

PROJECTABSTRACT

Masters of Arts in Leadership

Adventist University of Africa

School of Post Graduate Studies

Title: STRATEGIES FOR IMPROVING LAND MANAGEMENT IN
BUWALASI SEVENTH-DAY ADVENTIST CHURCH, EASTERN
UGANDA FIELD

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Land in rural Bugisu sub-region is acquired and disposed of through customary tenure. The customs seem to favor the individuals more than the institutions. The Buwalasi Seventh-day Adventist Church District has been severely affected by unceasing land wrangles which has contributed to the slowing of the mission work. The unavailability of guidelines and recommendations relating to the acquisition of land for church activities persist as a problem.

The purpose of this study was to develop strategies for improving land management for the Buwalasi Seventh-day Adventist Church. The study adopted quantitative and qualitative approaches.

Questionnaire and focus group discussion were used as the main instruments for data collection. The level of land management by the church was found to be low

meaning that the church leadership did not manage well the church land as expressed in statistical value where $\text{Mean}(\bar{X}) = 1.93$; SD 0.75. As a result of the study, church members in Buwalasi SDA church learnt numerous issues pertaining to land. Some of them who were customary land holders gained insight and started the process of acquiring customary certificates of occupancy. The interventions and the recommendation pointed to the need for the church to:

1. Establish clear landmarks through planting of trees in the boundaries;
2. The Church Board to embark on the process of registering the lands through the government office of land;
3. Sensitize Buwalasi Seventh-day Adventist Church members and the district churches on processes required to secure the mission lands.

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IN BUWALASI SEVENTH DAY ADVENTIST
CHURCH, EASTERN UGANDA FIELD

A project
presented in partial fulfillment
of the requirements for the degree
Masters of Arts in Leadership

by
Jared Kauke

March 2023

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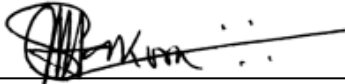
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This project is dedicated to the Seventh Day Adventist Church,
Eastern Uganda Field through Uganda Union

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LIST OF ABBREVIATION

CVI	Content Validity Index
EFCA	Evangelical Free Church of America
GNA	Ghana News Agency
IPs	Indigenous Peoples
LN	Leadership Network
SD	Standard Deviation
SDA	Seventh - day Adventist
SPSS	Statistical Package for Social Scientists
TMI	Total Member Involvement

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CHAPTER 1

INTRODUCTION

Background of the Study

The Ministry of Lands, Housing and Urban Development, says there are four types of land tenure clearly spelt out in the constitution of Uganda. These include mailo land tenure, freehold tenure, leasehold tenure and customary tenure. One ought to be conversant with the nitty-gritty of these tenures before buying land under any of them. The Land Act 1998 defines freehold tenure as a tenure that bestows upon someone ownership of registered land in eternity, this type of tenure was set up by the 1900 agreement between Buganda and the British colonial government. Most owners of land under this tenure acquired it as grants from the colonial government before independence and from the Uganda Lands Commission after independence –with only a few having bought it mostly from government.

The Land Act specifies that the holder of land in freehold has full power of ownership, which means they can use it for any lawful purpose and sell, rent, lease, dispose of it by will. The act also decrees that only citizens of Uganda are entitled to own land under freehold tenure, with non-citizens allowed only the alternative of leasing it for a period of up to 99 years. About obtaining certificates of title under this tenure, one must pursued it directly through the government authorities where the Sub-county land office, the district land office and the zonal office of the Ministry of Lands are all involved.

The Mailo type of tenure is predominantly in Buganda, with some minimal parts of Ankole, Bunyoro and Tooro sub-regions having it. It is one where permanent ownership of a large plot of land belongs to landlords who acquired it through the 1900 Buganda agreement, while at the same time tenants on the land are recognised and they also have rights to live on and utilise the land. Under Mailo land tenure, owners have perpetual ownership and are free to sell or pass on their rights to their heirs. On the side of selling, many mailo holders have since 1900 sold off their holdings, to such an extent that the Ministry of Lands puts the number of owners to have risen to more than 200,000 today courtesy of so many having inherited or bought parts of what was previously one piece of land, thereby causing its subdivision.

On the side of the constitution, it states that mailo land owners are not allowed to use their powers against the interests of customary tenants, bona fide or lawful occupants. This provision was introduced in 1998 and revised further in 2010 with the aim of inhibiting the possible eviction by landlords of people occupying mailo land as customary tenants or squatters. It is important to note that there are no more new titles issued for land under Mailo tenure, because all titles were issued prior to 1928. What is done today is only further subdivision of the existing titles which were issued prior to 1928, as well as changing the names on the titles in cases where ownership is being transferred. Under the process of subdivision and transfer of ownership, the applicant and the transferring land owner both fill application forms with the zonal office of the ministry of lands in their area, then wait for the zonal office to complete the rest of the process.

With the exception of Buganda which is mainly held under Mailo, land in other parts of Uganda is held mostly under the customary tenure. He says the Land Act of the Constitution describes this tenure as one where land is owned communally,

by a clan, or a tribe, among others. There are different forms in which customary land tenure exists in different parts of Uganda. “In some places the land is held communally, in some it belongs to a particular clan while in others, it is held by individuals. The rules of customary law also vary in different parts of the country. The Land Act 1998 states that customary land tenure shall be governed by rules generally accepted as binding by the particular community, and anyone who acquires land in that community shall also be bound by the same rules.

As per the customary tenure, obtaining of a private certificate of title is possible for individuals, whereby they simply have to agree with the community that owns the land (the clan or tribal chiefs), then the Sub-county and government land boards take up the process of issuing the title. The constitution also provides for turning of an individual on communal tenure into one on freehold, and lease hold can also be issued by owners to tenants under this tenure.

The 1998 Constitution describes leasehold tenure as one where one party grants to another the right to exclusive possession of land for a specified period, usually in exchange for the payment of rent. Under this type, a land owner (whether through freehold, Mailo or customary tenure) grants a lease to another person. In practice, much of the land that is leased was previously owned by government bodies, particularly the Land Commission and the District Land Board, and normally this comes with some development conditions imposed on the land’s subsequent use by those to whom it is leased.

The process of obtaining a certificate of title under Mailo land is supposed to be done through law. Denis Obbo, the spokesperson of the Ministry of Lands, Housing and Urban Development points out that it is important to note that no new titles are offered under Mailo Land, but rather old titles are either subdivided or

transferred into new names. In order to get a land title subdivided or transferred; you get the plot and block number of the land, then present it to the Registry of Titles who will confirm whether it is registered. After, you pick an application form from the Land Commission, fill it in (indicating either subdivision or transfer) and return it to the commission. At the same time, the owner from who you are buying fills in a transfer form and two consent forms. Thereafter a survey of the land is done, and the ministry completes the process by filling and issuing a mutation form. Getting the title. After the process is complete, the ministry offers you your title either subdivided off an existing one, or an old one fully changed into your names.

According to ASP Emilian Kayima, the spokesman of the Land Protection Unit of the Uganda Police, the problem of dual ownership mainly on Mailo land is a challenge which has arisen as a result of the law giving rights of ownership and usage to more than one person for the same plot of land. He says in its interest to protect tenants, the law gives the tenants powers that are almost of ownership, because the law states that a landlord cannot sell off any piece of land without the consent of the tenants. He says this is the cause of most of the wrangles among people who buy land under Mailo tenure and tenants they find on the land. Kayima continues to say that what some Mailo landlords do is sell off land without the consent of the tenants, and in the end the new buyer gets in trouble with the tenants who were not informed of the sale by their landlord, yet the law protects them that if they were not informed then they have to be compensated.”

He therefore advises that anyone buying land under Mailo tenure where the land has tenants, the buyer has to first ensure that the existing landlord and his tenants have reached a memorandum of understanding, or else the buyer will end up in conflict.”

Hansen (2002) mentions the article 6 of the General Act of the Berlin Conference in 1885 which did specify the permission given to missionaries to come to Africa. It did not segregate on the nationality of the missionaries. The colonial government was to allow any missionary from any nationality into its territory. This article in particular mentioned that missionaries deserved special protection from the state and were to be given preferential treatment. This was because they were seen as special tools that would assist in the process of civilizing the native Africans which in turn would make the work of colonization simpler. Spear (1999) adds that once the missionaries were allowed into their territories, their work would be simplified since they would teach the natives on how to read, write and other basic skills related to civilization. The missionaries were also seen as instruments that would be used in areas or regions that the colonizers were not able to access or penetrate.

The relationship between the state and the missionaries did change over time depending on the countries of the governing colonizers and the origins of the missionaries. In Uganda for example, the colonizers in the 1890s were not that very influential and once called in the missionaries to work closely with the native chiefs. Hansen (1984) states that this made the missionaries to majorly rely on the colonizers. There are also those that interpreted this agreement in different ways. A good example is the colonial state in Kenya who allowed the missionaries to only operate in some designated areas and this led to certain churches emerging in only specific areas that they were allowed to operate in, thereby giving rise to what they termed as tribal churches. This led the British to only allow the Anglican and Catholic missionaries into Uganda. The British colonizers did try to ensure that the missionaries did have enough and equal access to land since they believed that this was the only that would

ensure they both were treated equally and gave them enough freedom to operate without interference.

In the early 20th century, the missionaries were important in the interpretations of the land policies. This was as a result of the transition from the traditional land ownership policies and the new ones that were being introduced by the colonial authorities. Peters (2009) mentions that what was given priority was the conversion of land from the communal ownership to private ownership which was being introduced by the colonizers. Before the coming of the colonizers and missionaries, native Africans owned land communally. He continues to write that the missionaries never supported the idea of collective landholding, they also believed that they had exclusive rights to land, whether the natives liked it or not. This laid bare the missionaries' 'greed' for land. Erasmus (2007) mentions missionaries in former Rhodesia and South Africa as being the main culprits. It was evident in these territories that the natives were always being forced to move to other areas so as to create room in the fertile lands for the missionaries.

During the colonial times, missionaries in Uganda were allowed to own land in two ways. In the Buganda Kingdom, they were given what was referred to as Mailo land under the free hold tenure system. Those who were outside the Buganda Kingdom were given what is called crown land. Batungi (2002) writes that this arrangement allowed the missionaries to have freehold tenure systems. Although customary land tenure was allowed, it had restrictions under the Crown Lands Ordinance of 1993.

Today, most land in Uganda and especially in the northern part is under the customary tenure system. Land under communal system is land that is in the possession of a given clan or people in a given community (Amone & Lakwo, 2014).

The Anglican and Catholic churches were given crown land status and were expected to help in civilizing the natives. In 1923, Temporary Occupation Licenses were introduced to make them pay some rent for the land and that the land would only be used for religious and education purposes only. The local native chiefs never viewed their agreement with the colonizers this way, to them the agreement was that they had given the land to the missionaries so that they would get in exchange education and health services and that the land would remain communal. This disagreement on whether the land given to the missionaries remained communal or if it was now crown land as stated by the colonizers has remained an element of dispute up to date in matters of church land.

The mission stations that were established did play a crucial role in making people patriotic and those who were educated were expected to be more patriotic but later turned out to give rise to a political elite who later played a major role in politics after independence. The association that existed between the missionaries and the colonizers was seen in the link that rose between the ruling class and the church leaders in Uganda. After Uganda became a republic, Gifford (1998) explains that the Anglicans aligned themselves with the Uganda People's Congress (UPC) while the Catholics the Democratic Party (DP). The UPC won the first elections in Uganda in 1962 and this made the Anglicans dominate the Catholics in the government that was formed.

With the coming in of the NRM, the dominance of the UPC and DP ended but the association between the state and church on land issues has remained steadfast. This relationship now goes beyond and includes private businesses where each wants to show its prowess there by giving rise to more conflicts in matters to do with land. It is within this context of changing church–state relations, the growing association of

churches with private business, the declining public authority of religious leaders, and weakening links between churches and community development that we can understand the rampant disputes over church land in contemporary Uganda.

It is hard to tell how much land churches hold in Uganda since just small fraction of what the churches own are not well documented. This is because the state and the church still operate on the mutual trust that existed since the colonial times. In addition, the churches also claim that they do not have enough funds to enable them call on the surveyors to work on their lands so that the data retrieved can be entered into the national grid. To make matters worse, most church leaders view land to be a very sensitive issue and none would dare divulge any information on it to anyone. This makes the information on the church and land to be scarce.

