

# **Land Deals in Uganda: An Invisible Hand in Land Grabbing and Rural Development<sup>1</sup>** **(Draft, not to be cited without permission)**

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## **Abstract**

Worldwide there is an upsurge in large scale land acquisition including a rush for land that formerly was of no interest to any investment. But there is limited information over the nature, the scale and location of such deals and it is difficult to report with accuracy, the nature and the scale of deals which take place. In most cases land grabbing goes unnoticed; there is underreporting of land deals and the perpetrators of land deals do it either indirectly through others or in a manner that may not depict the deal as land grabbing. In Uganda, there has been a vehement denial by government that land grabbing phenomenon does exist. There is limited information on land grabbing in Uganda. What may pass as genuine land acquisition may actually turn out to be land grabbing. Thus the invisibility of land grabbing. Lack of information complicates assessing their impact on development. In this paper we present some of our findings. The paper is guided by the following objectives; a) To identify the existing forms and nature of land deals in Uganda; b) To identify the key drivers of land deals in Uganda; c) To assess the impact of large-scale land appropriations on rural livelihoods; d) To identify strategic and practical solutions that can transform land grabbing into a vehicle for rural development. To achieve these objectives we used the methodology. We used a descriptive case study approach and we focussed on three districts in Uganda for our data collection. We used mixed research methodologies to collect data.

## **1.0 Introduction**

Worldwide, there is an upsurge in large scale land acquisition by individuals, organisations, and countries. This exercise has been referred to variously as; land acquisitions (Deininger et al 2011), land deals (Anseul et al. 2012, Cotula et al 2009) land grabs (GRAIN 2008: Kachika 2010) and large scale land acquisitions (World Bank 2010), among other categorisations. This rush for investment in farmland has been expanding rapidly in the global south since the global food and economic crises of 2008 and is becoming a force to reckon with. While land deals have focused on the global south, it should be noted that much of it recently has taken place on African continent. Indeed, just under half (48%) of all the land deals counted in the 2008-2009 period are located in sub-Saharan Africa (Deininger et al 2011).

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The rush for land in the world has been going on since colonial times but the rush and scale and the nature of land acquisition since 2008, is most worrying. The phenomenon of land acquisition in the world became more tense with the 2007-2008 global food and energy crisis, in which world commodity prices rose precipitously, sparking fears among many net food importing countries about the security of their food and energy supplies. In 2009, the International Food Policy Research Institute (IFPRI) estimated that deals of 15 – 20 million ha of farmland in developing countries were under negotiation between 2006 and 2009 (Cotula et al 2009). This might have been an underrepresentation (Hall, 2011). The World Bank's report on *'Large Scale Land Acquisitions'* of 2010 suggests that the scale is bigger, 56 million ha were announced before the end of 2009 and more than 70% of it was in Africa (Deininger et al. 2011, xiv). The Land Matrix report (Anseeuw et al. 2012), estimates the land deals at 83.2 million hectares in developing countries.

It has to be mentioned that while land acquisition has gained prominence and been widely popularized by media reports and other researches such as GRAIN, the international land deals and their impacts on the local populations remain underrepresented. This underrepresentation is largely due to limited data on the scale, who is involved and the nature of land deals taking place especially in Africa (Kachika 2010, Deininger et al. 2011, and Anseeuw et al. 2012). Although there is incriminating evidence of a glaring increase in the rush for land that was formerly of no interest to any investment; most of the land acquisitions taking place today, remain opaque and invisible to the public (Kugelman 2009). There is limited information over the nature, scale and location of such deals and the conditions under which these deals have been made remain obscure. The specificities surrounding these land deals have often been left to media speculation and have remained largely unclear. Indeed, as Anseeuw et al. (2012) points out, many of the large-scale land deals take place in a non transparent manner making it difficult to report the nature and the scale of these deals, with accuracy. As Kachika (2010) also argues; accessing accurate data on land grabbing is challenging because governments and investors often have different data regarding the size and scale of the same investment.

Uganda has been a victim of land deals and land appropriation but this is not clearly understood since it is denied of its existence by government. In Uganda, large scale land acquisitions are

generally a sensitive matter and attract a lot of controversy and threats to investigators. Much of the controversy surrounding large scale land acquisition in Uganda and subsequent tension issues that have emerged have been sustained by the governments' limited willingness to release important information regarding land deals. Recently, an Oxfam report alleged that over 200 families had been evicted from their land in Kiboga by a British firm – New Forest Company (Oxfam 2011), but the report generated controversy and outright denials that the act was a phenomenon of land grabbing. Similarly, there are reports of massive land grabs in Kalangala for the growing of palm oil. But there have been outright denials by government of its existence. But, there is evidence that land acquisitions on a large scale have taken place in Uganda mainly for oil, bio-fuels, carbon credits and for speculative purposes. The oil palm plantations on the Kalangala Island, the report by Oxfam on New Man kaffe and new forest company cannot be denied to be real phenomenon.

The discovery of oil in Uganda has also dramatically escalated already existing tensions between groups and exacerbated the land question in Uganda. New tensions have been created and this could easily spark localized land conflicts. International Alert (2009) notes four oil wealthy sub-regions along the Albertine Rift Valley where land conflicts have been escalating largely because oil exploration is forcing localized displacement. Furthermore, the rights to land are being bought up by Ugandans from all across the country as well as foreigners and traditional land rights are being largely ignored. These challenges are further complicated by high population growth rates, and increasing land scarcity. As groups posit themselves to reap the benefits from oil, land tensions are also increasing which make the future of the oil industry in Uganda too ghastly to contemplate.

