflict

Leasehold Land Tenure is a system where the owner of the land grants the tenants’ exclusive use of the land, usually for a specific period of time. There are two types of leasehold tenure arrangements, namely, private leases given to individual landlords and official or statutory leases given to individuals and or corporate groups under public act terms. The advantage of

the leasehold system is that the lessor can attach conditions to the leases and has the right to revoke ownership in case of abuse. The main disadvantages are that leases are costly and cumbersome to obtain, and hitherto, the leases awarded did not address environmental concerns.

2.3.4.1 Tenure Period and Land Conflict

The 1975 Land Reform Decree substantially changed the legal basis of land tenure in Uganda by declaring all land in Uganda as public land administered by the Uganda Land Commission. Freehold and mailo lands were converted into leases of 99 and 199 years for individual and public/religious bodies, respectively. The provision which required consent of the customary tenant before grant of freehold (or lease) on public land was abolished. This had raised the number of squatters yet these locals were lawfully using the land hence instigating a study.

Furthermore, prior to the 1995 Constitution of the Republic of Uganda, it was realised that the provisions of the Land Reform Decree 1975 had not been fully implemented due to among others, lack of budgetary provisions and personnel, and resistance by land owners under the previous system. Consequently, both land owners and administrators continued to behave as if they were in the pre-decree period. It was recognised, therefore, that the country had reached a stage where it had to prescribe the type of and tenure that would benefit the country most in terms of environmental sustainability, agricultural productivity, and equitable resource sharing.

2.3.4.2 Acquisition and Land Conflict

The current Government policy on land is to move rapidly to lease hold title. In this system, each parcel of land is mapped (and usually marked with recognised marker stones). Land ownership of each surveyed parcel is recorded in a formal land registry, and a title deed is

issued, which serves as proof of ownership. Thereafter, a land title or Certificate of Customary Ownership is issued, (Uganda Land Policy, 1998). This is important because it is the only legal and conclusive evidence you have of ownership. It also contributes to tenure security because one is sure that they cannot be easily evicted.

Behrman et al., (2011) argues that the strength and distribution of land rights was one of the most important factors influencing who would have a seat at the table in the negotiation over large scale acquisition, and the subsequent claims to any benefits streams. Undocumented land rights that are not recognised by the state and by outsiders are especially vulnerable to expropriation. It was found out that many locals in Nakasongola district, had suffered from documentation as it seemed a taboo. One strong politician while canvassing for votes once told the locals that land was God given and therefore there was no need to buy land in order to acquire ownership.

2.3.4.3 Transfer Rights and Land Conflict

Transfer rights refer to the formal process of transferring land rights from one individual to another in a legally prescribed manner. Generally, a written deed was the instrument used to convey ownership of real property. According to the Ugandan Land Act (1998), the Certificate of Title was deemed to be conclusive evidence that the person named in the Certificate was the owner of the land. The State in effect guarantees the accuracy of the information on the Certificate of Title so that anyone dealing in land may rely on the accuracy of title information. What appeared challenging in Nakasongola land registry was a scenario where two parties possessed similar land titles which raised the question of who the rightful owner was. That prompted the researcher to carry out the study.

The 1924 Registration of Titles Act (amended in 2004), states that a title is the ultimate proof of ownership and a document that cannot be contested, unless fraud can be proved, “even if

the procedure of registration was irregular” (S 59). No CCOs existed at the time of the Act, so of course no mention was made of them. This means that, until the Act is amended, someone who acquired the title to the land becomes the lawful owner of the land, even if someone else already had a CCO proving ownership of that same land.

2.4 Summary of literature review

The literature presented above provides an insight into the relationship between land tenure systems and land conflicts. The four land tenure systems in Uganda are: customary tenure, mailo tenure, freehold tenure and lease hold tenure system. The scholarly literature for instance, while Pottier (2007) argues that customary tenure is where land is a resource for which people have use-rights, this is contrary to Aliber and Walker (2006) who argue that women have few legal protections, and access land through their husbands, and so depend not only on them but on their husbands' families for land.

Mwebaza and Ziwa (2011), highlight that land conflicts relating to customary land were handled in accordance with area specific customary land arrangements. However, the Ministry of Lands (2011), had failed in its attempt to handle land matters, with numerous evictions taking trend. Mailo ownership rights were well recognized by the state, (Article 237(1) of the 1995 Constitution of Uganda). An important feature of mailo tenure system was that much of the land was used under Bibanja tenancy system (peasant tenancy), with tenants not having full ownership rights and paying un-standardized rent rates.

In addition, Bikaako and Ssenkumba (2003), argue that freehold interests in land were not widespread as they were formerly established and limited to a small category of individuals with indifferences in land allocation taking trend. Lease land, was converted into leases of 99 and 199 years for individual and public/religious bodies, respectively. Occupation of land continued, without the consent of the landlords and this resulted into numerous evictions by the owners. Evictions resulted into several land conflicts in Uganda. There was ignorance of

the law about land tenure systems in Uganda on both sides: the landlord was ignorant of his or her rights and likewise the tenants could not understand their rights over land as bonafide occupants. It was worth noting that under customary land tenure system, there was a gap of conflict resolution method because currently, the communities are multi-ethnic in nature and therefore one single method of land conflict resolution in customary manner does not suffice.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter describes the methodology that was used to conduct the study. It presents the research design, study population, sample size, sampling methods, data collection methods and instruments, procedure for data collection, validity and reliability, data management and analysis and measurement of variables.

3.2 Research Design

The research adopted a correlation cross-sectional research design. According to Babbie (2007) the cross sectional research design involves observation of a sample of a population or phenomenon that is made at one point in time. The correlation concept gives a relationship overview between land tenure systems and land conflict while the cross sectional concept focuses on as well as involves data collected at a defined time.

The study used mixed method of qualitative and quantitative approaches. By using the two approaches, this gives rationale of using the triangulation approach as ideal for establishing relationship between two or more variables, (Amin, 2005). For instance and tenure system with customary tenure system, mailo tenure system, freehold tenure system and the lease tenure system in relation to land conflict in terms of evictions, inheritance and boundary.

3.3 Study Population

A population can be defined as the total number of elements identified or that a researcher wishes to investigate (Sekaran, 2003). Nakasongola District had an adult total population of over 70,854 in habitants (EC Voters Register, 2011). Of these, the researcher identified and used 287 participants.

The district land officials comprised of (1) senior land management officer, (1) staff surveyor, (1) chairperson district land board, (1) District chairperson, (1) RDC, and (1) OC/

Land matters. Land committees comprised of (1) Chairperson land committees, (1) sub county chief and (60) committee members. Local community constituted of (16) land lords and (203) tenants.

3.4 Sample size and Selection

Sample size refers to the sub set of a population. Mugenda and Mugenda (1999), argue that it is impossible to study the whole targeted population and therefore the researcher had to decide on a sampled population.

A sample size of **187** participants was drawn from an accessible population of **287** respondents, (see Table 3.1) and was determined based on the Krejcie & Morgan (1970) mathematical Table (see Appendix IV page, I).

Table 3.1: Accessible population, Sample size and Sampling techniques

Classification	Category	Access population	Sample Size	Sampling Techniques
District officials	Senior Management Land Officer	1	1	Purposive Sampling
	Staff surveyor	1	1	
	Chairperson District Land Board	1	1	
	District Chair Person	1	1	
	Resident District Commissioner	1	1	
	OC/ Land Matters	1	1	
Land committees	Chair Person	1	1	Purposive Sampling
	Secretary/ Sub-county chief	1	1	Simple Random Sampling
	Committee members	60	36	
Local community	Land lords	16	16	Purposive Sampling
Tenants	Tenants	203	127	Simple Random sampling
Total		287	187	

Source: Electoral Commission Register (2011), Nakasongola District Land Registry Records (2013) and determined using Krejcie & Morgan (1970)

3.5 Sampling Techniques and Procedure

3.5.1 Sampling Technique

Two sampling techniques were used; purposive and simple random sampling. For tenants and area land committee members, simple random sampling technique was used. This technique is a type of sampling method where participants have equal chances of forming a sample. The choice for this technique is that, it is less time consuming, cheaper as it involves less costs and easier conducting. Paul & Scott (2012), argue that this technique is advantageous because it represents the population. On the other hand, purposive sampling was used for district land officials and land lords. The choice to this technique was because it's a clear and valuable way of acquiring information from key personnel about the problem under investigation. Laura & Maarten (2013), argue that under purposive sampling, participants are chosen because they have particular features or characteristics which would enable detailed exploration and understanding of the central themes and puzzles of the study.

3.5.2 Sampling Procedure

The researcher identified an accessible population of 203 respondents expressed as N from which a sample size of 127 respondents was chosen expressed as n based on a sample size calculation (Krejcie & Morgan, 1970). Then numbers were assigned to tenants from 1 to N, next to each of the tenants thus assigning a consecutive number from 1 to 203. Then randomly, numbers were picked with replacement from 1 to 127. After, a sample was selected from 203 tenants who were invited to take part in the research.

3.6 Data Collection Methods

This study used qualitative primary and secondary data collection methods. Both methods were a point of focus because primary data specifically first-hand information was captured

from the field and secondary data entailing exploring existing literature using the methods identified below.

3.6.1 Questionnaire Method

The questionnaire method was used to generate quantitative data. The method involved the use of self-administered questionnaires to respondents regarding “the relationship between land tenure systems and land conflict. In seeking for quantitative data, only closed ended questionnaires were used obtaining information on land tenure systems and land conflict. The choice for this method was because questionnaires when used cover a wider geographical span and this helped the researcher reach out to participants more easily through questionnaires than any other method, (Amin, 2005). This method was used on land lords and tenants.

3.6.2 Interview Method

FAO, (1996), advocates for the use of interviews as a useful tool in involving people in rural development. Amin (2005) concurs with the above by defining an interview method as an oral questionnaire where the investigator gathers primary or first data through direct verbal interaction with participants. In this particular case, face to face interview sessions were scheduled and conducted between the researcher and interviewees of with district land officials and land committees constituted the group. These respondents provided valuable information about the subject matter. The interview comprised the use of mainly open ended questions. These questions were good for soliciting subjective data when the range of responses was not tightly defined. In addition, a variety of responses obtained represented a wider and true opinion of the respondents.

3.6.3 Documentary Review Method

This method allowed the researcher to obtain secondary data on land conflict and land tenure systems from a number of written documents. Some of the documents reviewed included: the Uganda Land Act of 1998, Nakasongola District Local Government Budget First Quarter, FY (2013/2014), Constitution of the Republic of Uganda (1995), Uganda National Land Policy Framework (2002), Ministry of Lands, Housing and Urban Development Report, (2011), Busuulu & Envujjo Law of 1927, Uganda National Land Policy (2011), Uganda Land Policy (1998) and Nakasongola District Land Registry Report (2013).

3.7 Data Collection Instruments

From the aforementioned data collection methods, the researcher used the following qualitative instruments to match the methodology: Self-administered questionnaire, interview guide and documentary review checklist as detailed below.

3.7.1 Structured Administered Questionnaire (SAQ)

The SAQ was designed with numerous close ended questions on land tenure system and land conflict with options to select. The quantified questions were designed on a five level likert scale including SA (5), A (4), 3 (UD), 2 (D) and 1 (SD). In addition, Amin (2005), argues that questionnaires are popular with researchers because information can be obtained fairly, easily and responses can easily be coded. However, according to him, the major weakness of questionnaire is that the instruments do not provide detailed information to the problem and this was why the instrument was substantiated by conducting interviews. The instrument was administered on the local community and tenants (**See attached, Appendix I page I**)

3.7.2 Interview guide

This instrument was designed with a number of open ended questions following land tenure systems and land conflict. This instrument enabled a prolonged interaction between the

interviewee and researcher. The reason for choosing this instrument was because interview information was not quantifiable; the interview often was described as qualitative research method. With interviews, questions are planned in advance, key interviewees identified, scheduled and conducted orally. In addition, interviews are advantageous in that the instrument provided in-depth data which is not possible when using questionnaire, (Mugenda & Mugenda, 1999). Lastly, this instrument was used on district official and land committee members as categorised in table 3.1 (**See attached, Appendix II page, I**).

3.7.3 Documentary Review Checklist

The researcher came up with a number of documents that were later reviewed for information. Some of these documents included: The Uganda Land Act of 1998, Nakasongola District Local Government Budget First Quarter, FY (2013/2014), Constitution of the Republic of Uganda (1995), Uganda National Land Policy Framework (2002), Ministry of Lands, Housing and Urban Development Report, (2011), *Busuulu & Envujjo* Law of 1927, Uganda Land Law, (1998), Uganda National Land Policy (2011), Uganda Land Policy (1998) and Nakasongola District Land Registry Report (2013) which highlights the various land conflicts registered in the district. The instruments enabled the researcher to obtain information on land tenure systems and land conflict (**See attached, Appendix IV page I**)

3.8 Quality Control of the instruments

In order to ensure quality of the instruments, both validity and reliability techniques were used as detailed below.

3.8.1 Validity

Validity of the instrument refers to the degree to which results obtained from the analysis of the data actually represents the phenomenon under study, (Mugenda, 2003). This helps in the

identification of ambiguous questions on land tenure systems and land conflict in the interval and be able to re-align them to the specific objectives of the study. Further still, Content Validity Index (CVI), a degree to which data collected using particular instruments represents a specific domain of indicators was computed based on the formulae presented below.

$$\text{CVI} = \frac{\text{Current (Valid) items}}{\text{Total number of items (Valid and Invalid Questions)}} \times 100\%$$

$$\text{CVI} = \frac{34}{45} \times 100\%$$

$$\text{CVI} = 0.75 \text{ or } (75\%)$$

Based on the result obtained, it can be suggested that the instrument was valid as recommended by Amin, (2005) who argues that for an instrument to be considered valid, its CVI should be above 0.5.

3.8.2 Reliability

Reliability is the degree to which an assessment tool produces stable and consistent results. The research used the internal consistency technique; a measure of reliability used to evaluate the degree to which different test items that probe the same construct produce similar results. It involved administering and pre-testing the instrument to a tenth of the sample size. The exercise entailed administering quantified questionnaires to the group and thereby getting them back. In addition, the collected data was fed into SPSS, a statistical package and with the support of Cronbach's Alpha reliability coefficient; a feature embedded to support the obtaining of numeric for interpreting of results was obtained as indicated in table 3.2 below.