It is however, encouraging that there are traces of some information on land belonging to the churches at the local church levels. A good example of available information on land owned by a church is on the Catholic Archdiocese of Gulu that has a total of 27 parishes each with between 10 and 20 chapels. These chapels are in charge of land, the buildings and even farming across the church lands. Within the vicinity of Gulu town, the church has a combination of lease and freehold titles that covers almost 500 acres of farmland. In Bukedi, the Anglicans own roughly over 4000 of land amongst the parishes and sub parishes (Butungi, 2002).

Butungi (2002) proceeds to state that these churches not only own land in the remote sections of the country but also in the posh areas of the towns and cities. They also own prime commercial properties within the city. He gives an example of a recent transaction between the church and the Catholic Church where the government paid the church a huge amount of money to purchase a piece of land near Entebbe airport.

Kandel (2017) writes that landholding has been of great concern for most churches. The church leaders are concerned by the non-payment by the tenants, grabbing of church land and even encroachment of church land by politicians, squatters and other influential people within the society. There are also cases where the church is involved court battles with neighbors over boundary issues or people who had originally donated the said lands to the churches and are now claiming them back. Such people claim that they had just given the churches user rights over the pieces of land and had not surrendered ownership of the land to the churches. This has prompted most of the churches to initiate the process of documenting their pieces of land with the national government so to help secure their pieces of land. Pentecostal churches seem to follow a different and safer landholding pattern since they are mostly located on the lands that are owned by their founders or those that are bought purposively for such purposes.

Sjogren (2014) argues that the church nowadays are entangled in any national debates on land so as to help avoid any troubles that might arise out of owning land. They are always seen trying to comment or take part on issues to do with the legislation of land matters. Churches are also involved in mediating between parties that are involved in land tussles. There are those who say that the church is involved in land matters for the sake of peace within the society, while there are those who feel that the churches do so in order to protect their personal interests.

Christiansen (2010) believes that the church is a unique land owner and should be treated in a special way. They do own land both a privately and communally and must be given a listening ear when it comes to matters of land tenure. It is not prudent for the government through the ministry of lands to deal with the church in the same

way they are dealing with individuals or other entities, they need special preference treatment.

The Buwalasi Seventh-day Adventist Church is the first Adventist Church to be planted in the Bugisu Sub-region in the Eastern Region of Uganda in the late 1930s. Bugisu sub-region is situated on the Mount Elgon and its ranges and because of its fertile volcanic soils, it has attracted and supports a dense population who get their livelihood through agriculture. This population thrives mainly on two traditional crops, that is, Bananas locally called Matoke which are thought to have been domesticated in Uganda about 200 years ago and it flourishes in gardens for ages without need for replanting; and Coffee which was introduced in the area at the beginning of the twentieth century AD.

Apart from the forest reserves, virtually all other land area is covered by bananas intercropped with coffee. The developments that have come up in the sub-region over the years were a tarsal with the traditions to destroy the bananas and the coffee plants.

Land in the Bugisu sub-region has for the time immemorial been governed under the customary ownership tenure. Whereas, the Uganda Government instituted laws to govern the acquisition, utilization, and disposal of land, the sub-region relay on large measure on customary unwritten laws to obtain and dispose land. Land naturally is acquired through inheritance, apportioning to the sons and daughters at an appropriate time and through purchase from the ancestral owners. Land ownership is verified by the presence of three significant things: i) the grave(s) of the deceased relative(s) which according to the customs one is buried on a family piece of land notwithstanding the distance in which death occurred the remains of the deceased are brought and buried on the ancestral land.

The Buwalasi Seventh-day Adventist Church was planted on a piece of land donated by the first convert in 1937, this was done without exhausting the customary procedures. In the 1980s series of land wrangles ensued on this piece of land leading to the scooping from the Church a chunk of land bearing bananas and coffee plantation. The remaining piece of land is insecure to the present day and there are law suits against the church over the land at the District Court.

Owing to the land dispute which has perpetuated for long, the church membership of the Buwalasi Seventh-day Adventist has not been stable; the Church School has staggered ever since its inception in 1943 and overall development of the church has been disrupted.

Statement of the Problem

Land in rural Bugisu sub-region is acquired and disposed of through customary tenure. The customs seem to favor the individuals more than the institutions. The Buwalasi Seventh-day Adventist Church District has been severely affected by unceasing land wrangles which has contributed to the slowing of the mission work. The unavailability of guidelines and recommendations relating to the acquisition of land for church activities persist as a problem. Out of the 13 SDA churches in Buwalasi, none has a land title deed to indicate the legal ownership. This has precipitated land conflicts between the churches and the communities.

Purpose of the Study

This study purposes to develop guidelines and recommendations for improving land management for the Buwalasi SDA church.

Research Questions

The study attempted to answer the following research questions:

1. What is the demographic characteristics of Buwalasi SDA Church members in East Uganda Field?
2. What is the level of awareness of land tenure systems amongs Buwalasi SDA Church members in East Uganda Field?
3. Which ways can be employed to improve land management for Buwalasi SDA Church members in East Uganda Field?
4. What is the importance of land tenure security to the Buwalasi SDA Church members in East Uganda Field?

Significance of the Study

Buwalasi Seventh-day Adventist Church District is not the only one facing difficult situation relating to land conflict, churches within the sub-region and beyond are experiencing similar strains. This study sought to understand problems relating to the customary land acquisition framework, the Uganda laws on land acquisition and management. It is hoped this work will aid the leaders of the SDA church in Buwalasi District to know how to manage land for church development.

Scope of the Study

The study focused on strategies of improving land management at Buwalasi SDA churches. The study looked at the land management practices and issues arising thereof from 2012 to 2017, a period marked with series of unsettled land wrangles and tension between the church and the community.

Limitations of the Study

The land conflicts seem to be widespread among the churches in the Eastern Uganda Field. It would need significantly bigger resources in terms of time, funds, and personnel to do a fair coverage of all. It, therefore, necessitated setting boundary lines in accordance to the time frame agreed for this study. Whereas, Buwalasi Church District has twelve congregations planted on different lands, the study focused on three congregations, namely Buwalasi, Rwasheba, and Kodiata.

Definition of Terms

Land: this term is used to mean parcel in which Buwalasi SDA church sits.

Leasehold: in the present study, this term is used to mean the partial right to own a piece of land for some time.

Land Management: According to this study, this referred to acceptable land acquisition procedures, land right ownership and land tenure (freehold) and protecting of Buwalasi SDA churches in Buwalasi.

Land Acquisition: In this study, this term was used to refer to this referred to the process where Buwalasi SDA church take possession of land for its own use by paying compensation to its owner.

Land Rights: in this study, this term was used to the right to use and own the piece of land where Buwalasi SDA church sits over the period of their lease.

Land Tenure: in this study, this term was used to mean the relationship that exists within Buwalasi SDA church and their hold of respect to land and land-based resources, such as trees, pasture, and water.

CHAPTER 2

REVIEW OF LITERATURE

Chapter 1 presented the leadership challenge relating to land management at Buwalasi Seventh-day Adventist Church District. This chapter is a review of related literature both biblical and other literature in an attempt to gather insights on how land was managed in biblical times, and to establish the modern-day practices in managing land within Uganda as laid down within the provisions of the law. This is sought for the benefit of locating a bearing on which to address the problem stated in the previous chapter.

Biblical View of Land Ownership

The framework to discuss land ownership receives the construct in the Psalmist declaration in Psalm 24:1 that the Lord owns the earth and all that is in it plus all those who live within it. It is clearly narrated in the Bible, at creation man (in generic terms) was placed in the Garden of Eden and was given the responsibility of managing and taking care of it in line with proper instructions given him (Gen 2:15). The design was for man to live an enjoyable life with his Creator as a steward in administering what was placed under his care. However, man deviated from the guidelines, desiring to make self-directed decisions on his own contrary to the instructions of the Owner of the Garden. This put him in great trouble resulting in his expulsion from the garden (Gen 3:23). Man, as the Psalmist describes him, became a

stranger in the land in which he was driven and dwelt there as an alien (Ps 39:12; 119:19; Lev 19:34).

The patriarchs are counted to have been wandering Aramean (Deut 26:5) implying they did not have stable residences hence managing land on a permanent basis was not viable. In this scenario the Lord God first promises Abram the land of Canaan, a figure of the garden of Eden from which man was driven (Gen 12:1-3, 26:3-5). The promise of land is not limited to Abraham, it is a dominant subject throughout the Bible i.e. Deuteronomy 34, Exodus 3:17, Psalm 137: 1-6, Ezekiel 36:24, Revelation 21:1 to mention but a few.

Right from creation, land plays a prominent place as a place where God's space and human space linked ensuing gracious relationship at its best (Gen 1- 2). Genesis 4-11 narrates of a descending spiral of humans living in sin away from God's company which ushered in crises including land related disagreements rendering some to usurp land rendering others landless. .

In the persistent promise, it appears land was not regarded as a commodity to be parceled but as an inheritance and was tied to a covenant in the renewed relationship between God the owner and Israel the steward. It was not to be abused but treasured as Leviticus 25 and 26 stipulates. For Israel to enjoy the land they inherited, they had to recognize and respect some basic facts:

1. That God owned the land and can get rid of it at will if it pleases Him.
(Lev 25:2, 23, 38).
2. God owned Israel because He redeemed them from Egyptian bondage
(Lev 25:55).

3. God owned both the land and Israel, and for the Israelites' enjoyment of the land was tied on loyalty to the will of the owner and respect for one another as they lived on the Promised Land.

The Principle of Buying Land

Scripture exhibits the practice of buying land when the intent is to hold it for a length period and desiring to have unfettered access to it. In the event of the death of Abraham's wife Sarah, Heth's sons offered free access to their burial place to him so that he could lay his wife to rest, but Abraham desired to have an autonomy to a property where he intended to bury his wife, he declined the offer opting to pay for it (Gen 23:12-16).

When the deal was struck, a process of legally transferring the property which comprised of the field, the cave, and the trees was undertaken in the midst of the Hittite elders as witnesses to this transaction at the City gate which was an administrative organ as stated in Gen 23:17 that the gates of the city were crucial for biblical activities and it is here that crucial economical, judicial or political interactions took place.

Land was bought in the presence of witnesses who included the inhabitants, and the elders, and the process was finalized at the city gate as exemplified in Boaz's purchase of what belonged to the house of Elimelech (Ruth 4:4,9,11)

Scriptures seem to stress the idea of paying for land, even if it is land set aside for worship. A good example is when a piece was purchased by King David at Jubusite. Araunah the owner of the land offered it for free to the King knowing that it was for the purpose of electing an altar for the LORD. King David rejected the free offer insisting on paying for it (2 Sam 24: 18-25).

The practice of paying for the land is as well evidenced by the prophet Jeremiah through the act of buying and further instituting it to be a necessary procedure in acquiring fields. An elaborate system was instituted involving: assembling witnesses to the transaction, writing of the purchase agreement, the signing and sealing of the agreement according to the law and custom, and securing the documents in a safe for posterity, and concluded with the injunction thus says the LORD (Jer 32:9-16, 43- 44).

Exodus and the Settlement

The departure and arrival of the children of Israel in the Promised Land took a span of 40 years (Josh 5:6). It is worth noting that this journey had the Sinai experience where Israel was oriented to the Law which expressed God's will and requirements for the covenant relationship toward God and the relationship between one another (Exod 20). The Exodus and the Law illuminated the identity of the God who cared so much as to redeem Israel from the land of slavery in Egypt and ushers them in the Promised Land, the God who enters into a covenant with the redeemed, and the consent of the people to abide by the set commandments. The wondering in the desert was a necessary preparation for the Israelites' entrance into the Land. Their entrance ensued a series of struggle with the Canaanite and the other nations in the region over land.

Scripture demonstrates that the Israelites were a people who took keen interest in the land on which they lived. They traced their ancestry history from Aram Naharam, Egypt, and finally in fulfilled promise in Canaan, they reckoned that if it were not for the Lord, they would have not made it to Canaan (Deut 7:8, 9:5; 11:15).

The fulfillment of the promise of land became the impetus for them to believe that it was necessary to do the will of God who kept the promise if they were to enjoy the promise. The Canaanites were expelled from the land due to their sin.

According to the OT laws, God had did lay out laws to guide on ownership by linking to His power and ownership of the same by saying that the land that the Israelites were given was not to be sold since they were just passersby. We see this in Leviticus 25: 8-34 which majorly talks about business and land ownership.

Boundary Markers on the Land

Scripture provides a Holy warning to those who think or plan to extend that old land marker that indicated boundaries. We see in Deuteronomy 19: 14 stating that one should never attempt any land mark that demarcates it that was planted by those who lived before and has acted as an inheritance from God (Augustin, 2012). Deuteronomy (27:17) also provide evidences of the warning where it written clearly that anyone who attempts to move a landmark set as a boundary is cursed. It is further written in Job 24:2 that there are some who love moving old boundary markers and keep cattle that do not belong to them. Proverbs 22:28 states it even clearer by stating that no one should move a boundary set or try to invade the land belonging to orphans.

In the ancient Roman Empire, this was a crime whose sentence was death, and this made this act to be viewed as a serious one. John (1999) writes that this moving of the set land mark can be viewed as cheating twice since it can be viewed as stealing and at the same time being a false witness. In the same way, Talmud (1988) says that any laws to do with land is holy and has something to do with God. The Scriptures stipulate how land acquisition can be done in a lawful way without being involved in theft. It can be done through inheritance, working hard and through being wise (Prov

19:14 and Deut 21:16). It is advisable that we should be allowed to get good things by working hard, then we get paid, then save this money which we can in the end can used to purchase pieces of land which we can easily own.

Biblical Perspective of Tenure System

The Old Testament projects a tenure system that made provisions for the rejuvenation of the land in a seven-year cycle, and then the land is reverted back to its first owner within a cycle that spanned to years. Within these years, during the seventh year, it was mandatory for the land to be fallowed then those who owed were to pay as depicted in Exodus 23:11. Jubilee was then marked at the end of these cycle of seven years and this was agricultural in nature and was like a laid down law which was to help in the taking care of food productive land. This is how the people survived in those days.

Leviticus 25 highlights the role that was played by the families in the determining who could hold possession of the land which was in a position to be cultivated. The land tenure system was given as a strict agricultural law with the intention of ensuring equity in the possession of such which formed the foundation for their subsistence. The stipulation in the tenure system forbade permanent sale of land.

However, under circumstances where there was great need and there was no any other source of fund, the owner could be allowed by law to sell or lease it out for some time. The provision was instituted that enabled the family or a relative to redeem the land. In cases where this arrangement was not feasible, the jubilee legislation provided for the individual or family to regain the land (Lev 25:25).

Kaiser (2013) explains how the Israelites handled the issues of land after coming back from exile in the book of Nehemiah 32. They did put to hold any agrarian laws on land in the seventh year and had to do away with all the debts as was

directed by Yahweh in His laws. It is here that they were required to allow the land stay idle for some time so that the poor and wild animals could also get a chance to have a taste of these rich vineyards full of olives.

In the second part of Leviticus 25, Bess (2011) describes what happened to the lands during the period that it was to be left hollow. This period was also at times referred to as the Sabbath of the Lord as the land was supposed to have a total rest. Clay (2012) describes the third part as described in Deuteronomy 15 where the Israelites are ordered to see the seventh year as the year when they should pay any debts that they have. It is also during this time that they are also warned against letting the repeated seventh year to make them hard against those who are pressed to ask for loans.

Contemporary Tenure Systems

Owning of land is so far the most fundamental idea in tenure system. When we talk of tenure, we mean the right that an individual has to holding that piece of land and using it for a specific purpose. According to Kenneth (2006), this concept of land tenure has for long been used before the introduction of the personal ownership of land which can be traced back to the old western traditions. The word tenure can additionally be used to mean to possess and estate so that it cannot be repossessed by anyone and it is solely set aside and all your details are captured and your name will appear on the land title deed which is the legal document to prove legal ownership of land (Marshall, 2010). In the study of Europeans settler's arrival in South Africa in the year 1652, it was evident that anyone who wanted to prove legal ownership of land and argue a case had to do it through proof of land tenure documents. Lynn (2016) studied the concept of tenure and its usefulness in regard to land ownership and access. He states that tenure are the set of rules and norms used in the governance,

access and use of land and it is a system used in the monitoring of ways people and masses get hold of pieces of land and other properties. It also determines what kind of fundamental rights that they own in relation to the use of such lands.

To effectively govern land tenure system well, you are required to involve the concept of using land sustainably in the production of food and ensuring that the food is produced in plenty and regularly so that it can be put to use in times of droughts by people who come from different parts of the world. Lynn (2016) posits that we see such people possessing, using, and controlling this land without any rights of tenure but still recognized by the laws put in place to guard the misuse of land. She adds that farmers who do not use land in large scale, the squatters and other people who do not own any piece of land always are protected by certain land laws.

Land Tenure Systems in Uganda

There are several varieties of land tenure systems found in Uganda which govern the purchase, ownership and use of land. This ownership is divided into two, namely; permanent and temporary where one can own land for a given period of time. Ones that are commonly understood according to the law of Uganda are Customary, Freehold, Milo, and Leasehold, and Public land (www.ecolandproperty.com).

Customary Land Tenure

Under customary tenure, the piece is owned but can be taken away whenever customary laws are put into use or application. In such cases, the piece can be possessed by a person, the family or the entire community. This is the most common system found the Uganda. It also encourages the keeping of accurate records because if they are not kept, then it becomes very difficult to later find out who is the rightful owner of that piece of land.

This type of tenure system is customary regulated sets of rules restricted to a set of people. It involves holding land governed and regulated by customary regulations and sanctioned by local authorities such as clan leaders, household members or a well-defined administrative structure and authority (Ugandan Land Act, 1998).

Possession in this tenure system means that land is owned by the community or a group of people. This tenure is mostly used in the north, south and western part of Uganda. Boundaries are defined using some markers such as valleys, rivers, bushes, and even stone. This land act of 1998 was amended in 1998 and as a result provides possibilities that allow an individual to acquire customary proof of possessing the piece of land.

With the exception of Buganda which is mainly held under Mailo, land in other parts of Uganda is held mostly under the customary tenure. He says the Land Act of the Constitution describes this tenure as one where land is owned communally, by a clan, or a tribe, among others. There are different forms in which customary land tenure exists in different parts of Uganda. “In some places the land is held communally, in some it belongs to a particular clan while in others, it is held by individuals. The rules of customary law also vary in different parts of the country. The Land Act 1998 states that customary land tenure shall be governed by rules generally accepted as binding by the particular community, and anyone who acquires land in that community shall also be bound by the same rules.

As per the customary tenure, obtaining of a private certificate of title is possible for individuals, whereby they simply have to agree with the community that owns the land (the clan or tribal chiefs), then the Sub-county and government land boards take up the process of issuing the title. The constitution also provides for

turning of an individual on communal tenure into one on freehold, and lease hold can also be issued by owners to tenants under this tenure.

Freehold Land Tenure

Freehold tenure means that a piece of land belongs to a person and the piece will be registered in his/her name and a certificate to acknowledge this is issued. This individual will hold or own this piece for ever. It is the most common tenure system in Uganda. The Ugandan land act of 1998 states that it is possible to transfer the leasehold or customary ownerships to freehold. This act stipulates that anyone possessing a freehold land has the right to:

- i. Use and develop it.
- ii. Do any transaction regarding it.
- iii. Harvesting and making use of produce from it.
- iv. Letting another person use it or disposing of it.

The Land Act 1998 defines freehold tenure as a tenure that bestows upon someone ownership of registered land in eternity, this type of tenure was set up by the 1900 agreement between Buganda and the British colonial government. Most owners of land under this tenure acquired it as grants from the colonial government before independence and from the Uganda Lands Commission after independence –with only a few having bought it mostly from government.

The Land Act specifies that the holder of land in freehold has full power of ownership, which means they can use it for any lawful purpose and sell, rent, lease, dispose of it by will.

The act also decrees that only citizens of Uganda are entitled to own land under freehold tenure, with non-citizens allowed only the alternative of leasing it for a period of up to 99 years.

About obtaining certificates of title under this tenure, one must pursue it directly through the government authorities where the Sub-county land office, the district land office and the zonal office of the Ministry of Lands are all involved.

The Mailo Land Tenure

This is tenure that has its background based on the agreement in Uganda of 1900 and 1928 and is mainly practiced in the central and Buganda regions of Uganda. It comes to use mainly when the buyer and seller get interested in the same piece of land and is used to guide the negotiation in the purchase of this piece. *Mailo* land, such as freehold is registered based on the Titles Act registration. All transactions are recorded in the state register. According to the Act of 1998, those who hold this tenure have total claim over the piece.

This type of tenure is predominantly in Buganda, with some minimal parts of Ankole, Bunyoro and Tooro sub-regions having it. It is one where permanent ownership of a large plot of land belongs to landlords who acquired it through the 1900 Buganda agreement, while at the same time tenants on the land are recognised and they also have rights to live on and utilise the land. Under Mailo land tenure, owners have perpetual ownership and are free to sell or pass on their rights to their heirs. On the side of selling, many mailo holders have since 1900 sold off their holdings, to such an extent that the Ministry of Lands puts the number of owners to have risen to more than 200,000 today courtesy of so many having inherited or bought parts of what was previously one piece of land, thereby causing its subdivision.

On the side of the constitution, it states that mailo land owners are not allowed to use their powers against the interests of customary tenants, bona fide or lawful occupants. This provision was introduced in 1998 and revised further in 2010 with the aim of inhibiting the possible eviction by landlords of people occupying mailo land as

customary tenants or squatters. It is important to note that there are no more new titles issued for land under Mailo tenure, because all titles were issued prior to 1928. What is done today is only further subdivision of the existing titles which were issued prior to 1928, as well as changing the names on the titles in cases where ownership is being transferred. Under the process of subdivision and transfer of ownership, the applicant and the transferring land owner both fill application forms with the zonal office of the ministry of lands in their area, then wait for the zonal office to complete the rest of the process.

Leasehold Land Tenure

This system allows the tenant (lessee) right to land usage for a stipulated period based on terms agreed upon between the two parties. In this case, the lease might be registered for a period not less than five years and not more than 99 years (Ugandan Land Act, 1998).

The lease can be gotten from the person selling it, the local government, an entity or national government. The agreement or contractual transaction gives room to both the buyer and seller to describe the terms for land usage plus the access that suits their give-and-take needs (Uganda Consortium on Corporate Accountability, 2018).

A grant of land to another person is always made by the seller to prove that he or she is the one leasing the land for some stipulated time and does provide evidence to be used in issuing the certificate of land. This is always applicable whether the land is crown, freehold, customary, Mailo etc. The 1998 Constitution describes leasehold tenure as one where one party grants to another the right to exclusive possession of land for a specified period, usually in exchange for the payment of rent. Under this type, a land owner (whether through freehold, Mailo or customary tenure) grants a lease to another person. In practice, much of the land that is leased was previously

owned by government bodies, particularly the Land Commission and the District Land Board, and normally this comes with some development conditions imposed on the land's subsequent use by those to whom it is leased.

Missionaries, Colonialism and Issues Pertaining to Land in Uganda

Hansen (2002) mentions the article 6 of the General Act of the Berlin Conference in 1885 which did specify the permission given to missionaries to come to Africa. It did not segregate on the nationality of the missionaries. The colonial government was to allow any missionary from any nationality into its territory. This article in particular mentioned that missionaries deserved special protection from the state and were to be given preferential treatment. This was because they were seen as special tools that would assist in the process of civilizing the native Africans which in turn would make the work of colonization simpler. Spear (1999) adds that once the missionaries were allowed into their territories, their work would be simplified since they would teach the natives on how to read, write and other basic skills related to civilization. The missionaries were also seen as instruments that would be used in areas or regions that the colonizers were not able to access or penetrate.

The relationship between the state and the missionaries did change over time depending on the countries of the governing colonizers and the origins of the missionaries. In Uganda for example, the colonizers in the 1890s were not that very influential and once called in the missionaries to work closely with the native chiefs. Hansen (1984) states that this made the missionaries to majorly rely on the colonizers. There are also those that interpreted this agreement in different ways. A good example is the colonial state in Kenya who allowed the missionaries to only operate in some designated areas and this led to certain churches emerging in only specific areas that

they were allowed to operate in, thereby giving rise to what they termed as tribal churches. This led the British to only allow the Anglican and Catholic missionaries into Uganda. The British colonizers did try to ensure that the missionaries did have enough and equal access to land since they believed that this was the only that would ensure they both were treated equally and gave them enough freedom to operate without interference.