Table 3.2: Reliability results for land tenure systems and land conflict

Category of variable	Cronbach's alpha	Number of item
Customary Tenure system	.535	9
Mailo Tenure system	.456	8
Freehold Tenure system	.745	5
Leasehold Tenure system	.667	6
Land Conflict	.813	6
	3.216	

Source: Primary Source

To obtain the reliability results, cronbach results per variable were obtained hence \sum (cronbach's alpha) and this was divided by n representing the number of variables. Therefore $(3.216/5) = 0.6432$. Based on the 0.6 result obtained, it can be argued that the instrument was reliable. Finally, Mugenda and Mugenda, (2005) argues that the coefficient result above 0.5, shows that the questionnaire was reliable.

3.9 Data Management and Analysis

Data obtained from the field was managed and analysed both quantitatively and qualitatively as explained below.

3.9.1 Quantitative data management and analysis

All quantified data obtained from the questionnaires was sorted, coded, entered and cleaned using SPSS program a statistical package for analysis. After entry, the researcher crosschecked the data for consistency and errors. After entry, both descriptive statistical and inferential statistical extracts were run to obtain descriptive scores including frequencies, percentages, means and standard deviation scores.

On the other hand, inferential statistics comprising of the pearson correlation product moment used to explain the relations (whether negative or positive) of land tenure systems and land conflict were computed. Additionally, the regression technique, specifically the adjusted R^2 value and ANOVA at the significance of 95.0%, 0.05 was used to establish a variance that land tenure systems had on land conflict.

3.9.2 Qualitative data analysis

For qualitative data analysis, the content analysis technique used to filter and analyse information on land tenure systems and land conflict was used. This enabled the researcher to capture key information from interview sessions. The obtained content was arranged based on themes or narrative statements and was used to supplement the quantitative information (Amin, 2005).

3.10 Procedure for Data Collection

After proposal defence, the researcher went ahead and made final corrections, proceeded to Uganda Management Institute, School of Management Sciences and submitted the corrected version. Thereafter, he was served with a field introduction letter which was used as a basis to obtain permission from the Office of the personnel, Nakasongola District. After, the personnel office granted permission to the researcher to conduct the study. The researcher was in charge of all interviews while with the help of two research assistants, all questionnaires were well administered. The exercise took two months and findings are presented in chapter four.

3.11 Measurement of the variables

Numerous variable measurements exist. However for this study, the researcher used both the ordinal and nominal scales. The ordinal scale was used to measure land tenure system and

land conflict as these were designed based on a five likert scale (5 = strongly agree (SA) 4 = agree (A) 3 = Undecided (UD) 2 = disagree (D) and 1 = strongly disagree (SD). The nominal scale was used on background variables including age, gender, experience among others that cannot be ranked.

3.12 Research Ethics

The researcher observed a number of research ethics that included utmost confidentiality of the respondents, privacy, plagiarism and biasness. These were intended to have the confidence of the key respondents and interview during the course of the study.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF FINDINGS

4.1 Introduction

Chapter four focuses on presentation, analysis and interpretation of the study findings based on the specific objectives. It is arranged as follows including: response rate, demographic characteristics of the participants, and empirical findings (descriptive and inferential) based on the field data.

4.2 Response Rate

The researcher used both the interview checklist and structured administered questionnaires to support the collecting of data from key respondents of which these yielded a response rate. See details in Table below.

Table 4.1: Response rate of respondents

Tool	Planned/Issued	Returned	Percentage (%)
Interview	44	37	84%
SAQ	143	101	71%
Total	187	138	74%

Source: primary data

Table 4.1 above reveals an overall response rate of 74.0% ($138/187 \times 100\%$). The obtained result was in line with Amin (2005) who urges that a response rate ≥ 0.5 (50%) is good enough to represent a survey population

4.3 Bio data of the Respondents

Participants in this study possessed varying bio data with gender, age, marital status, period the respondents had lived on land and their land status were the key variables that were considered for reasons explained under each variable.

4.3.1 Gender of the participants

Participants in the study included both males and females of which figure 4.1 below shows their respective ratios.

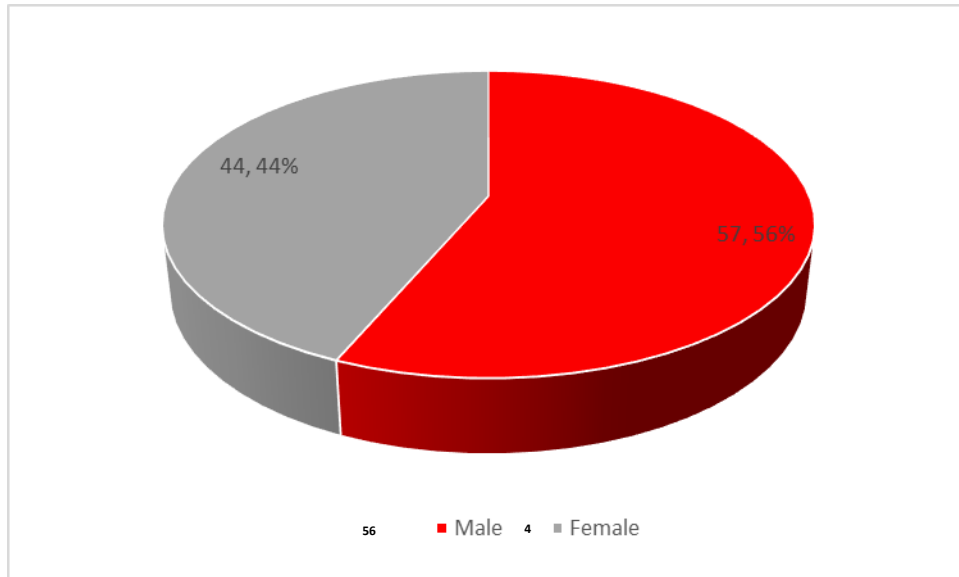


Figure 4.1: Gender distribution of the respondents

Figure 4.1 above shows the gender distribution of the participants of this study. Quantified findings obtained reveal more males (56%, n=57) participation as compared to the female (44%, n=44). The results can mean the presence of gender equality and therefore gathering of equally balanced views on land tenure systems and land conflict in Nakasongola district, central Uganda.

Secondly, it can be argued that most men tend to traditionally value and own land in most communities given their inheritance status as compared to their female counterparts. Lastly, the men were found to head most families and deserved the right to protect the land from any potential threats for instance land grabbers resulting into land conflict.

4.3.2 Age of the respondents

Respondents in this study were of varying age bracket. The results obtained are reflected in Table 4.2 below

Table 4.2: Age of respondents

Age range	Frequency (n)	Percentage (%)
20 – 25 years	1	2.0
26 – 30 years	14	13.9
31 – 35 years	16	15.8
36 – 40 years	35	34.7
40 years and above	34	33.7
Total	101	100

Source: primary data

As observed in the above Table, majority of the respondents (64.4%, n=65) were between 26-40 years, those between 31-35 years were (15.8%, n=16) and 36- 40 years were (34.7%, n=35), and those above 40 years were (33.7%, n=34). Ethically the researcher dealt with adults i.e., all of them were above 18 years of age.

Secondly, the above respondents included the youth (who are energetic), middle aged (ambitious to acquire land) and those in advanced age (nowhere to go) and ready to protect their land.

4.3.3 Marital status of the respondents

The study set out to find out the marital status of respondents and its contribution to the increase or decrease in land conflicts in line with land tenure systems with the results presented below showing the outcome.

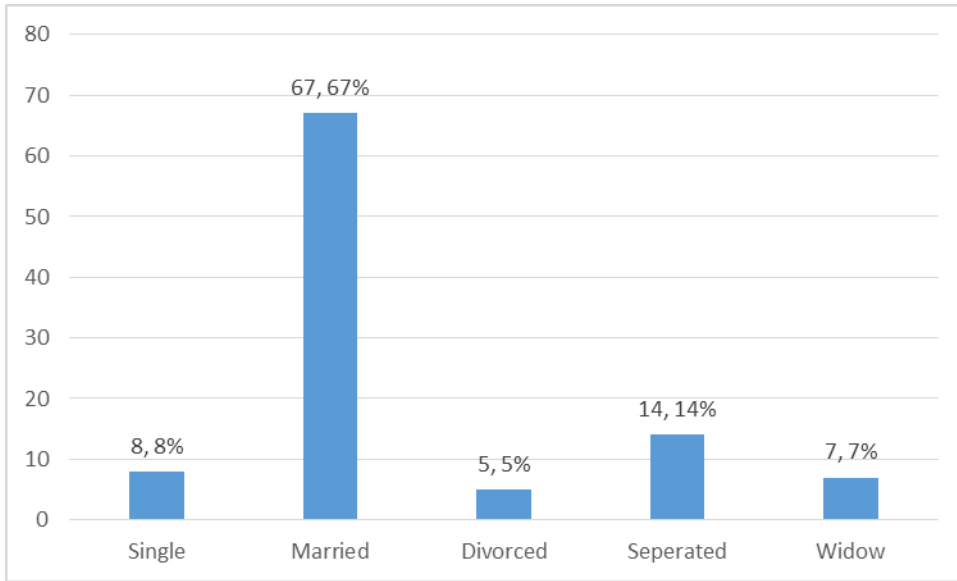


Figure 4.2: The Marital Status of the respondents

Figure 4.2 above reveals that the married participants formed majority of the respondents with 67%, separated followed with 14% separated, singles were 8%, widowed were 7% and 5.0% represented the divorced. Based on the results presented, it can be argued that married people with big families to take care of were more concerned about the security of their land thus resulting into conflicts. This could be attributed to the critical need for land to grow food for the family.

Secondly, conflict was revealed highest among the separated and this could be due to the need for division and ownership of property. Those separated would like to own land as security to keep those under their care. The singles on the other hand were seen to rely much on staying in towns and therefore attaching less importance to owning land. This could explain why cases of conflict were less under this category.

4.3.3 The period of time that respondents have lived on the Land

The researcher set out to investigate the length of time the participants had stayed on the Land they were on and the results presented in the Table 4.3 below were obtained.

Table 4.3: Length of time stayed on the Land

Length time on Land	Frequency (n)	Percentage (%)
Less than 5 years	5	5.0
6 – 15 years	11	10.9
16 – 25 years	12	11.9
25 years and above	73	72.3
Total	101	100

Source: primary data

Results as reflected in the above table reveal that 5.0% had lived on the land for less than 5 years, 10.9% had lived for a period between 6 to 15 years, while 11.9% had lived for a period between 16 – 25 years and the majority 72.3% had lived for a period of 25 years and above. These results mean that any person occupying any part of the land before the coming in force of the 1995 Constitution qualifies to be a bonafide occupant of that land and therefore cannot be evicted. Therefore any attempt to remove them would result into more land conflicts.

4.3.4 Respondents by Land Status

Classification of land status in this study fell into two categories including land owners and tenants. Below are the quantified findings that were obtained.

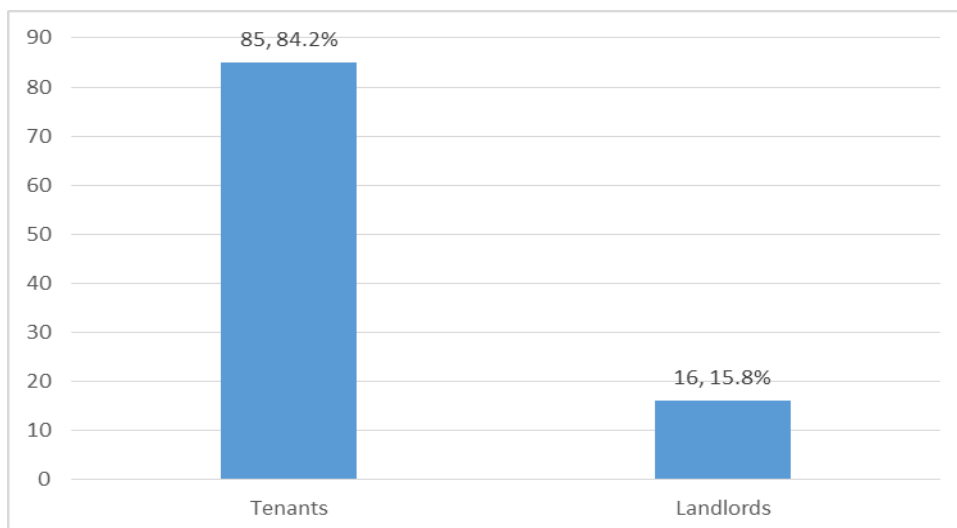


Figure 4.3: Respondents by Land Status

Figure 4.3 above shows the status of participants in regard to land. The findings obtained reveal that majority of the respondents hence tenants were fully represented with 84.2% responses obtained and 15.8% were the local land owners. These revelations can be attributed to the fact that these two categories of participants were engaged in land matters and fully understood the discrepancies associated with land tenure systems in Nakasongola district. They were therefore in position of providing valuable and reliable information on land tenure systems and land conflict to an extent that was required by the study.

4.4 Empirical Findings

In this section, a descriptive and inferential statistics that was collected from the field of study, based on the specific objectives of the study including: investigating the relationship between customary land tenure system, mailo land tenure system, freehold land tenure system and leasehold land tenure system on land conflicts, in Nakasongola district, Central Uganda.

4.4.1 Customary Land Tenure System and Land Conflict

Customary tenure is the common tenure system in Uganda whereby access to land is “Governed by the customs, rules and regulations of the community.” In the study, a number of questions were set ranging from cultural inheritance, communal usage and consensual disposition and answered respectively as reflected in the Table 4.4 below.

Table 4.4: Descriptive statements on customary land tenure system

Questions about Customary Land Tenure System	Percentage Response (%)					Mean	Std dev
	SA	A	UD	D	SD		
I understand what customary land tenure system means	58% (59)	36% (36)	2.0% (2)	2.0% (2)	2.0% (2)	4.47	.807
Customary land ownership in Nakasongola district is based on the 1995 Uganda Constitution	16% (16)	32% (33)	34% (34)	12% (12)	6% (6)	3.41	1.079
Customary land acquisition in Nakasongola district is communal where the household including extended family members are primary owner of the land	26% (26)	18% (18)	20% (21)	29% (30)	6% (6)	3.28	1.297
Customary land in the district is used for mainly communal and a resource for which people have a right to use.	18% (18)	18% (18)	12% (12)	38% (39)	14% (14)	2.87	1.354
Customary land in Nakasongola district involve consensual decisions based on family or clan ties	14% (14)	42% (42)	15.0% (15)	25% (26)	4.0% (4)	3.36	1.128
The customary tenure system allows female-headed households and widows to own land.	12% (12)	15% (15)	13% (13)	28% (29)	32% (32)	2.47	1.382
Women have legal rights to own and inherit land.	13% (13)	20% (20)	10% (10)	22% (22)	35% (36)	2.52	1.467
Customary land inheritance is common among the family members in Nakasongola district.	28% (29)	49% (49)	11% (11)	9% (9)	3% (3)	3.91	1.011
In Nakasongola, the increasing land pressures specifically transfer of land right is blamed on the nature of the customary tenure system	30% (30)	39% (40)	22.0% (22)	5.0% (5)	4.0% (4)	3.86	1.030

Source: primary data

Key: SA=Strongly Agree, A=Agree UD=Undecided D=Disagree

SD=Strongly Disagree Stddev=Standard deviation

For purposes of interpretation, the research combined both agree and strongly agreed scores to represent the respondents that agree while both disagree and strongly disagreed scores were combined to represent the respondents that disagree and the undecided score were not grouped. The mean scores above 3.00 reveal agreement and those below 3.00 indicate disagreement. The standard deviation score less than 1.00 indicate communalities (agreement) and the score above 1.00 reveal divergences in responses (mixed responses).