In the early 20th century, the missionaries were important in the interpretations of the land policies. This was as a result of the transition from the traditional land ownership policies and the new ones that were being introduced by the colonial authorities. Peters (2009) mentions that what was given priority was the conversion of land from the communal ownership to private ownership which was being introduced by the colonizers. Before the coming of the colonizers and missionaries, native Africans owned land communally. He continues to write that the missionaries never supported the idea of collective landholding, they also believed that they had exclusive rights to land, whether the natives liked it or not. This laid bare the missionaries' 'greed' for land. Erasmus (2007) mentions missionaries in former Rhodesia and South Africa as being the main culprits. It was evident in these territories that the natives were always being forced to move to other areas so as to create room in the fertile lands for the missionaries.

The Church and Land in Uganda

During the colonial times, missionaries in Uganda were allowed to own land in two ways. In the Buganda Kingdom, they were given what was referred to as Mailo land under the free hold tenure system. Those who were outside the Buganda Kingdom were given what is called crown land. Batungi (2002) writes that this arrangement allowed the missionaries to have freehold tenure systems. Although

customary land tenure was allowed, it had restrictions under the Crown Lands Ordinance of 1993.

Today, most land in Uganda and especially in the northern part is under the customary tenure system. Land under communal system is land that is in the possession of a given clan or people in a given community (Amone & Lakwo, 2014). The Anglican and Catholic churches were given crown land status and were expected to help in civilizing the natives. In 1923, Temporary Occupation Licenses were introduced to make them pay some rent for the land and that the land would only be used for religious and education purposes only. The local native chiefs never viewed their agreement with the colonizers this way, to them the agreement was that they had given the land to the missionaries so that they would get in exchange education and health services and that the land would remain communal. This disagreement on whether the land given to the missionaries remained communal or if it was now crown land as stated by the colonizers has remained an element of dispute up to date in matters of church land.

The mission stations that were established did play a crucial role in making people patriotic and those who were educated were expected to be more patriotic but later turned out to give rise to a political elite who later played a major role in politics after independence. The association that existed between the missionaries and the colonizers was seen in the link that rose between the ruling class and the church leaders in Uganda. After Uganda became a republic, Gifford (1998) explains that the Anglicans aligned themselves with the Uganda People's Congress (UPC) while the Catholics the Democratic Party (DP). The UPC won the first elections in Uganda in 1962 and this made the Anglicans dominate the Catholics in the government that was formed.

With the coming in of the NRM, the dominance of the UPC and DP ended but the association between the state and church on land issues has remained steadfast. This relationship now goes beyond and includes private businesses where each wants to show its prowess there by giving rise to more conflicts in matters to do with land. It is within this context of changing church–state relations, the growing association of churches with private business, the declining public authority of religious leaders, and weakening links between churches and community development that we can understand the rampant disputes over church land in contemporary Uganda.

Governance of Land amongst Churches in Modern Uganda

It is hard to tell how much land churches hold in Uganda since just small fraction of what the churches own are not well documented. This is because the state and the church still operate on the mutual trust that existed since the colonial times. In addition, the churches also claim that they do not have enough funds to enable them call on the surveyors to work on their lands so that the data retrieved can be entered into the national grid. To make matters worse, most church leaders view land to be a very sensitive issue and none would dare divulge any information on it to anyone. This makes the information on the church and land to be scarce.

It is however, encouraging that there are traces of some information on land belonging to the churches at the local church levels. A good example of available information on land owned by a church is on the Catholic Archdiocese of Gulu that has a total of 27 parishes each with between 10 and 20 chapels. These chapels are in charge of land, the buildings and even farming across the church lands. Within the vicinity of Gulu town, the church has a combination of lease and freehold titles that

covers almost 500 acres of farmland. In Bukedi, the Anglicans own roughly over 4000 of land amongst the parishes and sub parishes (Butungi, 2002).

Butungi (2002) proceeds to state that these churches not only own land in the remote sections of the country but also in the posh areas of the towns and cities. They also own prime commercial properties within the city. He gives an example of a recent transaction between the church and the Catholic Church where the government paid the church a huge amount of money to purchase a piece of land near Entebbe airport.

Kandel (2017) writes that landholding has been of great concern for most churches. The church leaders are concerned by the non-payment by the tenants, grabbing of church land and even encroachment of church land by politicians, squatters and other influential people within the society. There are also cases where the church is involved court battles with neighbors over boundary issues or people who had originally donated the said lands to the churches and are now claiming them back. Such people claim that they had just given the churches user rights over the pieces of land and had not surrendered ownership of the land to the churches. This has prompted most of the churches to initiate the process of documenting their pieces of land with the national government so to help secure their pieces of land. Pentecostal churches seem to follow a different and safer landholding pattern since they are mostly located on the lands that are owned by their founders or those that are bought purposively for such purposes.

Sjogren (2014) argues that the church nowadays are entangled in any national debates on land so as to help avoid any troubles that might arise out of owning land. They are always seen trying to comment or take part on issues to do with the legislation of land matters. Churches are also involved in mediating between parties

that are involved in land tussles. There are those who say that the church is involved in land matters for the sake of peace within the society, while there are those who feel that the churches do so in order to protect their personal interests.

Christiansen (2010) believes that the church is a unique land owner and should be treated in a special way. They do own land both a privately and communally and must be given a listening ear when it comes to matters of land tenure. It is not prudent for the government through the ministry of lands to deal with the church in the same way they are dealing with individuals or other entities, they need special preference treatment.

Importance of Improving Land Management

One of the most important assets that someone can in this world is a piece of land and all that which is in it. Such pieces require special attention and care which will enable it stand the test of time. There is that dire need of the government to establish an organ to help keep records related to land and who are the true owners of such pieces, this will help in starting or developing key structures needed to help the government grow. Mugambwa (2002) asserts that there is need to come up with laws and regulation which clearly define who rights the owners have to help them claim the benefits that will arise as a result of developing these pieces of land without being victimized later after such developments. This is because most people fear that the local and central government are known to at times come and claim a piece of land that an individual has already invested in or they can be served with eviction notices after developing a piece of land.

It is evident that any development on a piece of land depend on many factors that range from social to economic. All these are related to the special characteristics of skills that those who toil on the piece of land have which they need to make the

land benefit from in terms of agriculture. Once this is in place, there will be a smooth operation whenever any transaction based on this piece of land is required.

Mugambwa (2002) writes that if records and documentations are put in order, and both the seller and buyer are also aware of their rights, then the mistrust that always arises whenever a transaction on the piece of land is done, will definitely be erased and these transactions will be full of trust hence none will have the fear of losing a piece after some time.

Mugambwa (2002) noted that it is important to note that once the buyer and seller of a piece of land know that they are dealing with a genuine transaction, they will confidently transact without any fear. It is crucial also to have government offices with the most current and updated records where willing buyers can easily access information related to the piece of land they are interested in and the services being offered in these offices must be affordable with very reliable agents who are not likely to con the customers. The process of obtaining a certificate of title under Mailo land is supposed to be done through law. Denis Obbo, the spokesperson of the Ministry of Lands, Housing and Urban Development points out that it is important to note that no new titles are offered under Mailo Land, but rather old titles are either subdivided or transferred into new names. In order to get a land title subdivided or transferred; you get the plot and block number of the land, then present it to the Registry of Titles who will confirm whether it is registered. After, you pick an application form from the Land Commission, fill it in (indicating either subdivision or transfer) and return it to the commission. At the same time, the owner from who you are buying fills in a transfer form and two consent forms. Thereafter a survey of the land is done, and the ministry completes the process by filling and issuing a mutation form. Getting the

title. After the process is complete, the ministry offers you your title either subdivided off an existing one, or an old one fully changed into your names.

Obstacles to Improving Land Management

Finger (2004) studied land registration process in Uganda and documented that a small percentage of land in Uganda is genuinely capture in the land registry revealing that there is a very high rate of land registration as compared to the other countries in sub sahara Africa which are very low in average in terms of registration of land. It is prudent and evident that the type of system that is used to manage land makes it hard to change how land is used so as to make it get a high level of production in return. It is also seen that such rights which are not clear to the proponents of land always make it hard when any selling of land is done giving rise to conflicts or disputes related to that piece. Finger (2004) believes that because of this uncertainties in regards to ownership of many pieces of land, it is emerging that they cannot be sold, rented or used as collateral in any loan transaction from the banks.

Lack of Motivation

Finger (2004) believes that community members require to be enlightened on the importance of managing land and improving its assets. This can only be done when proper incentives are put in place to ensure land management among the community members. Engagement with issues and important life questions has been promoted by the Churches. When land practitioners are well motivated, it is very likely that they will be made aware of their surroundings as a result of what faith they proclaim and believe in. It is evident that those who believe in God and know that it is their responsibility to take care of the land on behalf of God, are likely to be pushed to

take care of land and the environment well without being pushed, they will feel that it is their own responsibility to do so.

In studying obstacles of land management, Finger (2004) documented that each tradition has distinctive characteristics and ways of dealing with land issues including being motivated to act towards making the world more conducive for living as planned by God. This great plan to help reclaim the earth as it was intended by the creator always meets a lot of resistance because of the selfishness and greed of man who does many wrongs that contribute to the degeneration of the environment thus making it non favorable to live in. The good thing is that the Bible and other forms of religion also describe how the environment should be taken care of in order to help preserve it.

Greed and Selfishness

When God created the earth, He commissioned man to be its steward and take care of all things below and above it. However, greed and selfishness has cropped even into the church rendering stewardship to be a major challenge among church leaders. Deane-Drummond (1997) identified these two characteristics to be the main reasons behind land and environment being in trouble. This trouble and crisis is evident at personal and group levels. It therefore, calls for a global coordinated style to assist in ensuring that the earth is well taken care of and preserved for the future generations.

Christians in the past twenty years have started getting interested in the issues of land, environment and its relationship to spirituality and its teachings. This involvement in land of Christianity has raised issues which have resulted in conflicts with non-Christian organizations in charge of land hence White (1967) writes that the

coming in of Christianity into the land issues is a major cause of the crisis we are currently facing in terms of the ecology.

Long and Costly Legal Processes

It is of great paramount that the process of land acquisition and transfer is easy and less costly to the land holders. There are countries where the process of transfer takes less than a week and the entire process will not cost even a single cent. An example of such countries is the Kingdom of Saudi Arabia where this efficiency is paramount. However, there are some traces where transparency lacks in the whole process and they also do not have proper structures put in place to help in settling any disputes that might arise as a result of any disagreement or misunderstanding. This is because the data relating to land or transaction are not well kept and are not easily accessible and if it is to be gained, it must be by a group of people involved in the transaction (Bowers, 2003).

Bower (2003) continues to write that in 1989 in Vietnam, there was a time that land occupation was ended and they allowed individuals to own private land. The government in the following years tried all it could to make sure that those who owned private land registered them but this turned out to be an exercise in futility as there were too many applications to be processed thus the system was so clogged leading to its failure and abandonment of the whole idea. He proceeds to say that the whole process was so complicated, long, full of bureaucracy and too expensive that the common Cambodian could not afford. The manual system also proved to lack accurate records as most of the pieces of land did not have any numbering or form of reference that would help in tracing it. Boundaries were also a bone of contention between land owners, especially those whose pieces were overlapping. This led to

conflicts on land ranging from the lowest levels of the country to the national and international levels.

Strategies for Improving Land Management

Williamson (2010) defines land management as that art or science that is used in trying to decide the allocation, use and maintenance of the natural and man-made resources and includes things like management, administration, policies and general information on the land. He proceeds to say that it can be termed as properly using and developing the natural resources and ensuring that the resources are used as they are supposed to be and in the end will make good returns. The following are some of the possible ways that land can be used and developed to create cohesion within the community.

Land Governance

For land to be utilized well and efficiently at the different levels of the community, there is need for good governance. This is only achievable if proper systems and strategies are put in place to help in the planning and implementation of ideas that have been put in place to help in the proper and efficient structures dealing with land in the society. For this to happen, there must be some rules and regulations that must guide this whole process. Some of these principles include aspects such as rules and regulations, transparency, and general agreement amongst all the stakeholders. This will help in containing all the vices that are in the field of land dealership which is full of corrupt leaders who are known to wrongly manage it. Once these principles are put in place, then the whole idea of land governance will be smooth and effective.

For one to successfully address issues to do with land, the concept of land governance cannot be ignored. Issues to be addressed here include the administration of land and how the final management is done. This concept was employed in the year 2012 when countries passed laws to help in the governance of ownership, pieces of land, fish and trees all within the concept of food. As a result, the idea of governance of land is the laws and procedures used in deciding what will be done to implement it how to deal with any conflicting ideas relating to land.

Land Administration

This is the procedure used in deciding, capturing and using the data gathered on land. It does deal with its value and where it will be used as per the policies governing the same in a given country. It is the laying grounds or base in which land rules such as purchasing, recording, surveys, drawing of maps and any legal act that deals with land. It also majors on the introduction of the digital system in the keeping of land records for easy retrieval. This definition seems appealing but cannot be used in third world countries such as Uganda which practices broader systems of land tenure.

Bank Operation System

A survey was conducted in the entire Uganda to find out whether the citizens did have land title deeds or not. It was discovered that 20% of them do have title deeds for their parcels of land. This makes it difficult for most Ugandans to be eligible for bank loans. Such Ugandans will as a result obtain loans from other sources than commercial banks. They would opt to get them from other institutions like Saccos, villages Saccos etc, because such informal entities do not have a lot of requirements in order to get a loan, all they do is to check what you have that can act as a collateral.

Majority of landowners and holders find it hard to transform from one tenure system to the other because of lack of funds. Considering this, banks have come up with programs that make it easy for landholders to access easy loans to process their tenure security. For example, the Stanbic Bank did establish a partnership with the Buganda Land Board (BLB) so as to give non expensive services to those who hold *bibanja* to enable them get title deeds.

This service was called *Kyapa* Loans whose main purpose was to make simple the process of getting land by those who hold the *bibanja* and have lands that are surveyed by the BLB but could not afford to pay for it and be issued with a title deed. Stanbic Home Loans Manager, Jackson Emanzi affirmed Ugandans now have an opportunity to acquire land titles using an affordable land financing solution. He is quoted to have said that his bank had attempted to offer people who lived on the land of Kabaka with financial assistance that enabled them purchase land and at the end get title deeds because of the partnership that exists between the bank and the BLB. Busingye (2002) writes that this arrangement was to allow those with the *bibanja* permit to get assistance from BLB through the LAFI in the surveying and determining the authenticity of their pieces of land. They would in the end then receive a letter that would be used in recommending to the bank any form of financing.

Busingye (2002) continues to narrate that any money that was given by the banks to help in this plan to aid in the acquisition of a title would still get more finance to help in constructing a house. This offer can be used by both who earn and those who do not and are to repay it within 2 years with good interest rates. The whole process to get this loan is short and should never take 48 hours before the loan is approved.

Corporate Social Responsibility

The rules and regulations governing the lives of all Christians are summarized and found in the Bible. It also has the solutions to all the problems, challenges and matters that Christians can face in their lives as society members. There emerges some differences amongst the different Christian denominations in regards to its interpretation. Most of the Christian denominations have come up with some programs to help in relation to the welfare of its members especially in areas such as feeding of the hungry, the poor and even the widows and widowers. Brueggemann (2002) writes that in addition to the already mentioned vulnerable groups, the welfare groups can easily also be in charge of the counselling of the vulnerable groups. He however, laments that the church has failed in initiating discussions with government and communities on moral regeneration such as land grabs and exploitations. There seems that for one to follow these teachings of the church, one would rather be a follower of the initiatives that the church puts in place to help establish a firm and straightforward community that would benefit all.

Most Christian churches have opted to take the Bible literary in their day to day activities and dealings. It is this adoption that determines how they take up or interpret the idea of taking care of the less fortunate in the society and fight for the rights of the vulnerable amongst them. Brueggemann (2002) concludes that the church can be thus termed as an organization because it does have a head who guides it to help achieve its goals and vision which at times are geared towards benefit which can be spiritual, emotional, physical or psychological.

Summary of Literature Review

The Bible states clearly how land can be acquired; through inheritance, given as a gift, hard work and buying. Buying seems to be more protective as it projects a

mutual agreement involving a gain on both parties there by emptying publically any interest in the land among family members. This principle was exemplified by Abraham, David, and Jeremiah. The Bible set a tenure system of land management which subsequent communities borrowed a leaf, and adopted with changes to suit contemporary land management.

The Bible sets forth a principle of having witnesses to land transactions, writing an agreement with both parties and the witnesses endorsing it, the authority witnessing putting a seal, and keeping the documents in a safe place for posterity.

Land management procedures have been developed in modern communities instituting specialized offices to deal with land distribution and uses. Countries have also evolved laws and procedures of land acquisition and developing which mitigate wrangles ensuing from land ownership.

CHAPTER 3

METHODOLOGY

Research Design

Chapter 2 discussed the biblical and contemporary land management systems of land to gain insights in how to go about with land in Buwalasi the leadership context of this study. In this chapter the attention was placed in finding out whether the challenges mentioned in chapter 1 do exist by carrying out a survey and discussions.

Description of Local Setting of Buwalasi SDA Church

The study was conducted at Buwalasi Seventh-day Adventist located in Sironko district, approximately 22 kilometres north of Mbale town. It is on the high way that connects Mbale and Moroto towns. It is approximated to be 265 KMS from Kampala. (The coordinates of the town are 1°13'50.0"N, 34°14'53.0"E (Latitude: 1.230556; Longitude: 34.248056). It does border Bulambuli to the north, Kapchorwa to the north east, Busia to the east, Bududa to the south east, Mbale to the south west and Bukedea to the far west.

Buwalasi SDA church can be found in Bubeza parish, Buwalasi sub-county in Sironko political district approximately 22 kilometers from Mbale town the biggest town in eastern region and 267 kilometers east of Kampala city. The neighboring parishes to Buwalasi are Bukiyi to west, Nabudisiru, Dahami and Nagudi. Buwalasi SDA church is found at the foot of Nagudi Mountain and facing east of Mount Elgon.

The church is located near Uganda Broadcasting Corporations (UBC) control centre Buwalasi, surrounded by Uganda Technical College (UTC) and Nambulu secondary and primary schools. Buwalasi SDA church is found in Eastern Uganda Field, the fourth to be organized by the Uganda Union Mission (EUF, 2018).

The first SDA church in Eastern Uganda Field was Kakoro SDA planted in Kakoro sub-county in Pallisa political district 20 kilometers away south of Sironko town about. Buwalasi SDA church came into existence in 1937 built by Pr. Miseach Kabala who was the donor of the land where the church is built. In the same year, an evangelistic effort organized by Pr. Miseach Kabala was conducted and about 7 members were baptized. Soon the membership grew from 7 to 50 within a period of seven years.

The church originally had 4 acres of land where a primary school was run by the church and the church itself sits on 2 acres including the pastors' house. About two acres of this land has been disputed by the purported family members of the donor, although the church has a land agreement signed by Pastor Miseach Kabala (see appendix N).

Target Population

This study targeted 150 church members in the Buwalasi Seventh-day Adventist Church. These members have lived in Buwalasi for at least 10 years and have witnessed the skirmishes arising from tampering with the land marks in the boundaries with the neighbors.

Sample Size

This study sampled 108 respondents made up of church members. To come up with the sample size, the researcher made use of Morgan Table (Appendix 8) where it

is stipulated that if you have 150 respondents, you can sample 108 respondents which is deemed adequate. For the qualitative inquiry, 9 people participated in the focus group discussion.

Data Collection Instruments

The raw data was collected using questionnaire, interview, focus group and observations were analyzed using descriptive quantitative and qualitative statistics. Frequency and percentages were used to analyze and present quantitative data in tabulation form for easy interpretation. Qualitative data were transcribed and analyzed using themes that were relevant to the study objectives.

Questionnaire

The study employed both dichotomous and multiple-choice questionnaire which was administered to 108 respondents. In the cleaning process, 6 returns were discarded due to adverse mistakes done in answering the questions. 102 questionnaires were adequately filled which is 94 percent.

Structured Interview

A structured interview schedule was formulated to gather qualitative information from the key informants who were deemed to hold important information pertaining to the subject under study. Therefore, the interview was conducted face to face with the EUF officials and local leaders who were 9 in number given their knowledge on pertinent issues arising from land conflicts.

Observation

The researcher designed an observation checklist to assess the extent of encroachment on church facility, availability of fencing, free range grazing, and land demarcations.

Focus Group Discussion

This was employed in this study to help generate in depth data from church officials who were 9 in number. The main aim of this was to assist in understanding the context that led to the responses that were given in the survey and proceed in exploring information that could have been omitted in the survey. Probes for discussion used are appended in appendix 4 of the appendices.

Data Collection Procedures

A letter of introduction was obtained from Adventist University of Africa introducing the researcher to the field of data collection through the District church pastor and the local councilor to be allowed to collect data from the area. Having been allowed to go ahead by the mentioned authorities, the researcher made appropriate appointments with the various categories of the respondents on the suitable time to collect data, commensurate to all parties' time convenience.

Ethical Consideration

A recommendation letter was sought for from the Dean school of postgraduate studies, Adventist University of Africa, introducing the researcher to the field of study. Similarly, an acceptance letter from the field of the study was sought for from Eastern Uganda Field approving for the collection of data from the study area. The researcher proceeded to Buwalasi SDA church to seek their consent in taking part in the study. They were assured that full confidentiality of the information they would

provide would be taken care of and were informed of their choice to either choose to take part in the study or pull out any time they wished to.

CHAPTER 4

PROGRAM DESIGN, IMPLIMENTION AND EVALUATION

This study presents the findings on developing guidelines and recommendations for improving land management for the Buwalasi Seventh-day Adventist Church. The main research questions for the study were: what are the demographic features of the members of Buwalasi SDA church?; what is the level of knowledge of land tenure system among Buwalasi SDA church member and non-SDA church members in Eastern Uganda field; What are the ways that Buwalasi Seventh-day Adventist Church can improve its land management? The response rate was 94% with only 102 of the 108 questionnaires that were dispatched being returned.

Demographic Characteristics

The first objective of the study was to analyze the respondents' demographic information. This was presented in the form of age, gender, marital status and education and analyzed and presented in the form of frequencies and percentages. Table 1 presents the responses that were included in the analysis of the demographic information retrieved.

Table 1. Respondents Demographic Findings

Characteristics	Description	Frequency	Percent
Gender	Male	53	52.0
	Female	49	48.0
Age	18-25 years	17	16.7
	26-33 years	33	32.4
	34-41 years	15	14.7
	42-49 years	24	23.5
	50 years and above	13	12.7
Level of Education	Primary	15	14.7
	Secondary	55	53.9
	Tertiary	32	31.4
Marital Status	Married	53	52.0
	Single	19	18.6
	Divorced/separated	18	17.6
	Widow/widowed	12	11.8

N = 102

Sources: Primary Data

Table 1 shows the results of the gender, age, level of education and marital status given by the respondents. They are summarized below:

Gender

The study found out that 53(52%) to be male and 49(48%) to be female. It is worth noting that as many women as men participated in the study because the researcher was gender sensitive of the respondent's participation.

Age

Looking at the age distribution, 17(16.7%) were between the ages of 18 and 25, 33(32.4%) were between 26 and 33 years, 15(14.7%) between 34 and 41, 24(23.5%) between 42 and 49 while 13(12.7%) were aged 50 years and above. The domination of the age group of between 26 and 33 years could be attributed to the fact that the modern churches attract youths who attend for mere prosperity reasons.

Education Level

Regarding level of education, 15(14.7 %) of the respondents had only attended primary school, 55(53.9%) had attended secondary school while 32(31.4%) had attended various levels of tertiary institutions. Those who had attended secondary school dominated the study followed by those who had attended tertiary school, an indication that most of the respondents could read and write.

Marital Status

Regarding marital status, 53(52%) indicated that they are married, 19(18.6%) indicated to be single, 18(17.6%) said they are either divorced or separated, then the remaining 12(11.8%) were widowed. Majority of the respondents 52% were married meaning that the participants were of maturity age, having families and were aware of land issues involving their families and neighbors.

Level of Awareness of Tenure Systems

Objective two was intended to find out the level of land tenure system awareness among Buwalasi SDA church member and non-SDA church members in Eastern Uganda field. The variable investigated under this objective tenure system awareness and it was analyzed using frequency and percentages. The results are presented in this subsection of the report.