The codes presented represent qualitative responses obtained from interviewees with SLMO reflecting responses for senior land management officer, SS reflecting responses for staff surveyor, CDLB reflecting responses for chairperson district land board, DC reflecting responses for district chairperson, RDC reflecting responses for resident district commissioner, and OCLM reflecting responses for OC / land matters. In addition, CLC reflects responses for chairperson land committees and SCC reflecting responses for sub county chief.

Customary tenure system was one of the key independent variable conceptualised in terms of cultural inheritance and below was the questions and respective answers that were provided about this indicator.

Two questions were set and answered about the indicator with results including a mean score of 4.47, standard deviation score of .807 reveal that many respondents agreed to the fact that they understood what customary land tenure system meant, n=4, 4% disagreed, n=2, 2% of the respondents were neutral. Similarly, n=49, 48% respondents agreed to the question that customary land ownership in Nakasongola district was based on 1995 Uganda Constitution in a manner prescribed by parliament, however, n=34, 34% disagreed and n=18, 18% were indecisive. The quantified results meant that the local community in Nakasongola district that owned customary land believe that their land had been inherited and governed traditionally through observing its customs, rules and regulations of the community, hence these locals were informed of the most causes of land conflict in relation to customary land.

Related to that, on the issue of whether customary land had been blessed by the parliament, respondents seemed uncomfortable as they still believed that customary land existed before the formal Institutions were established hence being negative. This is further supported by a comment on the above subject by a district land official (CLC),

“For generations we have traditionally inherited land even without any formal Institutions like the parliament. The issue of parliament has only come into place because of modernisation. It therefore has less say on traditional customary land tenure systems”

Furthermore, results obtained from one of the documents reviewed indicate that the rights to use, control and ownership are derived from being a member of a given community and are retained by performance of certain obligations in the community (Uganda National Land Policy Framework, 2002).

Interesting were two questions that were posed on land usage and their relative scores obtained. First, n=44, 44% of the respondents agreed that customary land acquisition in Nakasongola district is communal where the household is the primary owner of the land and may include extended members of the family however, n=36, 35% of the respondents disagreed and n=21, 20% of the respondents neither agreed nor disagreed respectively. The findings suggest that the respondents understood that use of the communal land included a family that extended beyond the nuclear family, including grandparents, aunts, uncles, and other relatives, who all live nearby or in one household.

This was partly responsible for increased land conflicts given the number of persons involved in the sharing or retaining of land. The findings above can be complemented by an interview comment made by a district official (DC) that, *“Whom can I stop using this land? All these are my children and grandchildren. They all have a right to use my land as long as am still alive.”*

Additionally, n=53, 52% of the respondents with a mean score of 2.87 indicated disagreement that customary land in Nakasongola district was used mainly for communal use and was seen as a resource for which people had a right to use, while n=37, 36% of them

agreed and n=12% reserved their response meaning that local communities across Nakasongola had increasingly recognised role of managing communal land and local natural resources within their parameters. This positive shift allowed the land resources that were vital for rural livelihoods and household's way of life to be managed by those that depended on them. The finding can be supplemented by a qualitative extract obtained from the interview about customary land as communal that:

“Customary land here is commonly used by members of the group say a family, recognize that part or all of the land they hold, is occupied and used by only individuals and families for their own purposes and benefit.” (OCLM).

On whether customary land in Nakasongola district involved consensual decisions based on family or clan ties, 56%, n=56 agreed, 29.0%, n=30 disagreed and 15.0%, n=15) neither agreed nor disagreed. These results can be linked to the fact that communal lands rights (decisions) over the common pool land resources such as pastoral land, forests, fallow fields, inland waterways and wetlands are an essential aspect of many rural livelihoods within the district, allow access to and use of local land resources, as well as provide a foundation for other local communities' way of life. In a related interview, one interviewee (RDC) observed the following:

“Over a long time, we have observed that consensual issues are a very sensitive or delicate matter that needs careful decision else this can form a basis for conflict if mismanaged. This has been evident in our communities where locals fight over land over bad decisions that were undertaken”

In addition, a proportion of respondents 60% coupled with a mean score of 2.47 disagreed to the statement that the customary tenure system allowed female-headed households and widows to own land, although 27% of the agreed and 13% were neutral. These revelations

can be linked to the fact that customary land is considered to be owned by families, and the family head is responsible for ensuring that all family members have access to land. Clan elders are charged with ensuring that family heads fulfil those duties. The statement above is supported by a statement put across about female –headed households that:

“Nakasongola district has ensured that land dispute resolution institutions in its locality including local council courts, magistrate courts, high court, traditional authorities, and mediators are collectively used to resolve a number of land related matters including female related. These have supported in resolving many customary tenure systems challenges”

On the other hand, the 27% agreement reveals that women are entitled to access their husband’s land when they marry, and become the family head upon the death of the husband. More so, the Land Act allows for the issuance of certificates of customary ownership, as a form of protection for customary rights, but requires that the certificate be issued in the name of the family head who are mostly men. To complement the above information qualitatively, one interviewee (CDLB) said:

“The Succession Act in Uganda significantly limits widows’ rights, entitling them to just 15 percent of the deceased husband’s estate” This is however amplified by the fact that men make wills giving succession/possession of land to their wives which the community respects.

While another participating land owner said:

“Uganda’s statutory law recognizes customary ownership of land and women’s rights to land. These principles are included in the 1995 Constitution and the 1998 Land Act. The Constitution also prohibits customs

that are biased against women. Therefore women are entitled to the land share. It is important for their wellbeing”

The last and final indicator for customary land tenure system was to do with consensual disposition. Answers obtained reveal that, 57%, n=58, with a standard deviation score of 1.467 of the respondents disagreed to the statement that women had legal rights to own and inherit land, however, 33%, n=33 agreed and 10%, n=10 neither agreed nor disagreed. In addition, 77%, n=78 of the respondents constituting a majority agreed that customary land inheritance is common among the family members in Nakasongola district, 12%, n=12 disagreed and 11%, n=11 were neutral. The findings can be supported by a qualitative statement put across by an interviewee (SLMO) observed that:

“The customary land system is characterized by society members having communal rights to land in accordance with their family and clan among others. The linked inhabitants can freely exploit the resources of the land.”

The findings can be linked to the fact that the existing Ugandan laws do not effectively protect women’s land rights hence increasing the chances of land conflict. An instance is where the 1998 Land Act requires spousal consent for many land transactions; it does not include an enforcement mechanism. The Land Act also allows for the issuance of certificates of customary ownership, as a form of protection for customary rights, but requires that the certificate be issued in the name of the family head, majorly a male, rather than the family as a whole hence likely to be a source of land conflicts.

In addition, 69%, n=70 of the respondents agreed that in Nakasongola, the increasing land pressures specifically transfer of land right was blamed on the nature of the customary tenure system while 9.0%, n=9 disagreed and 22%, n=22 were neutral. Based on the results held above, it can be said that there are gaps between women’s land rights in law and in practice

and directs the Government to pass legislation to “protect the right to inheritance and ownership of land for women and children,” and to ensure equal land rights for men and women in marriage. Further still, an interviewee (CLC) said:

“This issue of Transfer of Land right in line with customary land calls for an overhaul of the Ugandan Succession Act and revisions to the Land Act, and for the restoration of powers of land administration to traditional leaders, provided they are sensitive to the rights of vulnerable group”.

While another interviewee (OCLM) observed that:

“Land is one of the most highly valued possessions of human in any society. Land tenure is a whole set of activities and structures. Land has systems of rights and obligations in both the state and the peasantry. These are important to ownership”

Lastly, another interviewee commented that:

“We assist locals with land matters, especially regarding the rights of customary land, help people obtain certificate of customary tenure and certificates of occupancy, and protects the land rights of women, children and persons with disabilities”

Finally, trends and gaps observed under customary land tenure and land tenure system show that quantified results depicted divergence opinions on customary land tenure system on land tenure system in Nakasongola district. The responses in agreement with customary land tenure system are counteracted by responses in disagreement. Insights from analysing the qualitative data reveal that the customary land tenure system at Nakasongola district was traditionally inherited by families or clans with utmost powers vested in them to use, control

and own it with most land owners not owing land titles. It is a situation traditionally observed and honoured amongst most communities within the district.

Similarly, the above phrase simply explains why the quantitative results showed a positive relationship between customary land tenure system and land conflict where continued observation and practice of the customary land tenure system would better family relations and reduce land conflict including fewer evictions, increased inheritance practices and reduced boundary conflicts.

4.4.1.1 Bivariate Correlation results for Customary Land Tenure System and Land Conflicts

To inferentially determine the relationship between customary land tenure system and land conflict in Nakasongola district for this study, the correlation technique was used with the findings obtained reflected in Table 4.5 below.

Table 4.5: Correlation results for Customary Land Tenure System and Land Conflict

		Customary Land Tenure System	Land Conflict
Customary Land Tenure	Pearson Correlation	1	.336**
	Sig. (2-tailed)		.001
	N	101	101
Land Conflict	Pearson Correlation	.336**	1
	Sig. (2-tailed)	.001	
	N	101	101

** . Correlation is significant at the 0.05 level (2-tailed).

Source: primary data

Table 4.5 above reveals a pearson correlation score or R as .336**, sig as .001 (p<0.05) and n as 101. The correlation score of .336** reveals a significant positive relationship between customary land tenure system and land conflict which can suggest that a unit increase in customary land tenure system decreases land conflict Nakasongola district by 36.6%. Its

implication is that by the local communities having formal cultural inheritance practices, coupled with harmonious communal usage of land and encouraging female ownership and sale of land would result into reduced land conflicts in terms of fewer evictions, increased inheritance practices and reduced boundary conflicts.

4.4.1.2 Regression results of Customary Land Tenure System on Land Conflict

The regression analysis technique was used to determine the variance that customary land tenure systems had on land conflicts with emerging results presented in the Table 4.6 below

Table 4.6: Linear regression results for Customary Land Tenure System and Land Conflict

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.336 ^a	.113	.104	.54265

a. Predictors: (Constant), Customary Tenure System

Source: primary data

Table 4.6 comprises of R as .336, R² as .113, Adjusted R² as .104 and standard error of the estimate as .54265 using the predictor: customary land tenure system. The adjusted R² value of (.104) explains up to 10.4% (.104 x 100%) variance that customary tenure system had on land conflict with the remaining percentage of 89.6% attributed to other factors not part of the study. Its implication could be that continued observation and practice of the customary land tenure system would better family relations and reduce land conflict.

4.4.1.3 Hypothesis one results

Based on the positive results obtained and hypothesis statement one that, “*There is a significant positive relationship between Customary Land Tenure System and Land Conflicts*” the alternative is upheld and the null is rejected.

4.4.2 Mailo Land Tenure System and Land Conflict

Mailo land tenure is a quasi-freehold tenure system. Several questions were set on acquisition, rent and utilisation as key indicators of this tenure systems with the answers obtained reflected in the Table 4.7 below.

Table 4.7: Descriptive statements on mailo land tenure system

Questions about Mailo Land Tenure System	Percentage Response (%)					Mean	Std dev
	SA (5)	A (4)	UD (3)	D (2)	SD (1)		
I fully understand what Mailo Land Tenure System is and ownership rights are well recognised by the state	47% (47)	48% (49)	2% (2)	1% (1)	2% (2)	4.37	.758
Mailo land exists in Nakasongola district and it belongs to individuals and institutions like Buganda Kingdom.	45% (46)	43% (43)	6% (6)	1% (1)	5% (5)	4.23	.979
In Nakasongola district, Mailo land tenants do not hold full ownership rights and must pay rent to the Mailo owner	29% (30)	49% (49)	11% (11)	4% (4)	7% (7)	3.90	1.091
There are numerous squatters, illegally occupying Mailo land in Nakasongola district	33% (33)	45% (46)	8% (8)	7% (7)	7% (7)	3.90	1.145
In Nakasongola district, Bibanja owners are formally authorised to use the land for a specific period of time	7% (7)	22% (23)	18% (18)	31% (31)	22% (22)	2.62	1.248
Mailo lands in Nakasongola district have a land value tax that is levied on the tenants with the owner being the beneficiary.	10% (11)	38% (38)	20% (20)	16% (16)	16% (16)	3.12	1.267
Government is helping in settling tenants on Mailo land in Nakasongola district	13% (13)	37% (37)	18% (18)	14% (15)	18% (18)	3.12	1.321
The local peasants or cultivators settled on Mailo land are pastoralists and engage in domestic cultivation, including agriculture on a temporary arrangement	33% (33)	37% (38)	6% (6)	9% (9)	15% (15)	3.64	1.404

Source: primary data

Key: SA=Strongly Agree, A=Agree, UD=Undecided, D=Disagree SD=Strongly Disagree

Stddev=Standard deviation

For purposes of interpretation, the research combined both agree and strongly agreed scores to represent the respondents that agree while both disagree and strongly disagreed scores were combined to represent the respondents that disagree and the undecided score were not grouped. The mean scores above 3.00 reveal agreement and those below 3.00 indicate

disagreement. The standard deviation score less than 1.00 indicate communalities (agreement) and the score above 1.00 reveal divergences in responses (mixed responses).

Findings obtained reveal that, n= 96, 95% of the respondents coupled with a mean score of 4.37, standard deviation of .758 agreed that they fully understood what mailo land tenure system was and ownership rights are well recognised by the state. Similarly, n= 89, 88% of the respondents agreed that mailo land existed in Nakasongola district and it belonged to individuals and Institutions including Buganda Kingdom, n= 6, 6% of these results were neutral and n= 6, 6% disagreed respectively.

The results suggest that most of the land owners including tenants among others were fully aware of mailo as a land tenure system. Secondly, some of the respondents who participated in the study originated from Kakooge and Kalongo sub counties where mailo land that belongs to the Buganda Kingdom is located and the same respondents were fully aware that mailo ownership rights were well recognised by the state as supported by Article 237(1) of the 1995 Constitution of Uganda. The finding can be supported by an extract obtained from the interviews where one (CLC) said that, “*Ettaka lyona mu Buganda lya Kabaka*” meaning all land in Buganda is for the Kabaka.

While another key respondent (CDLB) lamented: “*The 1995 Constitution and the 1998 Land Act are clear as they stipulate that land in Uganda belongs to the citizens of Uganda. Land is vested in the citizens of Uganda in four land tenure systems: Customary, Freehold, Mailo and Leasehold.*”

Furthermore, results obtained reveal that n= 79, 78% of the respondents agreed that in Nakasongola district, mailo land tenants did not hold full ownership rights and must pay rent to the mailo owner compared with n=11, 11% neutral and n=11, 11% of the respondents who disagreed. Similarly, a mean score of 3.12 coupled with a percentage score of 48% reveal

agreement to the statement that the existing mailo lands, in Nakasongola district have a land value tax that is levied on the tenants with the owner being the beneficiary.

An interviewee (OCLM) observed that, *“This is a common practice among the occupants. They are required to legally pay busuulu for their prolonged stay on any mailo land”*

One Land owner observed that,

“In Nakasongola, land equates to history, heritage, identity, belonging, rights and relationships. It creates social security and helps define social, cultural, religious values and beliefs of systems. However, when these collide with the idea of commoditising land, the people who live on and work the land suffer especially those without full ownership rights.”

Additionally, a mean score of 3.90 reveals that majority of the respondents agreed that there were numerous squatters, illegally occupying mailo land in Nakasongola district. The facts meant that the tenants were aware that they did not hold full ownership rights, and therefore were left with no option other than paying rent to the mailo owner, (*Busuulu & Envujjo Law of 1927*). Secondly, it can be argued that, illegal occupation of abandoned or unoccupied areas of land were common within the district. In addition, it can be complemented that usually land occupied would turn into residential, hence a source of land conflict.

In a related interview, another official (SCC) argued that: *“The squatters in Nakasongola district do not own, rent or otherwise have lawful permission to use the land on which they are settled”*.

Results that were obtained from the field of study reveal that in Nakasongola district, *Bibanja* owners were formally authorised to use the land for a specific period of time. Majority disagreed n= 53, 53%, however n=30, 29% agreed and n= 18, 18% respondents were neutral meaning that the Law pertaining to mailo land occupation was not clear to the extent that

squatters were not afraid of occupying or actually occupied such land blindly hence creating chances of conflicts during eviction. This was in line with a statement from one *Kibanja* owner that, “*In Nakasongola, bibanja owners have been here for generations. It has been our home and therefore we are seen as land owners*”

Finally, results obtained reveal that, half (50%) of the respondents agreed that Government was helping in settling tenants on mailo land in Nakasongola district, however, 18% of these reserved their choice of answers and 32% disagreed to the statement. In addition, 70% of the respondents indicated positively that the local peasants or cultivators settled on mailo land were pastoralists and engaged in domestic cultivation, including agriculture on a temporary arrangement. These results meant that Nakasongola district Local Government overseen by Government in line with the presidential directives engaged in resettling squatters on varying land spaces within the district to maintain security. In one of the interview held, an official (CLC) said,

“Some absentee landlords sold the land to businessmen who evict bibanja owners, leading to social unrest. This is why our leaders argued the locals to resist being evicted”.

Lastly, quantified results depict similar opinions on mailo land tenure system in Nakasongola district. Insights from analyzing quantitative data show that mailo land had fewer land conflicts as it belonged to renowned institutions and individuals including Buganda kingdom and religious institutions with fewer land squatters.

Furthermore, qualitative analysis showed divergence responses for instance squatters in Nakasongola district do not own, rent or have lawful permission to use the land on which they have occupied thus would be evicted unlawfully. In addition, another gap identified was the absentee landlords selling the land to investors who evict *bibanja* owners, leading to social unrest.

4.4.2.1 Correlation results for Mailo Land Tenure System and Land Conflict

The Pearson product correlation technique was used to determine the relationship between mailo land tenure system and land conflict in Nakasongola district with the emerging results shown in the table below.

Table 4.8: Correlation results for mailo land tenure system and land conflict

		Mailo Land Tenure System	Land Conflict
Mailo Land Tenure	Pearson Correlation	1	.538**
	Sig. (2-tailed)		.000
	N	101	101
Land Conflict	Pearson Correlation	.538**	1
	Sig. (2-tailed)	.000	
	N	101	101

** . Correlation is significant at the 0.05 level (2-tailed).

Source: Primary data

Table 4.8 above reveals a Pearson correlation score or R as .538**, sig as .000 ($p < 0.000$) and n as 101. Therefore, the correlation score of .538** reveals a positive significant relationship between mailo land tenure system and land conflict. The results suggest that a unit increase in mailo land tenure system reduced land conflict in Nakasongola district by 53.8%. The implication is that by occupants realising their peasant tenancy coupled with timely paying of *busuulu* to appointed agents and the occupants ensuring that they properly cultivate this land and earn a living, reduced on land conflicts.

4.4.2.2 Regression results on Mailo Land Tenure System and Land Conflict

The regression analysis technique was used to show the variance mailo land tenure system had on land conflicts with the results that emerged, presented in table 4.9 below.

Table 4.9: Linear regression results for mailo land tenure system and land conflict

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.538 ^a	.289	.282	.48562

a. Predictors: (Constant), Mailo Land Tenure System

Source: primary data

Table 4.9 comprises of values; R, R squared, Adjusted R square and standard error of the estimate thus R as .538, R² as .289, Adjusted R² is .282 as and Standard error of the estimate as .48562 using the predictor: mailo land tenure system. The adjusted R² value of .282 explains up to 28.2% (.282 x 100%) variance that mailo land tenure system had on land conflict with the remaining percentage of 71.8% attributed to other factors not part of the study. Its implication is that mailo land tenure system will always be held by Institutions including churches and Buganda Kingdom thus reducing on chances of land conflicts.

4.4.2.3 Hypothesis two results

Based on the positive results obtained and in line with the statement that, “*There is a significant positive relationship between mailo land tenure system and land conflicts*” it can be said that the alternate is upheld and the null rejected.

4.4.3 Freehold Land Tenure System and Land Conflict

Free hold tenure is a system whereby owners of the land have a deed to their land which allows them to hold the registered land indefinitely. This land system was measured in terms of utilization, acquisition and transfer rights upon which a number of questions were posed and answered as reflected in the Table 4.10 below.

Table 4.10: Descriptive statements on Freehold Land Tenure System

Questions on Freehold Land Tenure System	Percentage Response (%)					Mean	Std dev
	SA (5)	A (4)	UD (3)	D (2)	SD (1)		
Free hold land allows the owners of the land to have a deed to their land which allows them to hold the registered land indefinitely	45% (46)	42% (42)	7% (7)	4% (4)	2% (2)	4.23	.902
Free hold land system exists and is used for its intended purpose within Nakasongola district	32% (32)	33% (33)	16% (16)	8% (9)	11% (11)	3.65	1.307
The Ugandan law gives the free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage the land as they see fit	39% (40)	41% (41)	9% (9)	5% (5)	6% (6)	4.03	1.109
Under freehold, the Government has authority to acquire private property in a compulsory manner as established in the Constitution	13% (13)	22% (22)	24% (24)	28% (29)	13% (13)	2.93	1.243
In cases of mineral exploration on the allocated free hold land, Government deserves the right to the ownership of all minerals down to the center of the earth.	49% (50)	29% (29)	10% (10)	7% (7)	5% (5)	4.11	1.148
Transfer rights under the freehold land tenure system is done in a legally prescribed manner	44% (44)	39% (40)	8% (9)	4% (4)	4% (4)	4.15	1.014

Source: primary data

Key: SA=Strongly Agree, A=Agree, UD=Undecided, D=Disagree, SD=Strongly Disagree

Stddev = Standard deviation

For purposes of interpretation, the research combined both agree and strongly agreed scores to represent the respondents that agree while both disagree and strongly disagreed scores were combined to represent the respondents that disagree and the undecided score were not grouped. The mean scores above 3.00 reveal agreement and those below 3.00 indicate disagreement. The standard deviation score less than 1.00 indicate communalities (agreement) and the score above 1.00 reveal divergences in responses (mixed responses). Furthermore, questions on utilization were grouped and answered together with the following results.

Table 4.10 above shows that n= 88, 87% the respondents understood that free hold land allowed the owners of the land to have a deed to their land which allowed them to hold the

registered land indefinitely, however, n= 7, 7% of them reserved their comments while n= 6, 6% disagreed. The results suggest that this tenure systems allows owners of this land have deeds to their land for a definite period of time. The system allows the owners to practise agriculture (farming and commercial). To complement on the findings, one responding official (CDLB) observed that,

“Freehold Land is given to investors and other business proprietors who have the resources to invest and do business. As an ordinary man, you cannot hold such land”.

In addition, a fraction of respondents totalling to 80% supported with a mean score of 4.03 reveal that the Ugandan law gives the free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage the land as they see fit. Based on the results, it can be argued that respondents were fairly aware that this tenure system existed and was in use by known locals within Nakasongola district. In addition, it was found out that the owners of such land had the mandate to sell it off to any one of their choice or lease (or rent) the land to someone else on whatever conditions. To complement the above response was a document reviewed which stipulates that any land use if and when done in a manner constant with the Laws of Uganda, and these rights are well respected by the state (Uganda Constitution, 1995).

This section provides respondents’ opinions on freehold land tenure system and land acquisition, grouped and answered together. For instance n= 40, 41.0% of the respondents disagreed, while 24% respondents neither agreed nor disagreed and 35% of the respondents agreed to the statement that Government had authority to acquire private property in a compulsory manner as established in the constitution meaning that security of tenure still remain in balance.

Linked to the above, a response constituting n= 79, 78% of the respondents agreed that in cases of mineral exploration on the allocated free hold land, the Government deserved the right to the ownership of all minerals down to the centre of the earth. On the other hand, n=10, 10% of the respondents seemed not sure and n= 12, 12% respondents disagreed. The results meant that Government was a very powerful institution that deserved the right to undertake decisions for public interest and therefore attempts to establish minerals in a free hold land only calls for re-owning of the land and eventually having control to all minerals. Such situation is likely to reduce on possibilities of land conflict.

Lastly, n= 84, 83% of the respondents agreed that transfer rights under the freehold land tenure system was done in a legally prescribed manner, n= 9, 8% of the respondents neither agreed nor disagreed and n= 9, 8% were undecided, respectively. This meant that there was a prescribed way of ensuring freehold transfer rights that were constitutionally known to whoever hoped to qualify as a freehold land owner. The findings coincided with qualitative land transfer rights information obtained as provided by an interviewee (RDC) who observed that, *“Under freehold land tenure system, one is free to give anybody land without consultation as long as that person has a title”*

The quantified results depict agreed opinions about freehold land tenure system and land conflict in Nakasongola district. Insights from analysing quantitative data reveal that freehold land tenure owners will continue to have deeds to their land which allows them hold the registered land indefinitely based on the Ugandan land law which gives free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage land as they see fit with only government having overall rights to re-own such land.

Furthermore, qualitative analysis obtained showed divergence in responses where for instance freehold Land is given or allocated to investors and other business proprietors who tend to misuse the land or use it for other unintended cases.

4.4.3.1 Correlation results on Freehold Land Tenure System and Land conflict

The Pearson product correlation technique was used to determine whether the relationship either negative or positive existed between freehold and land conflict in Nakasongola district with the emerging results shown in the table below.

Table 4.11: Correlation results for Freehold Land Tenure System and Land Conflict

	Freehold land tenure system	Land conflict
Freehold Land Tenure Pearson Correlation	1	.319**
Sig. (2-tailed)		.001
N	101	101
Land conflict Pearson Correlation	.319**	1
Sig. (2-tailed)	.001	
N	101	101

** . Correlation is significant at the 0.05 level (2-tailed).

Source: Primary data

Table 4.11 above reveals a Pearson correlation score or R as .319**, sig as .001 ($p < 0.05$) and n as 101. The correlation score of .319** reveals a positive significant relationship between free hold land tenure system and land conflict meaning a unit increase in free hold land tenure system reduces land conflict in Nakasongola district by 31.9%. Its implication is that adhering to the right land procedures and methods of exercising compulsory land acquisition for temporary or permanent use based on the Ugandan Land Acquisition Act of 1965 would reduce on possibilities of land conflict.

4.4.3.2 Regression results for Freehold Land Tenure System and Land Conflict

The regression analysis technique was used to show the variance freehold land tenure system had on land conflict with the results that emerged, presented in the Table 4.12 below.

Table 4.12: Linear regression results for Freehold Tenure System and Land Conflict

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.319 ^a	.102	.093	.63699

a. Predictors: (Constant), Freehold Tenure System

Table 4.12 comprises of the pearson correlation or R as .319, R² is .102, while Adjusted R² as .093 and Standard error of the estimate as .63699 using the predictor: freehold tenure system. The adjusted R² value of .093 explains up to 9.3% (.093 x100%) variance freehold tenure system had on land conflict with the remaining percentage of 90.7% attributed to other factors not part of the study. Its implication is that free hold tenure system will continue to be under the controls of the Government and therefore the possibility of land conflicts tend to be fewer.

4.4.3.3 Hypothesis three results

Based on the positive results obtained and in line with the statement that, “*There is a significant positive relationship between freehold land tenure system and land conflicts*” it can be said that the alternate hypothesis is accepted and the null rejected.

4.4.4 Leasehold Land Tenure System and Land conflict

Leasehold land tenure is a system where the owner of the land grants the tenants’ exclusive use of the land usually for a specific period of time. The system had the indicators including tenure period, acquisition and transfer rights used, several questions posed and answers obtained shown in the Table 4.13 below.

Table 4.13: Descriptive statements on Leasehold Land Tenure System

Questions on Leasehold Land Tenure System	Percentage Response (%)					Mean	Std dev
	SA (5)	A (4)	UD (3)	D (2)	SD (1)		
The leasehold land system grants the tenants' exclusive use of the land.	26% (26)	51% (52)	9.0% (9)	7.0% (7)	7.0% (7)	3.82	1.108
Land use under the leasehold land tenure system, is usually for a specific period of time known to both the parties	38% (38)	47% (47)	6.0% (6)	8.0% (8)	2.0% (2)	4.10	.964
The leasehold system permits the lessor to attach conditions to the leases with the right to revoke ownership	32% (32)	42% (32)	19% (20)	2% (2)	5% (2)	3.93	1.022
With leasehold land ownership is formally recorded in a formal land registry and a title deed issued	37% (37)	41% (41)	18% (18)	4.0% (4)	1.0% (1)	4.08	.891
Leasehold land tenure system constitute legal formal process of transferring land rights from one individual to another	33% (33)	49% (50)	11% (11)	4.0% (4)	3.0% (3)	4.05	.931

Source: primary data

Key: SA=Strongly Agree, A=Agree UD=Undecided D=Disagree

SD=Strongly Disagree Stddev=Standard deviation

For purposes of interpretation, the research combined both agree and strongly agreed scores to represent the respondents that agree while both disagree and strongly disagreed scores were combined to represent the respondents that disagree and the undecided score were not grouped. The mean scores above 3.00 reveal agreement and that below 3.00 indicate disagreement. The standard deviation score less than 1.00 indicate communalities (agreement) and the score above 1.00 reveal divergences in responses (mixed responses).