Table 2. Level of Awareness of Tenure Systems

Constructs	Response	Frequency	Percent
Do you own land	Yes	73	71.6
	No	29	28.4
If yes, how did you get the land	Inherited	66	64.7
	Bought	7	6.9
Do you have land title deed	No	73	71.6
If no, what do you have to show that you own the land	Land agreements	7	6.9
	No documentation	66	64.7
Do you know the types of land tenure systems in Uganda	Yes	24	23.5
	No	78	76.5
If yes, do you know how each of them work	No	17	16.7

N = 102

Sources: Primary Data

Table 2 shows the study findings of the level of awareness of land tenure systems among church members of Buwalasi SDA church. Numerous constructs were used to gauge the awareness of tenure systems among the church members who form part of the community. The study found out that majority 73(71.6%) of the respondents owned land while 29(28.4%) did not. Majority of landowners 66(64.7%) inherited their lands through customary means while only 7(6.9%) bought their lands.

The study also found out that all the 73(71.6%) of those who either inherited or bought land had no land title deeds. Only 7(6.9%) of them had documentation in form of land agreements to show ownership of their land, while the majority 66(64.7%) had no documentation whatsoever to prove their land ownership.

A large number 78(76.5%) of the respondents were not aware if there was something like land tenure systems existing in Uganda with only 24(23.5%) confirming knowledge of the same in Uganda. However, those who knew one form of land tenure system or the other did not know how the systems work.

Considering the above findings, the level of awareness of land tenure systems among church members or community is very low. This is to say, majority of people

are not aware that the land they have been occupying and developing over the years possess both customary and legal characteristics. Similarly, unknown to them is that there are prescribed rights of ownership enshrined in the constitution that is meant to protect the acquisition and utilization of the lands. This was confirmed by during the interviews which cited the lack of information regarding land issues in the public domain.

...issues of land only come to public attention when there is conflict between interested groups. There is a lack of information dissemination to the public prior to these conflicts that create awareness on the land tenure systems. Of course, each tenure system has embedded rights and security guidelines that are not known to the public members. This has continuously led to unnecessary land conflicts that could otherwise be avoided if information is disseminated to the public domain.

During the interview, it was also stated that;

...dependency on customary land rights is the reason why majority do not know of the existence of these systems in the country. This is because of centralized land policies and procedures compounded with the absence of relevant institutions at the local level to address and give information pertaining to land tenure systems. Even those aware of the tenure systems find it hard to translate one system to the other because of long and exorbitant costs associated with the process.”

More in-depth information was collected through the focus group discussion with the church officials. The findings revealed that most of the participants were not aware that the church acquired the land it is built on. However, there was unanimous

consensus that the church has been complacent and reluctant on acquiring and processing documents to authenticate its occupation of the land.

During focus group discussion with the church officials one of the members mentioned that;

“... Some of the church board members tend to distance themselves from conflicts related to land acquisition, rights and tenure because of fear of reprisal from the community members and other affiliated churches where they have friends or family members attending the same church. This has left so many questions unanswered leading to dissatisfaction among the contestants on how the church acquired the land where it is planted”

According to the researcher's observations, there was a considerable level of encroachment on church land where it was found out that the contestants end up digging even into the church's land. It was also observed that there was no fence enclosing the church, animals were either let free to graze on church's land or tethered around church's compound not to mention the absence of land marks showing the demarcation of the church and neighboring homes. The perpetrators claimed that they are free to use the space because the land does not rightfully belong to the church. Photos showing these observed attributes are attached on the appendices.

A major concern as identified by the group was that the church's attempts to validate their occupation of the land has been thwarted because the community members, especially the ones contesting the land ownership were not involved in the land agreement processes thereby causing tension between the church and the community. Further testimonies revealed that the tension existing between the church and community members has been precipitated by the fact that the contestants felt that their opinion on the acquisition of land were not sought for or undermined.

As well, some of the church board members tend to distance themselves from conflicts related to land acquisition, rights and tenure because of fear of reprisal from the community members and other affiliated churches where they have friends or family members attending the same church. This has left so many questions unanswered leading to dissatisfaction among the contestants on how the church acquired the land where it is planted.

Improving Land Management

Objective three intended to come up with ways of improving land management for the Buwalasi Seventh-day Adventist Church, Eastern Uganda field. Numerous steps and strategies were undertaken to achieve this objective as detailed below;

Project Design

The strategy was implemented as a unified program with different activities for a period of one year (October 2017-October 2018). The purpose of this Strategy was not only to promote peace through minimizing land conflicts by the church but also to enhance member's awareness of land tenure systems, create awareness of member's role as Christians, community at large and also for policies formulation and implementation on matters regarding land.

Project Objectives Setting

The overall purpose of creating the project intervention strategy was to improve land management to reduce land conflicts that have engulfed the church for over 30 years. Therefore, three objectives were formulated to achieve the project overall purpose:

1. To create awareness among church leaders and members on proper land acquisition and ownership.
2. To sensitize church and community members on the forms of land tenure systems and how they work.
3. To highlight the importance of land tenure security among church leaders and community members.

In order to achieve these objectives, a church/community approach where the management of land and all the resources that are related to it were adopted then implemented: seminars, workshops, forums and discussions at all levels were created and church land committees involving LC1 were strengthened.

Implementation and Evaluation

Suggested Plan of Action

This section present the plan for implementation, the objectives, where it will be implemented, who will implement it and for how long.

Purpose

It was intended to aid community and the church as a whole in resolving land issues by creating awareness on land acquisition procedures, tenure systems and tenure security.

Expected Outcome

At the end of the project the participants should be able to solve matters pertaining to land issues and learn to co-exist amidst challenges facing them in the community.

Trainees

The trainee consisted of local church representatives, the community at large and all church officials.

Venue

Buwalasi SDA is the major center where the training was conducted alongside its branches as well as selected community centers.

Duration

The program was conducted between November 19th and 21st 2017, a period of three days which was deemed fit to help in dealing with the areas concerned during the seminars.

Training Sessions

There was a plan laid to help in scheduling this. The main idea of the study was relayed then time for appointments were shared plus the various study topics to be studied during these sessions. The materials to be used in the seminar plus what methods would be applied during the presentations was also identified.

Table 3. Land Acquisition

Time	Topic	Methods	Material
2:00-2:30 pm	Meditation	Sermon	Bible
2:30-3:30 pm	Definition of land Land acquisition	Lectures	Bible, and prepared materials from chapter 2 of this study
3:30-4:30 pm	Land as acquired by Abraham	Lectures	Bible, and resources from chapter 2
4:30-5:00 pm	Legal procedures of acquiring land in Uganda	Lectures	Land Act 1998, books resources from chapter 2
5:00-5:30 pm	Summary		

Table 4. Land Tenure Systems

Time	Topic	Methods	Material
2:00-2:30	Meditation	Sermon	Bible
2:30-3:30	Definition of tenure	Lecture	Land Act 1998, and resources from chapter 2
3:30-4:30	Customary	Lecture	Land Act 1998, and resources from chapter 2
4:30-5:00	Leasehold	Lecture	Land Act 1998, and resources from chapter 2
5:00-5:30	Freehold	Lecture	Land Act 1998, and resources from chapter 2

Table 5. Tenure Security

Time	Topic	Methods	Material
2:00-2:30	Meditation	Sermon	Bible
2:30-3:30	Definition of land tenure	Lectures	Land Act 1998, and resources from chapter 2
3:30-4:30	Land tenure systems	Lectures	Land Act 1998, and resources from chapter 2
4:30-5:00	Types of tenure security	Lectures	Land Act 1998, and resources from chapter 2
5:00-5:30	Policies and practices	Lectures	

Seminars on Land Acquisition and Ownership

After getting permission from the Church Board on 3rd November, 2017, a three days seminar was organized and conducted by the researcher from 19th to 21st November 2017 and a study on individual participation on improving land management to reduce land tension and fear among church and community members to fulfill the goals of the first, second and third objectives of the project.

In this section the emphasis was on every church leader being part and parcel of land management. This was followed by a presentation entitled “Every member a land steward.” Biblical Abrahamic land acquisition was brought into light to show members that much as Abraham was promised land which he would inherit, he also went in a stride to purchase land in his own name where his wife Sarah and folks

would be buried. This anecdote conforms to the legal requirement by the law of the land that a person is required to process legal acquisition and ownership of land. This helped members to see the need for translating land donated as a gift or inherited into freehold land ownership through legal processes.

Seminars on Land Tenure Systems

Together with the church board every Monday, Tuesday, and Wednesday for one month, some time was allocated for training church leaders and community members. They were being trained on issues to do with land tenure and how the idea can be captured and used in the contemporary society. The trainers took their time to try and make them understand the different land tenure styles found within Uganda which both visitors and the locals can use. Leaflets of land Acts touching on the three land tenure systems namely customary, leasehold and freehold were distributed. Respective land rights attached to each of the tenure systems were also highlighted.

Specific emphasis was put on the customary form of land tenure which was identified as the predominant tenure system among the community. Moreover, the church leaders as well as the community members were reminded of the importance of getting the Certificate of Customary Ownership (CCO) as stipulated in Uganda's 1995 constitution Article 237(4) (a). The Land Act 1998 clarifies the process of how to get the said certificates (Land Act 1998, section 5).

Seminars on securing Land Tenure

These seminars were organized and presented. The church leaders and community members were made aware of the importance of tenure security which gives the land holders and owners power to own, till, and sell land and any product that comes out of it. It goes further to include any sale or buying of the same piece. To

this effect, the participants were provided with the excerpt copies of the constitution protecting the status of occupants. For example, “the security of occupancy of tenants on registered land is guaranteed by Article 237(8) of the Constitution and Section 31 of the Land Act. Such tenants are deemed to be tenants of the registered owner”.

Further, section 64(2) of the RTA makes any land included in any certificate subject to the interest of any tenant of the land, though it may not be specially notified as an encumbrance on the certificate. Even on customary land, most of which is not registered, there have been unscrupulous persons who have acquired or wish to acquire titles without the knowledge of the customary owners. In such instances, the rightful customary owners need protection. Samples of land disputes and resolutions through the court of law were used to create awareness of the importance of tenure security (see appendix 2 of the appendices).

Table 6. Budget for the Training

Needs Identification	Amount (Ugx)	Funding Source
Printed materials	176,174	Uganda Union bursary fund
Feeding the Delegates	900,000	
Transportation	101,000	
Miscellaneous	22,826	
Total Amount	1,200,000	

Monitoring and Evaluation of the Project

The project was meant for addressing ways of improving land management in Buwalasi SDA Church. To achieve this purpose, three objectives were set. Therefore, it was necessary to monitor and evaluate them to find out if they were achieved at the end of the project implementation.

Awareness on Land Acquisition

The focus on objective one was to conduct seminars on creating awareness on land acquisition and ownership among church leaders. This was achieved through conducting seminars aimed at training the church leaders and the community on land acquisition process. The aim was to build a long-standing co-existence between the community and the church amidst land wrangles that are on-going.

Manuals of land acts and selected cases on court ruling were also used for the development intervention of the project (see appendix 11 of the appendices). The table below summarizes the monitoring and evaluation of the project at different levels.

Table 7. Summary of Monitoring and Evaluation

Inputs	Land board officials, financial resources, material resources
Activities	Seminars, training workshops
Outputs	Tension between community and church was minimized; three workshops conducted; all church leaders were trained.
Outcomes	Increased understanding of land issues, increased procurement of land title deeds, improved land management skills
Impacts	Relieved tension between church and landowners; amicable land resolution procedures

Knowledge of Land Tenure Systems

The focus on objective number two was to sensitize church members on the forms of land tenure systems and how they work. This objective was meant to sensitize members to understand the systems under which different landowners and landlords hold the lands. Right ownership coming with the various forms of land tenure systems were explained. Articles of land in the constitution as well as a map

showing tenure system distribution in Uganda were also reviewed to help explain the course of the objective (see appendix 10 of the appendices).

Table 8. Summary of Monitoring and Evaluation

Inputs	Land board officials, financial resources, material resources
Activities	Seminars, training workshops
Outputs	Tension between community and church was minimized; three workshops conducted; all church leaders were trained.
Outcomes	Increased knowledge about land tenure; increased acquisition of COCs.
Impacts	Legal consolidation of land ownership and rights

Importance of Tenure Security

This objective was to highlight the importance of land tenure security among church leaders and members. Within the traditional African customs, there were laws to help guard nature, and it had ways and means of revealing this idea which was common to all the members of the society who could at times be called upon to act as witnesses whenever there was need. In most societies, such pieces of land had documentation to prove ownership but funny enough, such documentation was not official and could not be acceptable before the government authorities in charge of land.