First, a portion of respondents n= 78, 77%, with a mean score of 3.82 agreed that the leasehold land system in Nakasongola Uganda granted tenants' exclusive use of the land however, n= 9, 9.0% were undecided and n= 14, 14% disagreed. This meant that each land tenure system in Uganda has its own requirements upon which all persons or individuals intending to use the land had to adhere too. In a related interview, one responding official (SS) said,

“Land conflicts relating to leasehold among other systems are handled in accordance with area specific land arrangements procedure. It is at this point that applicants for this tenure are allowed to make it formal”

Similarly, n= 85, 85% with a mean score of 4.10, and a standard deviation of .964 was enough to indicate that many of the respondents in the study believed that Land use under the leasehold land tenure system, was usually for a specific period of time known to both parties. The statistics suggests that the respondents were aware that lease hold land tenure system involved having a lease from the freeholder or landlord (the Government for this case) to use the land for a number of years. The leases are usually long term running from 5- 49 and 99 years for the case of Uganda. In an interview held, a substantial statement was made that,

“Something interesting about this tenure is that, when the term of the leasehold goes down to zero years, then the land reverts to the freeholder. A lease with a term of zero years is clearly worthless, and all other things being equal, the shorter the lease, the less it is worth. The value of long leases stays fairly stable, but the value of short leases can drop rapidly.” (SCC).

Linked to the above was a statement made on whether in Nakasongola district, the leasehold system permitted the lessor to attach conditions to the leases and had the right to revoke ownership in case of abuse. Opinions collected included n= 74, 74% of the respondents agreeing, n=19, 19% of the respondents were undecided and n= 7, 7% of the respondents disagreed. This meant that formal procedures for obtaining right of ownership under the lease hold land tenure system were well laid and persons or individuals who had attempted to acquire such land were requested to undergo a formal process.

In a similar direction n= 78, 78% of the respondents agreed that the leasehold land tenure system entailed land ownership of each surveyed parcel recorded in a formal land registry, and a title deed was issued, which served as proof of ownership. However, n= 18, 18% reserved their comments and n= 5, 5.0% disagreed to the statement. The results suggest that rightful owners had legally secured documentation proving ownership of the land. This could be argued that it was intended to minimise land disputes.

“The deeds act as security to land ownership, they encourage better utilisation of land among other advantages” said an interviewee (SLMO).

Lastly, n= 83, 82% of the respondents agreed to the statement that transfer rights, under leasehold land tenure system comprised the formal process of transferring land rights from one individual to another in a legally prescribed manner however, n= 11, 11% of the respondents were not sure and only n=7, 7.0% disagreed. The revelation meant that no person would hold an interest in land greater than a lease hold except the Uganda Land Commission (ULC). Accordingly mailo and freehold interests were converted into leases for a period of 99 years with effect from 1st June 1975 thus reducing on the possibility of land conflicts in Nakasongola district. To complement on the findings was an interviewee who observed that, *“This is important because it is the only legal and conclusive evidence you have of ownership. It also contributes to tenure security because one is sure that they cannot be easily evicted”* (CDLB).

While another key informant (SLMO) observed that:

“The current land problems in Nakasongola and other parts of Uganda were historically branded by a land system that favoured the colonialists and side-lined the traditions of Uganda and its people”

The quantified results depicted more agreed responses about leasehold land tenure system as reducing land conflict in Nakasongola district. Furthermore, quantitative insights in analyzing quantitative data revealed that this land system granted tenants with more exclusive use of the land for a specific period, with leasehold land ownership formally recorded in a formal land registry and a title deed issued through a legal formal process of transferring land rights from one individual to another. On the other hand, qualitative analysis obtained showed divergence in responses where for instance it was noted that fewer land conflicts linked to leasehold were not handled in accordance with land arrangements procedures and a number of land owners seen to have excessive powers over the indigenous locals or inhabitants occupying such land.

4.4.4.1 Correlation results on Leasehold Land Tenure System and Land conflict

The Pearson product correlation technique was used to determine whether relationship either negative or positive existed between leasehold tenure system and land conflict in Nakasongola district with the emerging results shown in the table below.

Table 4.14: Correlation results for Leasehold land tenure system and Land conflict

		Leasehold Land Tenure System	Land Conflict
Leasehold Tenure	Pearson Correlation	1	.466**
	Sig. (2-tailed)		.000
	N	101	101
Land conflict	Pearson Correlation	.466**	1
	Sig. (2-tailed)	.000	
	N	101	101

** . Correlation is significant at the 0.05 level (2-tailed).

Source: Primary data

Table 4.14 above reveals the Pearson correlation score or R as .466**, sig as .000 and n as 101. The correlation score of .466 reveals a positive significant relationship between leasehold land tenure system and land conflict meaning a unit increase in leasehold land

tenure system reduces land conflict in Nakasongola district by 46.6%. Its implication is that leasehold land would always be under the control of the government leading to a reduction in Land Conflicts possibilities.

4.4.4.2 Regression results for Leasehold Land Tenure System and Land Conflict

The regression analysis technique was used to show the variance that leasehold land tenure system had on land conflicts with the results that emerged, presented in the Table 4.15 below.

Table 4.15: Linear regression results for leasehold land tenure system and land conflict

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.466 ^a	.217	.209	.59487

a. Predictors: (Constant), Leasehold Tenure Land System

Source: primary data

Table 4.15 comprises of R as .466, R² as .217, adjusted R² is .209 and standard error of the estimate as .59487 using the predictor: leasehold land tenure system. The adjusted R² value of .209 explains up to 20.9% (.209 x100%) variance that leasehold tenure system had on land conflict with the remaining percentage of 79.1% attributed to other factors not part of the study.

4.4.4.3 Hypothesis four results

Based on the positive results obtained and in line with the hypothesis statement four that, “*There is a significant positive relationship between lease hold land tenure system and land conflicts*”, the alternative is upheld and the null hypothesis rejected.

4.5 Land conflict

Land conflict as a dependent variable was measured using eviction, inheritance and boundary conflicts. From which a number of questions were asked and opinions obtained presented in

Table 4.16 below

Table 4.16: Descriptive statements on Land Conflict

Questions about Land Conflicts	Percentage Response (%)					Mean	Std dev
	SA	A	UD	D	SD		
I understand the implication of land conflicts that result from land related indifferences.	34% (34)	54% (55)	4% (4)	3% (3)	5% (5)	4.09	.971
There are numerous land conflict cases recorded by Nakasongola district authorities.	62% (63)	31% (31)	4% (4)	4% (2)	1% (1)	4.51	.756
Most land disputes are evidence of pressure point on land use or localities in which competition over resource use has increased.	46% (46)	41% (42)	8% (8)	4% (4)	1% (1)	4.27	.847
There are numerous land wrangles that include the eviction of land occupants within the district.	56% (57)	34% (34)	6% (6)	3% (3)	1% (1)	4.42	.816
Nakasongola district handles numerous cases pertaining to land inheritance issues of which most are not resolved.	59% (60)	19% (19)	12% (12)	9% (9)	1% (1)	4.27	1.048
Boundary land conflicts are common in Nakasongola district and have ended into local courts or legal battles	66% (66)	18% (19)	7% (7)	4% (4)	5% (5)	4.36	1.01

Source: primary data

Key: SA=Strongly Agree, A=Agree UD=Undecided D=Disagree SD=Strongly

Disagree Stddev=Standard deviation

For purposes of interpretation, the research combined both agree and strongly agreed scores to represent the respondents that agree while both disagree and strongly disagreed scores were combined to represent the respondents that disagree and the undecided score were not grouped. The mean scores above 3.00 reveal agreement and those below 3.00 indicate disagreement. The standard deviation score less than 1.00 indicate communalities (agreement) and the score above 1.00 reveal divergences in responses (mixed responses). The codes presented represent qualitative responses obtained from interviewees with SLMO

reflecting responses for senior land management officer, SS reflecting responses for staff surveyor, CDLB reflecting responses for chairperson district Land board, DC reflecting responses for district chairperson, RDC reflecting responses for resident district commissioner, and OCLM reflecting responses for OC / land matters. In addition, CLC reflected responses for chairperson land committees and SCC reflecting responses for sub county chief.

A mean score of 4.09 supplemented with an 88% reveal that study respondents understood the implication of land conflicts that resulted from land related indifferences however, 4% of the respondents were reserved and 8% disagreed respectively. The revelations suggested that a number of locals and district official were well informed or aware of land matters including evictions, inheritance and boundary conflicts and their negative impact on their well-being. The findings are supported by one official (SCC) interviewed who observed that,

“With numerous land matters within the district and especially recorded, it would be a mess that locals are not aware of what was going on”

And another interviewee (CLC) said,

“The locals listen to stories over the media, radio talks and read new papers. This has left them very much informed.”

A standard deviation score of .756, a mean score of 4.51 and 93% score suggest that locals of Nakasongola were aware of the numerous land conflict cases that had been recorded by Nakasongola district authorities. Similarly, n=79, 78% of the respondents agreed that the district handled numerous cases pertaining to land inheritance issues of which most were not resolved, n=12, 12% neither agreed nor disagreed and n=10, 10% disagreed respectively. The results revealed that with numerous land conflicts coming up frequently including evictions,

inheritance and boundary conflicts affected parties sought local support and eventually the district officials to resolve them.

“A number of land related cases have been recorded with our officials. These are very sensitive cases that cannot hurriedly be handled. Land is livelihood here” said a responding official (OCLM)

While another interviewee (RDC) observed that,

“Nakasongola district land board and other local authorities have ensured that land dispute resolution is carefully handled by known institutions including local council courts, magistrate courts, high court, traditional authorities, and mediators”

Majority of the respondents n=88, 87% agreed that most land disputes were evident of pressure point on land use or localities in which competition over resource use had increased while n=8, 8% were not sure and n=5, 5%. The results revealed that in bid for the locals to survive, they needed land for cultivation, settlement and cattle rearing for generations to come therefore locals fully understood the value of land for that matter. To support the findings, one district official (RDC) observed that,

“Nakasongola’s dualist land tenure system has over the years been a root cause of conflict specifically over land use and ownership. The current land tenure laws have only facilitated land alienation, threaten livelihoods and contributed to food insecurity”

Another responding interviewee (SLMO) commented that,

“Land disputes within the district reveal evidence of pressure point in land use localities in which stiff competition over resource use increases”

In addition, n=91, 90.0% agreed that numerous land wrangles included eviction of land occupants within the district while n=6, 6% reserved their opinion and n=4, 4% disagreed respectively. These facts suggested that land scatters were forcedly removed from the land that they had settled with or without notice thus a sign of more land conflict as the occupant were positioned to do everything possible to stay on such land. The finding can be linked to a statement made by a responding interviewee (DC) who elaborated that:

“The issue of land wrangles including eviction can be handled by ensuring that Uganda’s land policies are reviewed. This will help mitigate conflict and food insecurity”

And another Land lord interviewed observed:

“Land conflicts here tend to discriminate a number of land owners. The tenants who occupy our land have even failed to develop this land. This makes us frequently confront them using all possible means available. Yes we always plan to evict them”

Lastly, n=66, 64% of the respondents agreed that boundary land conflicts were common in Nakasongola district and had ended into local courts or legal battles however, n=7%, 7% neither agreed nor disagreed and n=9, 9% disagreed. The result meant that a number of land owners including scatters had gone beyond their pieces of land into areas that they did not own causing conflicts with the neighbourhood. These wrangles ended up in courts of law for resolving. In another key interview held, one responding official (SS) observed that:

“Land institutions are integral to power relations and state structure at the local level. These are crucial for any land resolutions”

While another interviewee (RDC) said:

“Land conflicts are expected to worsen between landlords and tenants, the latter increasingly facing eviction as land becomes scarce and its value goes up. In addition, violent evictions have pervaded Nakasongola prompting the office of the president to closely intervene”

Lastly, one land owner had this to say:

“Land conflicts tend to discriminate a number of land owners. The tenants who have failed to develop land are frequently confronted by landlords who at times plan to evict them; even the very architect of the law, the government, is highly affected by these issues when trying to allocate land for investment”

CHAPTER FIVE

SUMMARY, DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The earlier chapter focused on presenting, analysing and interpreting the study findings. Chapter five comprises of the summary, discussion, conclusion and recommendations based on the specific objectives of the study. In addition, this chapter presents the limitations and areas for further study.

5.2 Summary of the findings

Summary of the findings provides a brief explanation of the actual results as were obtained from the field of study based on the specific objectives of the study.

5.2.1 Customary Land Tenure System and Land conflict

Findings obtained as reflected in Table 4.5 reveal a positive .336**, statistically significant ($p < 0.05$, .001) relationship between customary land tenure system and land conflict with the following summarised including the fact that customary land tenure system is one blessed by the 1995 Uganda Constitution with most ownership being rural than urban based. Its acquisition was communal where households were primary owners and had the right to use it. In addition, all land consensual decisions were family or clan ties based with fewer female-headed households and widows legally owning land.

5.2.2 Mailo Land Tenure System and Land conflict

Based on the findings, it can be summarised that under mailo land tenure system, occupants realise that they are tenants, and that under this tenure system, land is held in perpetuity and a certificate of title is issued, coupled with paying of *busuulu* to appointed agents land conflicts would reduce. This resulted into proper utilisation of land by the tenants like

cultivation; pastoralism and domestic business usage among others which reduces on land conflicts.

5.2.3 Freehold Land Tenure System and Land conflict

Findings obtained as reflected in Table 4.11 reveal a statistically significant ($p < 0.05$, .001) positive .319**relationship between freehold land tenure system and land conflict explained that a unit increase in freehold land tenure system reduces sand conflict by 36.6%. Further still, it was found out that freehold land tenure system had a 9.3% variance on land conflict. Acquisition through proper means would grant ownership in perpetuity as laid down in the 1995 constitution of the Republic of Uganda.

5.2.4 Leasehold Land Tenure System and Land conflict

Lastly, inferential results obtained reveal a statistically significant ($p < 0.05$, .000) positive .466**relationship between leasehold land tenure system and land conflict implying that a unit increase in leasehold land tenure system reduced land conflict by 46.6% with a 20.9% variance that leasehold land tenure system had on land conflict.