Therefore, each participant was reminded why it is important to ensure that land held ought to be secure to avoid evictions, grabbing, and encroachment. A handbook on land rights was used to inform the land holders of the importance of tenure security (see appendix 6 of the appendices).

Table 9. Summary of Monitoring and Evaluation

Inputs	Land board officials, financial resources, material resources
Activities	Seminars, training workshops
Outputs	Tension between community and church was minimized; three workshops conducted; all church leaders were trained.
Outcomes	Increased knowledge about state and private evictions; knowledge on land rights
Impacts	Relieved tension between church and landowners; amicable land resolution procedures

During focus group discussion in the evaluation exercise, numerous suggestions were made on the possible ways of improving land management. The following were suggested:

“...The churches should have a clear, transparent and well-designed procedures or mechanisms for control and use of land, whether donated or bought. This will enable the churches and the community, especially the landowners where the church is built to live cohesively and peacefully. To achieve this, the churches should note and do the following;

1. Follow the right steps needed to register church land and other properties
2. The church should follow the minimum standards set by the ministry of land and mining regarding land acquisition
3. Disseminate information regarding property ownership by the church to the local leaders

“Since the church acquired the land through some sort of donation, where the land holders also acquired their land based on customary ownership, there is need for the individual parties to register their land and obtain customary

certificate. According to the land Act of Uganda, the following should be put into consideration;

1. Any person, family or community holding land under customary tenure may acquire a certificate of customary ownership in respect of the land in accordance with the land Act cap 227.
2. A certificate for customary ownership should be in the prescribed form and shall be issued by the board.
3. An application for certificate of customary ownership shall be in the prescribed form and shall be submitted, together with the prescribed fee, to the committee of the parish in which the land the subject of application is situated.

Once all these have been done, it would be prudent that the local church leadership organize a face to face meeting with the members or seminars where the church members will be sensitized on the importance of having the required minimal knowledge on land tenure. It is evident that the local church membership in Buwalasi Seventh Day Adventist Church are still ignorant of the same. The church should also move in haste to ensure that the land where the church is currently is searched with the land ministry and all the documents necessary are put in order and the proper documentations are got. This will be needful incase of any case involving the local government or the central government. We have also heard of cases where the local communities come up to reclaim land that their forefathers had arguably donated to religious denominations when they were still deemed illiterate during the precolonial period.

Land has become a very sensitive issue that the local church should never be involved in any dispute with an individual or government. The church leadership has

to ensure that documents such as title deeds are acquired and properly stored for prosperity.

CHAPTER 5

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

Summary

This study was intended to develop strategies for improving land management for the Buwalasi Seventh-day Adventist Church. The study adopted quantitative and qualitative approaches from which descriptive and historical research designs with both used.

The study was dominated by male respondents 53(52%) who were aged 18 to 25 years 17(16.7%) with secondary level of education 55(53.9%) and married 53(52%) of the respondents were married.

The findings revealed that 73(71.6%) owned land; majority of them 66(64.7%) inherited their lands through customary. It was also revealed majority of them 73 (71.6%) had no land title deeds and no formal documentation whatsoever to prove their land ownership. It was further revealed that a large number 78(76.5%) of the respondents were not aware of the land tenure systems in Uganda. However, those who knew one form of land tenure system or the other did not know how the systems work.

To address the situation, a strategy was implemented as a unified program with different activities for a period of one year (October 2017 - October 2018). The purpose of this Strategy was not only to promote peace through minimizing land conflicts by the church but also to enhance member's awareness of land tenure

systems, create awareness of member's role as Christians, community at large and for policies formulation and implementation on matters regarding land.

Conclusions

The findings led to a conclusion that majority inherited land through customary process with no land title deeds and no formal documentation whatsoever to prove their land ownership. It was further concluded that many the respondents were not aware of the existence of this type of land systems in their country and those who knew one form of land tenure system or the other did not know how the systems work. To address the situation, a strategy was implemented as a unified program with different activities for a period of one year (October 2017 - October 2018) with the aim of enhancing church member's awareness of land tenure systems, policies formulation and implementation on matters regarding land.

Recommendations

The study made the following recommendations based on the study findings; There is need for the local churches to appoint a committee who will be part and parcel of land management. This will ensure that land is properly used and managed to avoid loss or false ownership of church by unauthorized individuals.

Similarly, at the higher level of church management there should be a committee tasked with the responsibility of monitoring the activities of the churches at the local level. This will enable the central church committee to know who is using church land and for what purpose.

Individual church members should be barred from using church land since they have always ended up grabbing the church land.

There is a need for the land boards to create a system that disseminates information on land issues to curb ultimate instances where we hear of land being acquired in fraudulent ways as a result of citizens not being aware of what to do and what procedures to follow. This will greatly reduce and empower churches interest when it comes to issues to do with land. It would assist the church and its membership to be aware of what to do and when to do it when it comes to any transaction in land.

Recommendations for Further Study

The study hence makes the following recommendations based on the findings and conclusions:

1. A study should be done to look into strategies of minimizing discrete loss of church land among SDA church localities.
2. Local SDA churches in Uganda and other African countries need to organize sensitization seminars for its leaders so that they are aware of the land laws and regulations both at local and national levels.
3. Each local SDA church must ensure that they have in their possession their land title deed.

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APPENDICES

APPENDIX B

STRUCTURED INTERVIEW SCHEDULE

Dear Respondent,

I am Kauke Jaredastudent of the Adventists University of Africa in Kenya conducting a study on “**STRATEGIES FOR IMPROVING LAND MANAGEMENT IN BUWALASI SEVETH-DAY ADVENTIST CHURCH, EASTERN FIELD-UGANDA**”.The researcher kindly requests you to fill in the questionnaire and assures you that the information given will be used for only academic purpose.

SECTION A: RESPONDENTS’ DEMOGRAPHIC CHARACTERISTICS

Please tick (✓) the correct box that best describe your profile. Note, do not write your name anywhere in the questionnaire.

Gender: Male Female

Age (years): i) 25-35 ii) 36-46 iii) 47-57 iv) 58 and above

Position held in Church: i) Pastor ii) Church elder iii) Deacon/Deaconess iv) Clerk

v) Any other..... (Please identify)

SECTION B: AWARENESS OF LAND TENURE SYSTEMS

1. Why do think so many people are not aware of land tenure systems in Buwalasi?

.....

.....

2. What do you think should be done to improve land management by SD churches in EUF?

.....

.....

.....

APPENDIX C

FOCUS GROUP DISCUSSION TEMPLATE

Welcome, I am Kauke Jared a student of the Adventists University of Africa in Kenya. Thank you for agreeing to participate. The researcher is very interested to hear your valuable opinion on land management by SDA churches.

- The purpose of this study is to learn how the community adheres to the land acquisition process from customary to legal land documentation as set forth in the law of the land.
- The information you give will be treated with confidentiality and no names will be attached to the information derived from the focus group interactions.
- You have the right to answer or withdraw from the study at any time.

QUESTIONS

1. Let us start our discussion by assessing the land situation in Buwalasi, who owns land under what terms and conditions. What do you know about the land where the church building is situated?

PROBES OF DISCUSSION

1. Land management in terms of;

- Land acquisition
- Land rights and ownership
- Land tenure systems

2. Do you think land management in terms of acquisition, right ownership and tenure can improve the way churches function towards achieving their pre-determined mission?

PROBES OF DISCUSSION

2. Land management and church mission work

- Effect of land acquisition on church mission
- Effects of land rights on church mission
- Effects of land tenure on church mission

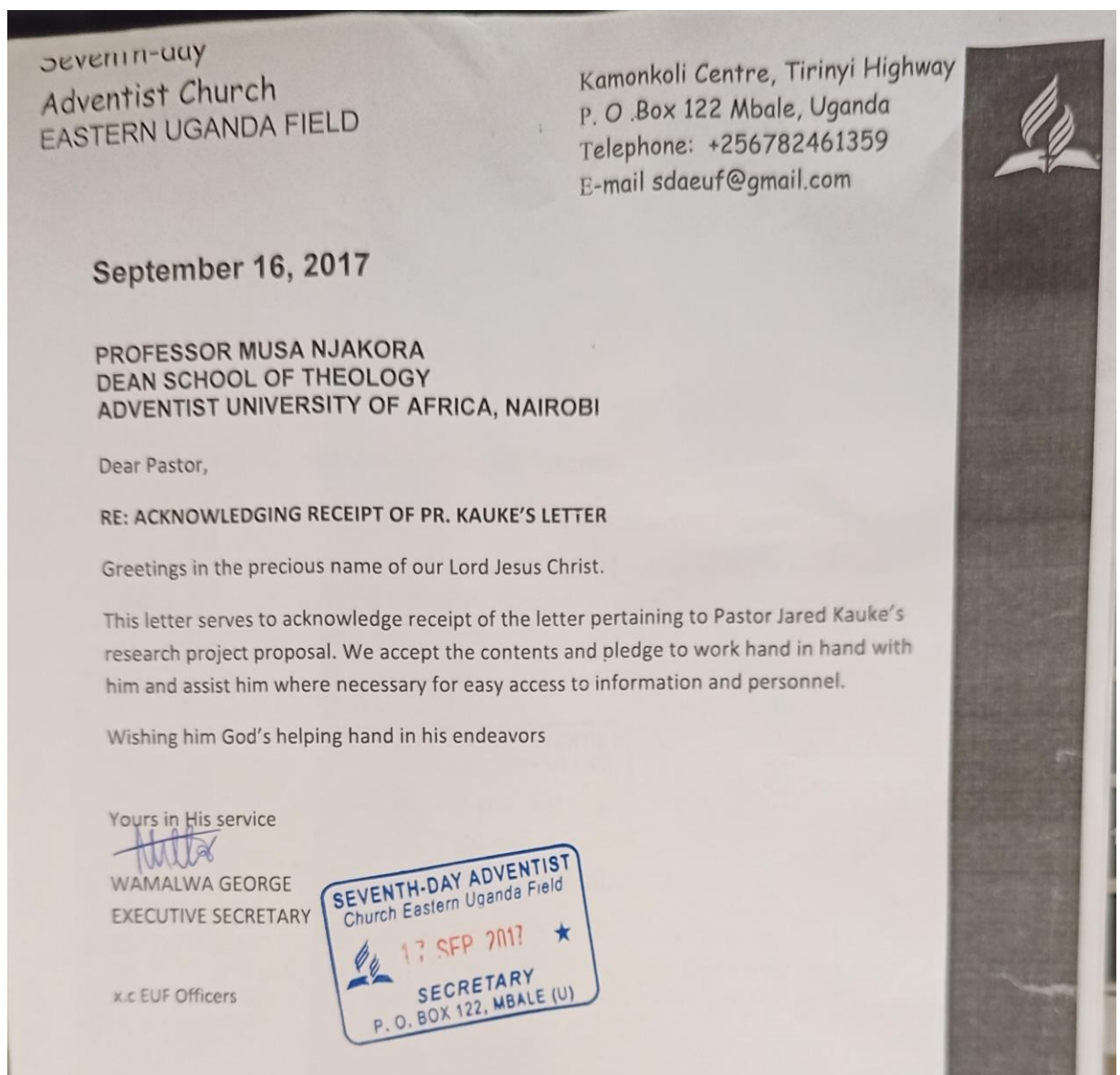
APPENDIX D
OBSERVATION CHECKLIST

S/no	Observed Features	Exist	Not existing
1	Encroachment	√	
2	Fence		√
3	Free range grazing	√	
4	Landmarks		√

APPENDIX E

LETTERS

Recommendation Letter



Seventh-day
Adventist Church
EASTERN UGANDA FIELD

Kamonkoli Centre, Tirinyi Highway
P. O. Box 122 Mbale, Uganda
Telephone: +256782461359
E-mail sdaeuf@gmail.com



September 16, 2017

BUWALASI SDA CHURCH DISTRICT

Dear Pastor,

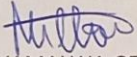
RE: RECOMMENDATION LETTER FOR DATA COLLECTION

Greetings in the precious name of our Lord Jesus Christ.

This letter serves to acknowledge receipt of the letter pertaining to Pastor Jared Kauke's research project proposal. We now recommend him to you to assist him where necessary for easy access to information and personnel.

Looking forward to your usual cooperation in this noble cause.

Yours in His service


WAMALWA GEORGE
EXECUTIVE SECRETARY



x.c EUF Officers

APPENDIX F

KREJCIE & MORGAN TABLE FOR SAMPLE SIZE

N	S	N	S	N	S
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	52	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	342
80	66	420	201	3500	347
85	70	440	205	4000	351
90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	375
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	274	50000	381
200	132	1000	278	75000	382
210	136	1100	285	100000	384

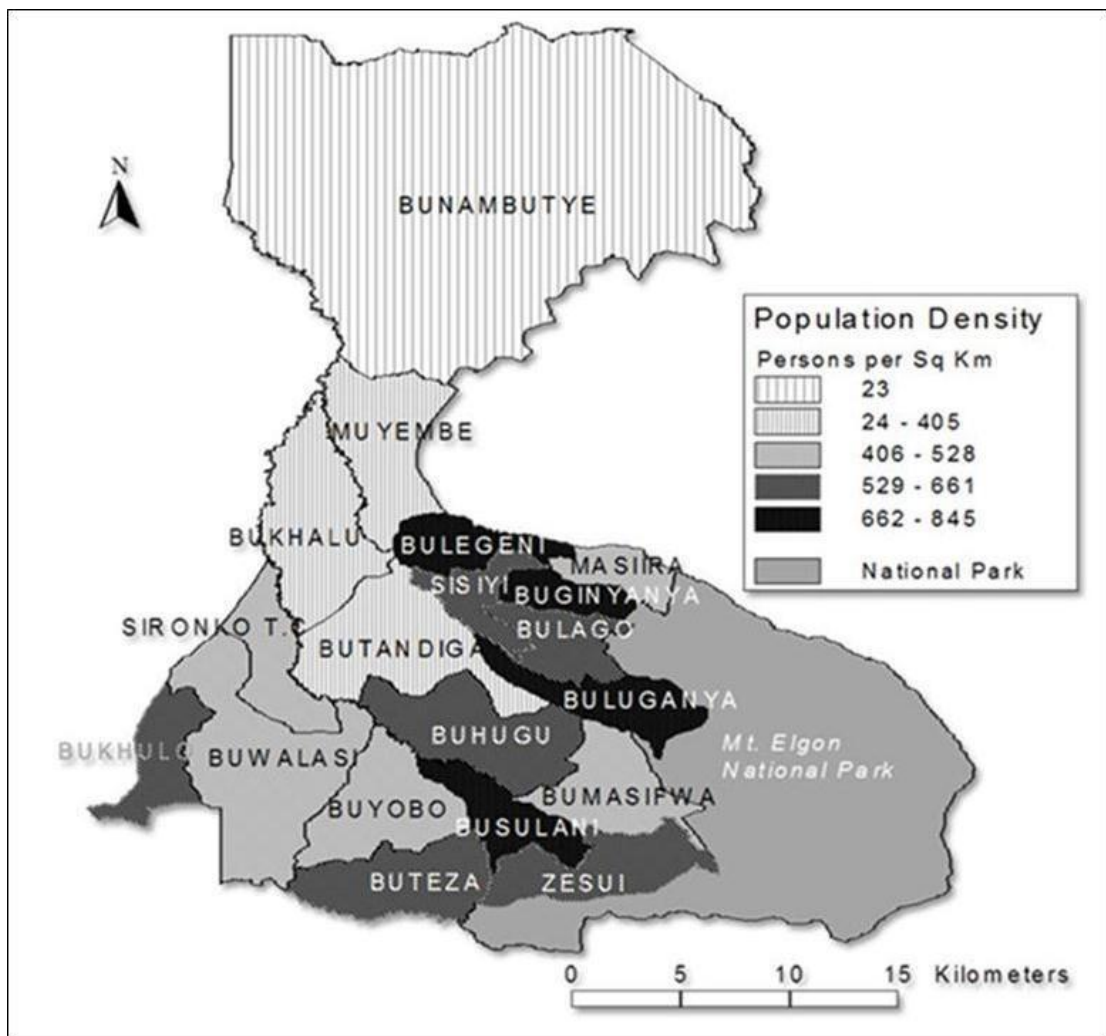
“N” refers to population Size

“S” refers to Sample Size

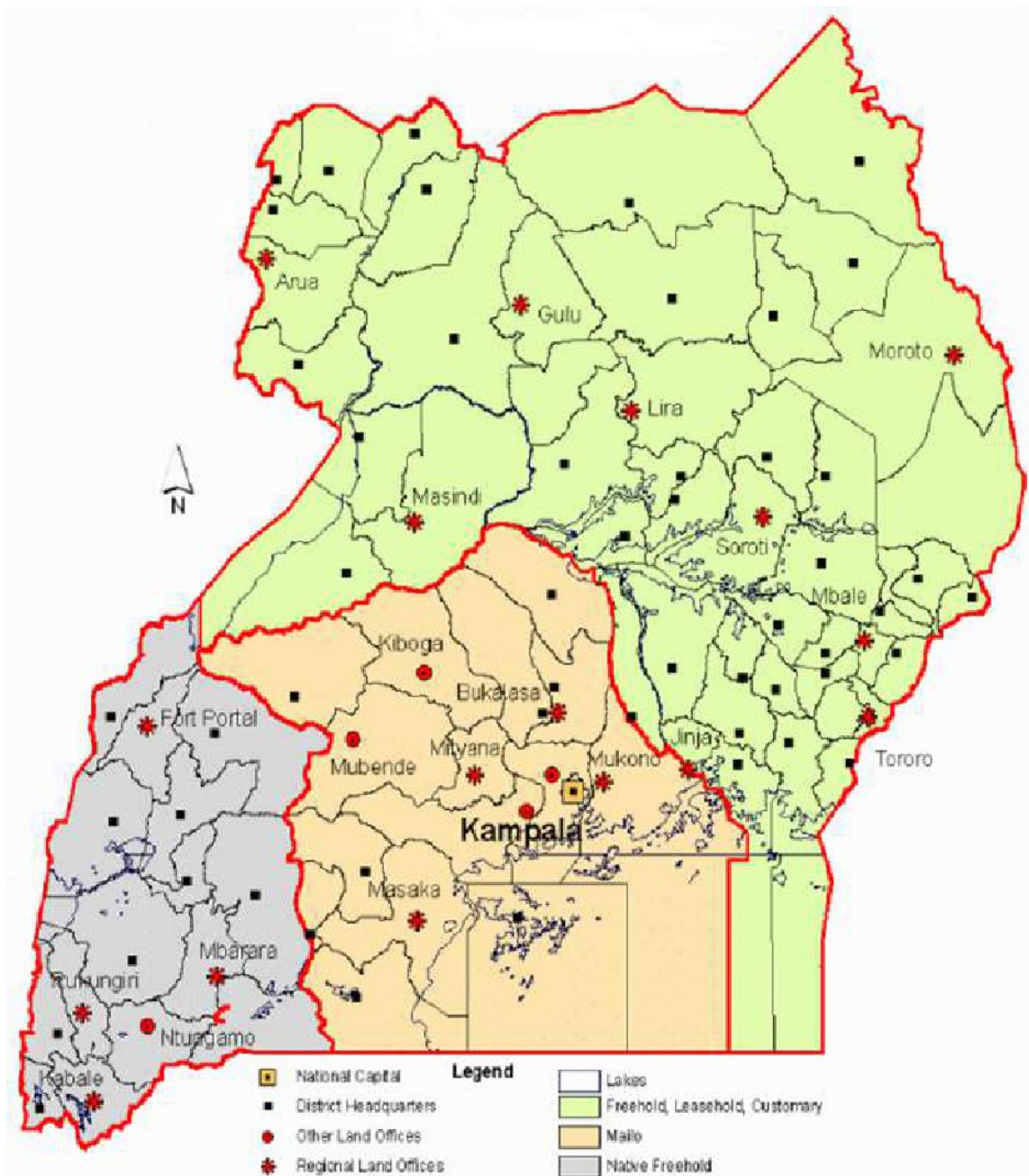
APPENDIX G

MAPS

Map of Sironko District



A map Showing the Distribution of the Different Land Tenure Systems



Source: Ministry of Land, Housing and Urban Development

APPENDIX I

SELECTED CASES AND COURT DECISIONS ON LAND ACQUISITION

Cases	Ruling
Uganda National Roads Authority (UNRA) v IrumbaAsumani and Magelah Peter Supreme Court Constitutional Appeal No. 2 of 2014	<i>Brief Facts:</i> The Government acquired land compulsorily for purposes of upgrading the Hoima-Kaiso-Tonya Road. UNRA took possession of the land prior to compensating the deprived persons. This case challenged Section 7 of the Land Acquisition Act, 2015, which allowed the Government to take possession of such land without payment of prior compensation. <i>Holding:</i> The Supreme Court of Uganda stated that Section 7(1) of Land Acquisition Act which permitted the government to take possession of private land before compensation is inconsistent with Article 26 (2) (b) of the Constitution. Compensation is key and must be paid to persons with an interest in the land before the government takes possession, both physical and legal.
Buran Chandmary v The Collector under the Indian Land Acquisition Act (1894) 1957 EACA 125	<i>Holding:</i> The market value of land is the basis on which compensation must be assessed. Market value of land is the price which a willing vendor might be expected to obtain from a willing purchaser. A willing purchaser is one who although may be a speculator is not a wild or unreasonable speculator
Inter freightForwarders (U) Ltd v East African Development Bank Supreme Court Civil Appeal No. 33 of 1992	<i>Holding:</i> Assessing property at the current market value leads to reasonable, fair and just compensation to deprived persons.
Sheema Cooperative Ranching Society & 31 Others v the Attorney General High Court Civil Suit No.103 of 2010	<i>Brief Facts:</i> The Claimants were the registered owners of land in the Ankole - Masaka Ranching Scheme. The Government compulsorily acquired their land following a policy to restructure the ranches for the purpose of resettling landless people. Persons were resettled on the land without payment of fair and adequate compensation to the land owners. <i>Holding:</i> Fair, timely and adequate compensation must be paid to persons with

	an interest in the land at market value upon compulsory acquisition. Certain procedures must be followed before compulsory acquisition can be lawful. The Government did not do so in this case. Also, the process of compensation was not transparent since the persons affected did not know what was taking place. They were not approached to give their views and the award given for compensation was not disclosed.
Uganda Electricity Boars (UEB) v Launde Stephen Sanya Court of Appeal Civil Appeal No.1 of 2000	<i>Brief Facts:</i> UEB, a Government Corporation, entered private land, destroyed trees, crops and building materials and placed its survey marks and high voltage power lines without the consent of the land owners. <i>Holding:</i> The Court held that UEB contravened Article 26(1) (2) and Article 237 of the Constitution by entering and taking possession of private land without acquiring it and paying compensation to the affected parties. UEB should have first notified the owners of the land before taking over the land which they did not do.
Esso Standard (U) Ltd v SamuAmanuOpio Supreme Court Civil Appeal No.3 of 1993	<i>Holding:</i> In situations where there are fluctuations of currency, such fluctuations need to be taken into consideration in an effort to arrive at what is adequate fair compensation.

Source: Uganda Consortium on Corporate Accountability

APPENDIX J

PICTURES

Picture Showing a Cow Tethered on the Compound of the Church



Picture Showing Plantations on the Church's Compound



CURRICULUM VITAE

PERSONAL DETAILS

NAME	Jared Kauke
DATE OF BIRTH	November 21, 1958
NATIONALITY	Ugandan
SEX	Male
MARITAL STATUS	Married
CONTACTS	P. O. Box 122, Mbale – Uganda Cell Phone - +256 784951143 Email – jadkauke@gmail.com; kaukej@aua.ac.ke

EDUCATIONAL BACKGROUND

2011 – 2013	Adventist University of Africa	M.A Leadership
1991 – 1998	Bugema University	Bachelor of Theology
1995 – 1998	Mitandi SDA Sec. School	Division 2 Certificate
1968 – 1974	Nambulu Primary School	P.L.E

WORK

2016- to date	District Leader
2011 – 2015	Publishing / Sabbath School Director
1996 – 2010	District Leader
1983 – 1994	Assistant Publishing Director
1975 – 1982	Literature Evangelist