5.3 Discussion of the findings

Section 5.3 of the study provides a detailed account of study variables linking chapter four findings with scholarly literature and identifying key gaps. This is based on the specific objectives of the study.

5.3.1 Customary Land Tenure System and Land conflict

Inferential findings obtained earlier revealed a positive statistically significant relationship between customary land tenure system and land conflict meaning that a unit increase in customary land tenure system resulted into a reduction in land conflict. The statement can be supported by a number of positive opinions obtained and presented in the previous chapter four, Table 4.4. Overwhelming majority of the tenant respondents agreed that customary land

in Nakasongola district was for communal use and seen as a resource for which the local community had the right to use. These statistical findings can be supported by scholarly writings as laid in chapter two where Nafula (2008) who in her study found out that women head 26% of rural households and grow between 70% and 80% of the food crops, yet own less than 8% of the land. In addition, Deininger (2003) supplements on the above by arguing that the share of households renting land from others increased three-fold between 1992 and 1999, to about 33% of families. To the researcher, the use of land for communal purposes including agriculture for domestic and commercial consumption based on specific rights tends to create harmony and instil confidence between communities that value such land and thus tends to reduce land conflict to a greatest extent meaning that such communities are able to stay with one another for a longer duration. However, it can be argued that much as customary land is used for communal use and seen as a resource and a right to use, some of the respondents disagreed to the statement thus highlighting a weakness with who has the right to use the land. Such a weakness could be attributed to the fact that these are informal rights that have not been fully documented anywhere as a platform for reference in cases where conflict may evolve thus a widening gap.

In addition to the above, 54% of the respondents agreed that customary land in Nakasongola district involved consensual decisions based on family or clan ties. This statement is found to have a link with Ugandan Constitution of 1995 and the Land Act of 1998 Section 23 (2) which stipulates that for purposes of customary land ownership, the family shall be considered as a legal person and shall be represented by the head of the family. Further still, scholars including Mwebaza and Zziwa (2011), highlight that land conflicts linked to customary land were handled in accordance with area specific customary land arrangements. However, due to ambiguous land laws, especially with regard to the relationship between land-owners and land tenants, the mandated institution failed to resolve the land conflicts.

The researcher argues that by families and clans having to agree on consensual decisions about customary land, they are trying to limit on the possibilities of what can emerge from conflicts thus a positive. Nonetheless, a portion of respondents seemed not convinced that families or clans have reached consensual decision meaning that they still thought that a number of consensual decision road blocks were still evident as far as use of customary land was concerned. Some of these road blocks would rise from the criterion followed to ensure that one makes the group decision. The issue might make no headway to the struggle to contain any land conflicts originating from poorly made consensual decisions.

In line with the above argument, results presented in the previous chapter revealed that customary tenure system allowed female-headed households and widows to own land. The findings are in agreement with the Global Land Tools Network (2008) which reports that there are efforts now to address women's land rights in new land registration and formalization programs. It further goes ahead by highlighting that because of the recent nature of these reforms, the evidence to date was fragmentary and focuses more on women's security of tenure vis-à-vis localized challenges to property rights from within the family, rather than on external challenges. In addition, findings of a 2008 Household Survey by Rugadya et al., (2008) for the Ministry of Justice in 20 districts, showed that land disputes ranked highest among conflicts countrywide and were often the cause of other disputes including family and domestic violence, assaults and murder. The issue of female headed households and widows to own land could be supported by the fact that these were seen as second heads of households and in cases of death of husbands, they were left with the responsibility of running families. Based on that, it could make sense to argue that females need to own land. However, as indicated by respondents who disagreed, it could be said that local community members still thought that women based on their traditional setting do not

hold the right to land, hence any attempt to own land would result into land conflict hence a case to worry.

Lastly, many of the respondents agreed that women had legal rights to own and inherit land. This concurs with Rugadya (2007) who contended that although women had the legal right to own and inherit land, in practice, their access to land continued to be limited by cultural norms, particularly in rural areas. Rather than being landowners in their own right, women typically accessed land through male relatives, usually their husbands or sons. More still, Lastarria and García (2005), assert that from a gender perspective, most customary tenure systems in Africa favoured men, granting women rights primarily through a father, husband, brother, or son.

Conclusively under customary, Deininger and Castagnini (2004) found out that in Uganda, female-headed households and widows were particularly affected by land reforms and that the reforms had failed to reduce the number of land conflicts. They also found signs of large negative effects of land conflicts on land productivity. Much as the above scholars argued in favour of the legal rights for women to hold legal rights and inherit land, pockets of respondents who disagreed to the statement were evident. Those who disagreed might have still thought that legal right discrepancies were still evident. These legal discrepancies could be attributed to the fact that they could still be under discussion by parliament and had never been fully implemented hence leaving the issue of women rights still pending thus causing more conflicts.

5.3.2 Mailo Land Tenure System and Land Conflict

Findings obtained about mailo land tenure system and land conflict reveal a positive significant relationship between the two variables. From this statement, evidence can be provided by a number of agreed scores that were obtained during the course of the study

compared with the neutral and disagreed ones. For instance 78% of the respondents agreed that there were numerous squatters, illegally occupying mailo land in Nakasongola district and 29% of the respondents agreed that *Bibanja* owners were formally authorised to use land for a specific period of time. It also tried to address the issue of those being evicted on grounds that they were unknown to the land owner, (Uganda Land Law, 1998). This seemed to be the case for Nakasongola district *bibanja* owners as they had continued to enjoy the privilege of paying low charges for the land. To supplement on the above findings, Adoko et al., (2007) in their study about land transactions in Teso report that rental agreements were more common than land sales. On the other side, 71% of the respondents disagreed meaning that they were unconvinced about the way time would have been allocated to specific *bibanja* owners. This trend of issues meant that some of the *bibanja* holders were bound to be evicted from mailo land yet these seemed not to know the specific period of time that they were to use the land, hence a gap.

Similarly, in Nakasongola district, mailo land tenants did not hold full ownership rights and had to pay rent to the Mailo owner. This was in line with the 1995 constitution which recognises mailo land owners. *Busuulu* under the constitution were to be determined by the minister whereas the *Busuulu & Envujjo* Law of (1927) stipulates that tenants do not hold full ownership rights; they must pay rent to the mailo owner, and face some restriction on what they can do on the land. This was a common phenomenon in Nakasongola district where areas of Kakooge and Kalongo sub counties belong to the Buganda Kingdom and the sitting tenants pay *Busuulu* to the Kingdom. Such land could form a source of land conflicts in this district especially where the locals were greeted with messages of eviction. Nonetheless, a fraction of respondents disagreed to the fact that, they as land tenants seemed not to understand the issue of land ownership rights. That kind of indifference meant that Mailo land tenants could be exploited leading to land loss in one way or another.

Lastly, half of the respondents agreed that Government was helping in settling tenants on mailo land in Nakasongola district. This statement could be linked to the Uganda Land Act of 1998, which reveals that Government had practically engaged in settling tenants on such land. For instance, as a compromise solution to mailo/tenants, especially in Kibaale, a Land Fund was created by the 1998 Land Act, to acquire the registrable interests from the Baganda landlords for the tenants. The beauty with government resettlement was that the victims of circumstances were aware of political backup that they had and that instilled confidence in their stay on such land. However, some of the respondents disagreed to the fact that the government seemed to have abandoned some of the victims of land related issues, hence only increased chances of more land conflicts which was a danger to lives.

Conclusively, many of the respondents agreed that mailo land in Nakasongola district had a land value tax that was levied on the tenants with the owner being the beneficiaries. This could be complemented by Barzel (2000) who argued that changing socio-economic conditions made land more valuable and increase benefits to be obtained from land transfers imply that the value of attributes which had previously been left un delineated could increase sufficiently to offset the transaction costs associated with more precise delineation of land rights.

5.3.3 Freehold Land Tenure System and Land conflict

Based on the results as presented in Table 4.11 in chapter four it was established that a positive significant relationship existed between free hold land tenure system and land conflict in Nakasongola district, meaning a unit increase in free hold land tenure system was found to reduce land conflict by 31.9%.

Interestingly, it could be argued that a number of positive opinions were obtained from a number of questions asked on freehold land system where for instance 97% respondents

agreed that free hold land tenure system allowed owners of the land to have a deed to their land which allowed them to hold the registered land indefinitely. This statement was fully supported by some of the literature as laid in chapter two where, for example Article 26(2)(a) of the Constitution provides that, “*The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health.*” In addition, to the above statement, the Land Acquisition Act (1965) states that land could be acquired for “public purposes and for matters incidental thereto and connected therewith.” Uganda’s courts had interpreted these provisions narrowly to mean that the property must be used to promote the general interests of the community, not the particular interests of any private individuals or institutions. The above documentation clearly showed the importance of the Constitution and the Land Act of 1965 and their importance to the prevention of land conflicts. Nonetheless, some of the respondents disagreed as reflected by the disagreed scores that were provided. This trend of issues has presented a social dishonour and only increased chances of more land conflict within the district.

Further still, majority of the respondents agreed to the statement that *Bibanja* owners were formally authorised to use the land for a specific period of time. This is in agreement with the Uganda Land Act of 1998 which makes a clear distinction between the tensions between more than one involved people over the same land. Similarly, it could be noted that conflicting rights made it hard for landlords to develop their land even when they were financially able, which weakened the powers of the landlords over their land. The issue of willing buyer-willing seller coined in the Act further complicated the transfer of land from one person to another. Where the landlord might wish to buy the tenant off the land, the tenant must be willing to sell his/her rights to use the land and vice-versa as reflected by the proportion of respondents who disagreed. Lastly, 80% of the respondents agreed that the Ugandan law gave free hold landowners, complete rights to use, sell, lease, transfer,

subdivide, and mortgage the land as they see fit. This is in line with Sjaastad & Bromley (2000), who indicated that property rights to land were not static but constitute a social construct that responds to broader needs and evolves over time. They further argue that given its spatial extension, defining property rights to land or to write contracts regarding their exchange was costly.

5.3.4 Leasehold Land Tenure System and Land conflict

The correlation score of .466 reveals a positive significant relationship between leasehold land tenure system and land conflict meaning a unit increase in leasehold land tenure system reduces land conflict in Nakasongola district by 46.6%. Its implication is that leasehold land under the control of the government leads to a reduction in land conflicts possibilities with alternative hypothesis upheld and the null rejected. The following results reveal some of the positive opinions obtained about the two variables. For instance, a fraction of 83% of the respondents agreed that transfer rights under the leasehold land tenure system were done in a legally prescribed manner. The statement above can be supported by the Uganda National Land Policy (2011) which stipulates that the incidents of leasehold tenure, which were basically standard, included the conferment of full power of disposition and the compulsory registration of title. The policy further reveals that public policy regards freehold as the property regime of the future, to the extent that the current law provides for conversion from leasehold tenure or customary tenure to freehold. However, the respondents constituting 17% that disagreed might have thought of indifferences especially due to transfer rights being done in a legally prescribed manner.

In addition to the above, 87% of the respondents could reveal that transfer rights refer to the process of transferring land rights from one individual to another in the legally prescribed manner. The statistics obtained could be linked to the Uganda Land Policy (1998), which

states that land ownership of each surveyed parcel be recorded in a formal land registry, and a title deed issued, which serves as proof of ownership. The title was important because it was the only legal and conclusive evidence one had of ownership. It also contributed to tenure security because it could be security against eviction. It minimised on land disputes. Nonetheless, a portion of the respondents who disagreed reveal transfer right weaknesses.

However, some of the respondents totalling to 20% disagreed to the statement as reflected by the disagreed score. The disagreement could be linked to the fact that lease land owners tend to socially, politically and economically influence most of the decisions that are made on such a tenure system hence a loophole for more land conflicts in areas of Nakasongola district where such land has been occupied

5.4 Conclusions of the findings

The following are the study conclusions drawn in line with specific objectives of the study

5.4.1 Customary Land Tenure System and Land Conflict

Based on the earlier discussions held on customary land tenure system and land conflict, the researcher concludes that Uganda's 1995 Constitution permits customary land ownership with primary owners given the right to use the land. In addition, this land system involves consensual decisions based on family or clan ties, although most land was male headed, fewer female members including widows were allowed to own it. Also worth noting was that fewer women had been legally recognised to inherit customary land. Lastly, a number of land transfers were made in Nakasongola district.

5.4.2 Mailo Land Tenure System and Land conflict

Based on the earlier findings, it could be concluded that this type of land tenure system ownership rights were recognised by the state with fewer individuals owning it mainly the Baganda chiefs who collaborated , Institutions like churches and Buganda Kingdom. In

addition, Buganda Kingdom was a sole land owner in Nakasongola district and whoever wanted to use land, was required to pay rent. The idle land attracted numerous squatters while in some situations Government resettled tenants on such land.

5.4.3 Freehold Land Tenure System and Land Conflict

Conclusively, it can be said that free hold land tenure system allows land owners to have deeds to their land for holding registered land indefinitely. Secondly, the Ugandan Law gives the landowner complete rights to use, sell, lease, transfer, subdivide, and mortgage land. Lastly, it could be pointed out that the Government reserved the right to mineral ownership on such land.

5.4.4 Leasehold Land Tenure System and Land conflict

The leasehold land tenure system in Uganda allows exclusive use of the land for a specific period of time known to any involved parties. The land is recorded in a formal land registry, and a title deed is issued which serves as proof of ownership and the transfer of its rights based on the legally prescribed manner. None Ugandans were granted leasehold tenure system.

5.5 Recommendation of the findings

5.5.0 General recommendations:

Digitalising the land registry section both at the ministry, regional and district level will go a long way in trying to reduce the mess that contribute to land conflicts. Digitalising would help anybody interested in buying or leasing land to access all the details pertaining to the land that individual is interested in. This will also help do away with land brokers or agents who exploit the ignorance of the potential buyers thus resulting into conflicts. Some of these brokers sell the same land to two different people and upon realising this, the land brokers disappear leaving these two parties at loggerheads.

Secondly, the Judiciary that is mandated to dispense justice ought to recruit and equip the courts of law with magistrates specifically to handle land related cases in order to reduce the backlog. This will create confidence among the people that they will get justice and therefore encourage people to seek legal redress. Justice secured from the courts of law, would discourage fraudulent land dealers.

The researcher recommends as follows in relation to the study objectives:

5.5.1 Customary Land Tenure System and Land conflict

Based on the prior discussions held earlier on customary land tenure system and land conflict, where a number of gaps were identified, the following form the recommendations made to close the gaps.

- a) First and foremost, the researcher recommends that Nakasongola district through its lands registry and the local authority advises the local community to come up with formal agreements on customary land use. The agreements should not be for sale only but to reflect the size of land being used and for the period of time it would be used. This would ensure that families are not in conflict but rather harmony since people would know their limits in terms of size and period of use.
- b) Secondly, most local communities had not yet realized the changes made by law to support women rights to own land. Based on this, the researcher recommends that Nakasongola district council liaises with its district lands staff, local authorities and the local community, to organise and conduct more land awareness programs. The programs would include local workshops, social gathering and local conferences on land matters. Local community views would be given and documented and based on these views, women rights would be taken care of. This could reduce on probable land conflicts resulting from women's rights.

- c) Lastly, the researcher recommends that Nakasongola district administration opens up a register of all customary land owners. This would ease the process of guiding and helping people acquire certificate of customary ownership as it was supposed to be implemented after the enactment of the 1998 Land Act. It was hoped that the certificate would allow local land owners to freely own customary land and reduce on chances of land conflicts for generations to come.

5.5.2 Mailo Land Tenure System and Land Conflict

Under mailo land tenure system, the researcher makes the following recommendations:

- a) Government of Uganda should expedite the process of buying off absentee landlords and allow the tenants pay to Government in instalments. This would help the tenants acquire ownership of land and this would reduce land conflicts in Nakasongola.
- b) *Busuulu* or ground rent paid by the tenants should be made uniform and attractive enough to the landlords to reduce on the threats of eviction to obtain reasonable pay.

5.5.3 Freehold Land Tenure System and Land Conflict

A number of freehold land tenure system gaps were identified and based on these, the following recommendations were made:

- a) Government of Uganda should clarify on the issue of willing buyer-willing seller in land transactions. The law should be amended to allow the land lord to sell his/her land on the basis of the forces of demand and supply. The notion of willing buyer – willing seller where the tenant should be willing to buy in case the land lord wants to sell his/her land and should be done away with.
- b) The acreage of land under free hold to be granted to a single individual ought to be determined so that cases of some individuals owning unreasonably large parcels of land are done away with.

5.5.4 Leasehold Land Tenure System and Land Conflict

These were some of the recommendations made for leasehold land tenure system.

- a) In order to minimise conflicts further, policy makers should set clear terms for one to qualify to have a lease renewed. For instance, for a lease to be renewed, land should be properly developed in line with the initial intended use of that land.
- b) Conversion of tenure from leasehold to freehold should be stopped. Once an individual acquires a lease, it should be maintained and not converted to freehold. This also helps Government get revenue in form of ground rent paid annually by lease holders.

5.6 Limitations of the study

The limitations to this study encountered by the researcher included:

- 1) This study covered a period from 2008 to 2014. This was the time when land conflicts were highest in the district. Land conflicts however did not take place during that period alone. It was possible that conflicts that occurred before that time could have had other factors causing them including land tenure systems. The period of the study could therefore be a limitation and future studies could be done for the earlier or post the study period
- 2) Another limitation to the study findings was the geographical coverage. This study was conducted in Nakasongola and the results limited to that geographical area. It was highly possible that in other parts of the country the findings could not be applicable. This therefore meant that the study findings could not be generalised.
- 3) Lastly, the study focused more on land tenure systems specifically customary, freehold, mailo and leasehold as the major causes of land conflicts in terms of eviction, boundary

and inheritance conflicts, however, there could be other factors that cause land conflicts that were not studied hence not generalising the study findings.

5.7 Areas for further studies

The study revealed that there were no significant positive relationship between land tenure systems and land conflict but concluded that there were rampant land conflicts in the district.

To scientifically arrive at a valid conclusion for this phenomenon of land conflict in Nakasongola, the researcher proposes that further studies be done in other parts of Uganda about land tenure systems and land conflicts so that comparisons of the findings could be done.

Secondly other areas of interest could be Presidential directives and laws, increased population Pressure and land value appreciation for economic reasons and their relationship with land conflicts

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Appendices

Appendix I: Self-Administered Questionnaire for Land community and Land Tenants

Dear respondent,

This is to kindly request for your assistance to fill in appropriate choices to enable me obtain sufficient data from your point of view based on the “LAND TENURE SYSTEMS AND LAND CONFLICTS IN NAKASONGOLA DISTRICT, UGANDA”. Please note that the questionnaire is intended for purely academic purposes and will be treated with all privacy and confidentiality.

SECTION A: Background information of the respondents

Please indicate your choice by show of a tick

1. Gender of respondents

Male

Female

2. Age of respondents

20 – 25 years

26 – 30 years

31 – 35 years

36 – 40 years

Above 40 years

Marital status

Single

Separated

Married

Widowed

Divorced

3. For how long have you lived on this Land?

Less than 5 years 6 – 15 years 16- 25 years Above 25 years

4. Please indicate your status

Land committee member Tenant

SECTION B: LAND TENURE SYSTEMS AND LAND CONFLICTS

The following are questions pertaining to Land tenure systems and Land conflict. Please indicate the appropriate answer of your choice. The scale includes 5 (**SA-Strongly Agree**), 4(**A-Agree**), 3(**UD-Undecided**), 2(**D-Disagree**) and 1(**SD-StronglyDisagree**)

LAND TENURE SYSTEMS						
Customary Land Tenure System		5	4	3	2	1
		(SA)	(A)	(UD)	(D)	(SD)
1	I understand what customary land tenure system means	5	4	3	2	1
2	Customary land ownership in Nakasongola district is based on 1995 Uganda Constitution in a manner prescribed by parliament	5	4	3	2	1
3	Customary land acquisition in Nakasongola district is communal where the household is the primary owner of the land and may include extended members of the family	5	4	3	2	1
4	Customary land in Nakasongola district is used for mainly communal use and is seen as a resource for which people have a right to use.	5	4	3	2	1
5	Customary land in Nakasongola district involve consensual decisions based on family or clan ties	5	4	3	2	1
6	The customary tenure system allows female-headed households and widows to own land.	5	4	3	2	1
7	Women have legal rights to own and inherit land.	5	4	3	2	1
8	Customary land inheritance is common among the family members in Nakasongola district.	5	4	3	2	1
9	In Nakasongola, the increasing land pressures specifically transfer of land right is blamed on the nature of the customary tenure system	5	4	3	2	1
Mailo Land Tenure System		5	4	3	2	1

		(SA)	(A)	(UD)	(D)	(SD)
10	I fully understand what Mailo land tenure system is and ownership rights are well recognised by the state	5	4	3	2	1
11	Mailo land exists in Nakasongola district and it belongs to individuals and institutions like Buganda Kingdom.	5	4	3	2	1
12	In Nakasongola District, mailo land tenants do not hold full ownership rights and must pay rent to the mailo owner	5	4	3	2	1
13	There are numerous squatters, illegally occupying Mailo land in Nakasongola district					
14	In Nakasongola District, Bibanja owners are formally authorised to use the land for a specific period of time	5	4	3	2	1
15	The existing Mailo lands, in Nakasongola district have a land value tax that is levied on the tenants with the owner being the beneficiary.	5	4	3	2	1
16	Government is helping in settling tenants on Mailo land in Nakasongola district	5	4	3	2	1
17	The local peasants or cultivators settled on Mailo land are pastoralists and engage in domestic cultivation, including agriculture on a temporary arrangement	5	4	3	2	1
Lease Land Tenure System		5	4	3	2	1
		(SA)	(A)	(UD)	(D)	(SD)
18	The leasehold land system in Uganda, Nakasongola inclusive grants the tenants' exclusive use of the land.	5	4	3	2	1
19	Land use under the leasehold land tenure system, is usually for a specific period of time known to both the parties	5	4	3	2	1
20	In Nakasongola district, the leasehold system permits the lessor to attach conditions to the leases and has the right to revoke ownership in case of abuse.	5	4	3	2	1
21	The leasehold land tenure system entails land ownership of each surveyed parcel recorded in a formal land registry, and	5	4	3	2	1

	a title deed is issued, which serves as proof of ownership					
22	Transfer rights under the freehold land tenure system is done in a legally prescribed manner	5	4	3	2	1
	Freehold Tenure Land System	5	4	3	2	1
		(SA)	(A)	(NS)	(D)	(SD)
23	Free hold land allows the owners of the land to have a deed to their land which allows them to hold the registered land indefinitely	5	4	3	2	1
24	Free hold land system exists and is used for its intended purpose within Nakasongola district	5	4	3	2	1
25	The Ugandan law gives the free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage the land as they see fit	5	4	3	2	1
26	Under freehold, the Government has authority to acquire private property in a compulsory manner as established in the Constitution	5	4	3	2	1
27	In cases of mineral exploration on the allocated free hold land, Government deserves the right to the ownership of all minerals down to the center of the earth.	5	4	3	2	1
28	Transfer rights refer to the process of transferring land rights from one individual to another in the legally prescribed manner	5	4	3	2	1
	Land Conflicts	5	4	3	2	1
		(SA)	(A)	(NS)	(SD)	(SD)
29	I understand the implication of land conflicts that result from land related indifferences.	5	4	3	2	1
30	There are numerous land conflict cases recorded by Nakasongola district authorities.	5	4	3	2	1
31	Most land disputes are evidence of pressure point on land use or localities in which competition over resource use has increased.	5	4	3	2	1

32	There are numerous land wrangles that include the eviction of land occupants within the district.	5	4	3	2	1
33	Nakasongola district handles numerous cases pertaining to land inheritance issues of which most are not resolved.	5	4	3	2	1
34	Boundary land conflicts are common in Nakasongola district and have ended into local courts or legal battles	5	4	3	2	1

Thank You

Appendix II: Interview Guide for district official and committees

Customary Land Tenure System

What do you understand by customary land tenure system in Nakasongola

What is your comment about cultural land inheritance in Nakasaongola district

How is communal land used in Nakasongola?

How is customary land disposition handled?

Mailo Tenure System

How do people acquire mailo land?

Do people still pay rent? If yes, is it appropriate? If not, why?

How do people utilise Mailo land?

What is your opinion about Mailo land tenure system?

Freehold Tenure System

Are there restrictions on utilization of land under freehold?

How do people acquire freehold?

How easy/difficult is it to transfer your rights under free hold?

Lease Hold Tenure System

What do you understand by leasehold tenure system?

Is the lease duration adequate? Could you make suggestions?

What is your comment on transfer of ownership under leasehold?

Land Conflict

What is your understanding of land conflict in Nakasongola?

What causes land conflicts in Nakasongola?

What could be done to reduce land conflicts

Inheritance, Eviction and Boundary conflicts.....Comment

Thank you

Appendix III: Documentary Review Checklist

- Land policy documents
- Land policy rules and regulations
- Uganda Constitution of 1995 specifically Article
- District Land Board Annual Reports
- Documents on existing land conflict cases.
- Newspaper Articles on Land issues specially

Appendix IV: Krejcie & Morgan Mathematical Table (1970)

N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	246
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	351
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	181	1200	291	6000	361
45	40	180	118	400	196	1300	297	7000	364
50	44	190	123	420	201	1400	302	8000	367
55	48	200	127	440	205	1500	306	9000	368
60	52	210	132	460	210	1600	310	10000	373
65	56	220	136	480	214	1700	313	15000	375
70	59	230	140	500	217	1800	317	20000	377
75	63	240	144	550	225	1900	320	30000	379
80	66	250	148	600	234	2000	322	40000	380
85	70	260	152	650	242	2200	327	50000	381
90	73	270	155	700	248	2400	331	75000	382
95	76	270	159	750	256	2600	335	100000	384

Statistics

			Customary land acquisition in Nakasongola district is communal where the household is the primary owner of the land and may include extended members of the family	Customary land in Nakasongola district is used for mainly communal use and is seen as a resource for which people have a right to use.	
N	Valid	101	101	101	101
	Missing	0	0	0	0
Mean		4.47	3.41	3.28	2.87
Std. Deviation		.807	1.079	1.297	1.354

Statistics

		Customary land in Nakasongola district involve consensual decisions based on family or clan ties	The customary tenure system allows female-headed households and widows to own land.	Women have legal rights to own and inherit land.	Customary land inheritance is common among the family members in Nakasongola district	In Nakasongola, the increasing land pressures specifically transfer of land right is blamed on the nature of the customary tenure system
N	Valid	101	101	101	101	101
	Missing	0	0	0	0	0
Mean		3.36	2.47	2.52	3.91	3.62
Std. Deviation		1.128	1.382	1.467	1.011	1.030

Customary land ownership in Nakasongola district is based on 1995 Uganda Constitution in a manner prescribed by parliament

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	6	5.9	5.9	5.9
D	12	11.9	11.9	17.8
UD	34	33.7	33.7	51.5
A	33	32.7	32.7	84.2
SA	16	15.8	15.8	100.0
Total	101	100.0	100.0	

Customary land acquisition in Nakasongola district is communal where the household is the primary owner of the land and may include extended members of the family

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	6	5.9	5.9	5.9
D	30	29.7	29.7	35.6
UD	21	20.8	20.8	56.4
A	18	17.8	17.8	74.3
SA	26	25.7	25.7	100.0
Total	101	100.0	100.0	

Customary land in Nakasongola district is used for mainly communal use and is seen as a resource for which people have a right to use.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	14	13.9	13.9	13.9
D	39	38.6	38.6	52.5
UD	12	11.9	11.9	64.4
A	18	17.8	17.8	82.2
SA	18	17.8	17.8	100.0
Total	101	100.0	100.0	

Customary land in Nakasongola district involve consensual decisions based on family or clan ties

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	4	4.0	4.0	4.0
D	26	25.7	25.7	29.7
UD	15	14.9	14.9	44.6
A	42	41.6	41.6	86.1
SA	14	13.9	13.9	100.0
Total	101	100.0	100.0	

The customary tenure system allows female-headed households and widows to own land.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	32	31.7	31.7	31.7
D	29	28.7	28.7	60.4
UD	13	12.9	12.9	73.3
A	15	14.9	14.9	88.1
SA	12	11.9	11.9	100.0
Total	101	100.0	100.0	

Women have legal rights to own and inherit land.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	36	35.6	35.6	35.6
D	22	21.8	21.8	57.4
UD	10	9.9	9.9	67.3
A	20	19.8	19.8	87.1
SA	13	12.9	12.9	100.0
Total	101	100.0	100.0	

Customary land inheritance is common among the family members in Nakasongola district.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	3	3.0	3.0	3.0
D	9	8.9	8.9	11.9
UD	11	10.9	10.9	22.8
A	49	48.5	48.5	71.3
SA	29	28.7	28.7	100.0
Total	101	100.0	100.0	

In Nakasongola, the increasing land pressures specifically transfer of land right is blamed on the nature of the customary tenure system

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	4	4.0	4.0	4.0
D	5	5.0	5.0	8.9
UD	22	21.8	21.8	30.7
A	40	39.6	39.6	70.3
SA	30	29.7	29.7	100.0
Total	101	100.0	100.0	

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Statistics

	I fully understand what Mailo land tenure system is and ownership rights are well recognised by the state	Mailo land exists in Nakasongola district and it belongs to individuals and institutions like Buganda Kingdom.	In Nakasongola District, mailo land tenants do not hold full ownership rights and must pay rent to the mailo owner	There are numerous squatters, illegally occupying Mailo land in Nakasongola district
N Valid	101	101	101	101
Missing	0	0	0	0
Mean	4.37	4.23	3.90	3.90
Std. Deviation	.758	.979	1.091	1.145

Statistics

		In Nakasongola District, Bibanja owners are formally authorised to use the land for a specific period of time	The existing Mailo lands, in Nakasongola district have a land value tax that is levied on the tenants with the owner being the beneficiary.	Government is helping in settling tenants on Mailo land in Nakasongola district	The local peasants or cultivators settled on Mailo land are pastoralists and engage in domestic cultivation, including agriculture on a temporary arrangement
N	Valid	101	101	101	101
	Missing	0	0	0	0
	Mean	2.62	3.12	3.12	3.64
	Std. Deviation	1.248	1.267	1.321	1.404

I fully understand what Mailo land tenure system is and ownership rights are well recognised by the state

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	2	2.0	2.0	2.0
D	1	1.0	1.0	3.0
UD	2	2.0	2.0	5.0
A	49	48.5	48.5	53.5
SA	47	46.5	46.5	100.0
Total	101	100.0	100.0	

Mailo land exists in Nakasongola district and it belongs to individuals and institutions like Buganda Kingdom.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	5	5.0	5.0	5.0
D	1	1.0	1.0	5.9
UD	6	5.9	5.9	11.9
A	43	42.6	42.6	54.5
SA	46	45.5	45.5	100.0
Total	101	100.0	100.0	

In Nakasongola District, mailo land tenants do not hold full ownership rights and must pay rent to the mailo owner

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	7	6.9	6.9	6.9
D	4	4.0	4.0	10.9
UD	11	10.9	10.9	21.8
A	49	48.5	48.5	70.3
SA	30	29.7	29.7	100.0
Total	101	100.0	100.0	

There are numerous squatters, illegally occupying Mailo land in Nakasongola district

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	7	6.9	6.9	6.9
D	7	6.9	6.9	13.9
UD	8	7.9	7.9	21.8
A	46	45.5	45.5	67.3
SA	33	32.7	32.7	100.0
Total	101	100.0	100.0	

In Nakasongola District, Bibanja owners are formally authorised to use the land for a specific period of time

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	22	21.8	21.8	21.8
D	31	30.7	30.7	52.5
UD	18	17.8	17.8	70.3
A	23	22.8	22.8	93.1
SA	7	6.9	6.9	100.0
Total	101	100.0	100.0	

The existing Mailo lands, in Nakasongola district have a land value tax that is levied on the tenants with the owner being the beneficiary.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	16	15.8	15.8	15.8
D	16	15.8	15.8	31.7
UD	20	19.8	19.8	51.5
A	38	37.6	37.6	89.1
SA	11	10.9	10.9	100.0
Total	101	100.0	100.0	

Government is helping in settling tenants on Mailo land in Nakasongola district

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	18	17.8	17.8	17.8
D	15	14.9	14.9	32.7
UD	18	17.8	17.8	50.5
A	37	36.6	36.6	87.1
SA	13	12.9	12.9	100.0
Total	101	100.0	100.0	

The local peasants or cultivators settled on Mailo land are pastoralists and engage in domestic cultivation, including agriculture on a temporary arrangement

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	15	14.9	14.9	14.9
D	9	8.9	8.9	23.8
UD	6	5.9	5.9	29.7
A	38	37.6	37.6	67.3
SA	33	32.7	32.7	100.0
Total	101	100.0	100.0	

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Statistics

	The leasehold land system in Uganda, Nakasongola inclusive the tenants' exclusive use of the land.	Land use under the leasehold land tenure system, is usually for a specific period of time known to both the parties	In Nakasongola district, the leasehold system permits the lessor to attach conditions to the leases and has the right to revoke ownership in case of abuse.	The leasehold land tenure system entails land ownership of each surveyed parcel recorded in a formal land registry, and a title deed is issued, which serves as proof of ownership	Transfer rights, under leasehold land tenure system comprises of the formal process of transferring land rights from one individual to another in the legally prescribed manner
N Valid	101	101	101	101	101
Missing	0	0	0	0	0
Mean	3.82	4.10	3.93	4.08	4.05
Std. Deviation	1.108	.964	1.022	.891	0.931

The leasehold land system in Uganda, Nakasongola inclusive grants the tenants' exclusive use of the land.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	7	6.9	6.9	6.9
D	7	6.9	6.9	13.9
UD	9	8.9	8.9	22.8
A	52	51.5	51.5	74.3
SA	26	25.7	25.7	100.0
Total	101	100.0	100.0	

Land use under the leasehold land tenure system, is usually for a specific period of time known to both the parties

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	2	2.0	2.0	2.0
D	8	7.9	7.9	9.9
UD	6	5.9	5.9	15.8
A	47	46.5	46.5	62.4
SA	38	37.6	37.6	100.0
Total	101	100.0	100.0	

In Nakasongola district, the leasehold system permits the lessor to attach conditions to the leases and has the right to revoke ownership in case of abuse.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	5	5.0	5.0	5.0
D	2	2.0	2.0	6.9
UD	20	19.8	19.8	26.7
A	42	41.6	41.6	68.3
SA	32	31.7	31.7	100.0
Total	101	100.0	100.0	

The leasehold land tenure system entails land ownership of each surveyed parcel recorded in a formal land registry, and a title deed is issued, which serves as proof of ownership

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	1	1.0	1.0	1.0
D	4	4.0	4.0	5.0
UD	18	17.8	17.8	22.8
A	41	40.6	40.6	63.4
SA	37	36.6	36.6	100.0
Total	101	100.0	100.0	

Transfer rights, under leasehold land tenure system comprises of the formal process of transferring land rights from one individual to another in the legally prescribed manner

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	3	3.0	3.0	3.0
D	4	4.0	4.0	6.9
UD	11	10.9	10.9	17.8
A	50	49.5	49.5	67.3
SA	33	32.7	32.7	100.0
Total	101	100.0	100.0	

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Statistics

	Free hold land allows the owners of the land to have a deed to their land which allows them to hold the registered land indefinitely	Free hold land system exists and is used for its intended purpose within Nakasongol a district	The Ugandan law gives the free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage the land as they see fit	Under freehold, the Government has authority to acquire private property in a compulsory manner as established in the Constitution	In cases of mineral exploration on the allocated free hold land, Government deserves the right to the ownership of all minerals down to the center of the earth.	Transfer rights refer to the process of transferring land rights from one individual to another in the legally prescribed manner
N	Valid	99	101	101	101	101
	Missing	2	0	0	0	0
Mean		4.23	3.65	4.03	2.93	4.11
Std. Deviation		.902	1.307	1.109	1.243	1.014

Free hold land allows the owners of the land to have a deed to their land which allows them to hold the registered land indefinitely

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	2	2.0	2.0	2.0
	D	4	4.0	4.0	6.1
	UD	7	6.9	7.1	13.1
	A	42	41.6	42.4	55.6
	SA	44	43.6	44.4	100.0
	Total	99	98.0	100.0	
Missing	System	2	2.0		
Total		101	100.0		

Free hold land system exists and is used for its intended purpose within Nakasongola district

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	11	10.9	10.9	10.9
D	9	8.9	8.9	19.8
UD	16	15.8	15.8	35.6
A	33	32.7	32.7	68.3
SA	32	31.7	31.7	100.0
Total	101	100.0	100.0	

The Ugandan law gives the free hold landowner, complete rights to use, sell, lease, transfer, subdivide, and mortgage the land as they see fit

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	6	5.9	5.9	5.9
D	5	5.0	5.0	10.9
UD	9	8.9	8.9	19.8
A	41	40.6	40.6	60.4
SA	40	39.6	39.6	100.0
Total	101	100.0	100.0	

Under freehold, the Government has authority to acquire private property in a compulsory manner as established in the Constitution

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	13	12.9	12.9	12.9
D	29	28.7	28.7	41.6
UD	24	23.8	23.8	65.3
A	22	21.8	21.8	87.1
SA	13	12.9	12.9	100.0
Total	101	100.0	100.0	

In cases of mineral exploration on the allocated free hold land, Government deserves the right to the ownership of all minerals down to the center of the earth.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	5	5.0	5.0	5.0
D	7	6.9	6.9	11.9
UD	10	9.9	9.9	21.8
A	29	28.7	28.7	50.5
SA	50	49.5	49.5	100.0
Total	101	100.0	100.0	

Transfer rights refer to the process of transferring land rights from one individual to another in the legally prescribed manner

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	4	4.0	4.0	4.0
D	4	4.0	4.0	7.9
UD	9	8.9	8.9	16.8
A	40	39.6	39.6	56.4
SA	44	43.6	43.6	100.0
Total	101	100.0	100.0	

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Statistics

		I understand the implication of land conflicts that result from land related indifferences .	There are numerous land conflict cases recorded by Nakasongola district authorities.	Most land disputes are evidence of pressure point on land use or localities in which competition over resource use has increased.	There are numerous land wrangles that include the eviction of land occupants within the district.	Nakasongola district handles numerous cases pertaining to land inheritance issues of which most are not resolved.	Boundary land conflicts are common in Nakasongola district and have ended into local courts or legal battles
N	Valid	101	101	101	101	101	101
	Missing	0	0	0	0	0	0
Mean		4.09	4.51	4.27	4.42	4.27	4.36
Std. Deviation		.971	.756	.847	.816	1.048	1.101

I understand the implication of land conflicts that result from land related indifferences.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	5	5.0	5.0	5.0
D	3	3.0	3.0	7.9
UD	4	4.0	4.0	11.9
A	55	54.5	54.5	66.3
SA	34	33.7	33.7	100.0
Total	101	100.0	100.0	

There are numerous land conflict cases recorded by Nakasongola district authorities.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	1	1.0	1.0	1.0
D	2	2.0	2.0	3.0
UD	4	4.0	4.0	6.9
A	31	30.7	30.7	37.6
SA	63	62.4	62.4	100.0
Total	101	100.0	100.0	

Most land disputes are evidence of pressure point on land use or localities in which competition over resource use has increased.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	1	1.0	1.0	1.0
D	4	4.0	4.0	5.0
UD	8	7.9	7.9	12.9
A	42	41.6	41.6	54.5
SA	46	45.5	45.5	100.0
Total	101	100.0	100.0	

There are numerous land wrangles that include the eviction of land occupants within the district.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	1	1.0	1.0	1.0
D	3	3.0	3.0	4.0
UD	6	5.9	5.9	9.9
A	34	33.7	33.7	43.6
SA	57	56.4	56.4	100.0
Total	101	100.0	100.0	

Nakasongola district handles numerous cases pertaining to land inheritance issues of which most are not resolved.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	1	1.0	1.0	1.0
D	9	8.9	8.9	9.9
UD	12	11.9	11.9	21.8
A	19	18.8	18.8	40.6
SA	60	59.4	59.4	100.0
Total	101	100.0	100.0	

Boundary land conflicts are common in Nakasongola district and have ended into local courts or legal battles

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid SD	5	5.0	5.0	5.0
D	4	4.0	4.0	8.9
UD	7	6.9	6.9	15.8
A	19	18.8	18.8	34.7
SA	66	65.3	65.3	100.0
Total	101	100.0	100.0	

Regression results for Land Tenure Systems and Land Conflict

REGRESSION

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 /NOORIGIN
 /DEPENDENT Landconf
 /METHOD=ENTER CustomaryTS.

Regression

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Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Customary ^a	.	Enter

a. All requested variables entered.

b. Dependent Variable: Customary

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.336 ^a	.113	.104	.54265

a. Predictors: (Constant), Customary

ANOVA^b

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.707	1	3.707	12.587	.001 ^a
	Residual	29.153	99	.294		
	Total	32.860	100			

Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Customary ^a	.	Enter

a. Predictors: (Constant), Customary

b. Dependent Variable: Land conflict

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.337	.364		6.428	.000
	Customary	.338	.095	.336	3.548	.001

a. Dependent

REGRESSION

/MISSING LISTWISE

/STATISTICS COEFF OUTS R ANOVA

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/NOORIGIN

/DEPENDENT Landconf

/METHOD=ENTER MailoTS.

Regression

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Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Mailo ^a	.	Enter

a. All requested variables entered.

b. Dependent Variable: Mailo

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.538 ^a	.289	.282	.56657

a. Predictors: (Constant), Mailo

ANOVA^b

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	12.949	1	12.949	40.338	.000 ^a
	Residual	31.779	99	.321		
	Total	44.728	100			

a. Predictors: (Constant), Mailo

b. Dependent Variable: Land conflict

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.051	.361		5.673	.000
	Mailo	.628	.099	.538	6.351	.000

REGRESSION

/MISSING LISTWISE
 /STATISTICS COEFF OUTS R ANOVA
 /CRITERIA=PIN(.05) POUT(.10)
 /NOORIGIN
 /DEPENDENT Landconf
 /METHOD=ENTER FreeholdTS.

Regression

[DataSet1] G:\Others\October 2015\FREDRCIK nakasongola\final results xx.sav

Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Freehold ^a	.	Enter

a. All requested variables entered.

b. Dependent Variable: Freehold

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.319 ^a	.102	.093	.63699

a. Predictors: (Constant), Freehold

ANOVA^b

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	4.557	1	4.557	11.232	.001 ^a
	Residual	40.170	99	.406		
	Total	44.728	100			

a. Predictors: (Constant), Freehold

b. Dependent Variable: Land conflict

Coefficients^a

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
1 (Constant)	2.904	.427		6.805	.000
Freehold	.375	.112	.319	3.351	.001

REGRESSION

/MISSING LISTWISE
 /STATISTICS COEFF OUTS R ANOVA
 /CRITERIA=PIN(.05) POUT(.10)
 /NOORIGIN
 /DEPENDENT Landconf
 /METHOD=ENTER Leasehold TS.

Regression

[DataSet1] G:\October 2015\FREDRCIK nakasongola\final results xx.sav

Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Leasehold ^a	.	Enter

a. All requested variables entered.

b. Dependent Variable: Leasehold

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.466 ^a	.217	.209	.59487

a. Predictors: (Constant), Leasehold

ANOVA^b

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	9.695	1	9.695	27.396	.000 ^a
	Residual	35.033	99	.354		
	Total	44.728	100			

a. Predictors: (Constant), Leasehold

b. Dependent Variable: Land conflict

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.311	.388		5.953	.000
	Leasehold	.502	.096	.466	5.234	.000