Given the above background, we argue that the manner in which large-scale land deals take place is highly invisible. It is not clear how land acquisition takes place, who acquires the land and what the drivers of large scale land acquisition are. There is scanty and limited information regarding this. In the few instances where certain incriminating data has come out, it is often resisted by government and threats have been made to whoever releases such data. A recent threat by Government to close/deregister one of the civil society organisations in Uganda which

advocates for Land Rights; “*Uganda Land Alliance*” is one example of the sensitivity of this topic locally. (See: <http://ulaug.org/2012/04/kampala-%E2%80%93-apologise-or-face-closure-government-tells-uganda-land-alliance/>, Accessed 6th May 2012). In this instance the government called on anybody to come up with evidence that there is land grabbing in Uganda.

This study focuses on the dynamics and impact of the invisible hand in large-scale land acquisition in Uganda. The paper focuses on four objectives as; a) To identify the existing forms and nature of land deals in Uganda; b) To identify the key drivers of land deals in Uganda; c) To assess the impact of large-scale land appropriations on rural livelihoods; d) To identify strategic and practical solutions that can transform land grabbing into a vehicle for rural development. Without understanding the scale, the nature and the dynamics involved in the process of large scale land acquisitions, one cannot state with certainty the extent to which large scale land deals can impact on rural livelihoods of the poor majority in developing countries. Taking the three districts of Ssembabule, Mubende, and Buliisa, this study investigated the nature and the scale of land deals, the drivers and the impact of land deals in Uganda. In addition, given that land deals are a global phenomenon, the study investigated how such deals can be made meaningful for Uganda’s rural transformation.

### **1.1 Problem Statement**

Land as an important factor of production and basis of livelihoods in many parts of the world is under threat from local and foreign large-scale acquisitions code named as land grabbing. Examples of land grabbing have been recorded in more than 60 countries around the world. There is no global registry to give exact figures of the amounts of land involved, but recent estimates have put the figure at 227 million hectares (Borras et al, 2011). Uganda has witnessed increasing cases of large scale land acquisition in the recent past but the nature and character of these land deals is still fraught with a lot of controversy. There are controversies over the existence of the phenomenon of land grabbing in Uganda. The government denies that this phenomenon does exist and threatens any individual or group attempting to stand out and point out that land grabbing as a phenomenon does exist. Yet, there is continued reporting that land grabbing is an undeniable phenomenon in the country. It is thus not clear and the nature of the

land deals existing in Uganda; the phenomenon although highlighted by civil society organizations and media reports, remains largely invisible. There are mixed reports as to whether land grabbing has taken place or whether a genuine land transfer or deal has taken place or even whether land grabbing exists at all. There are other issues that come with the land grabbing question; land grabbing from who? Why land grabbing? When does land taken or given to an investor turn into a land grabbing scenario? Does taking land from an individual or group who does not legally own the land turn into land grabbing? These questions exemplify the invisible nature of land grabbing and provide the premise for this study. Land grabbing goes along with impacts; how does land grabbing impacted on rural livelihoods in Uganda? How can land grabbing be turned into a vehicle for rural development? These questions and more formed the basis of our investigation.

## **1.2 General Objective**

The main objective of the research study was to analyze the salient features in Uganda's land deals and get a clearer understanding of their influence on rural development.

### **1.2.1 Specific Objectives**

- a) To identify the existing forms and nature of land deals in Uganda.
- b) To identify the key drivers of land deals in Uganda.
- c) To assess the impact of large-scale land appropriations on rural livelihoods.
- d) To identify strategic and practical solutions that can transform land grabbing into a vehicle for rural development

## **2.0 Theoretical and Conceptual Framework**

Land grabbing has foundations in globalisation. Land grabbing is seen as a new security mechanism that will promote food security, water security and investment security. The global demand for food brought by increased population and urbanisation, global warming has led to increased rush for land in the land secure countries such as those in Africa. From the literature it can also be observed that theories surrounding land grabbing include the inefficient governance regimes; poor land policies and poor implementation and follow-up of land policies in countries where they appear to be good. Uganda is praised for having a comprehensive land policy which takes care of competing interest on land and which tries to secure land rights especially of the

poor, but it is also criticised for failure to implement such land policy. It is no wonder that scholars such as Okuku (2006) conclude that it is not good policies that provide security of tenure but their institutionalisation. Theoretically therefore, Uganda possesses good land policies but practically, the policies do not exist.

Further analysis of the literature indicate that the theory surrounding land grabbing has foundations in the power relations, it is the power relations that drive land grabbing. In the case of Uganda power relations, those with influence, financial resources take the lead in land grabbing. The poor cannot afford the cost of pursuing land rights consequently the powerful exploit the poor and grab their land.

### **3.0 Methodology**

Owing to the contention and sensitivity of land deals in Uganda, we thought that investigating land deals need in-depth analysis. We thus used a mixed method approach with a strong orientation on qualitative research. The study used descriptive and exploratory case study research design. Three hot spot land grabbing areas were selected for this investigation because of land questions. The hot spot areas (Mubende, Ssembabule, and Buliisa) were selected on the basis of the current debates in the areas. Buliisa district was selected because of the recent discovery of oil deposits in the area and the huge influx of foreign companies prospecting for oil exploration as well as the many land conflicts that have been common in the area particularly between the Bagungu and Balaro as well as in Ssembabule district. Although not clearly debated in newspapers, there are increasing land grabs within this cattle corridor. Mubende district has also generated a lot of controversies of late with regard to land management. Newman Kafe and New Forest Company activities (see Oxfam 2011) have put the district on the spot due to the many land conflicts reported in the media and it was interesting for us to identify as our focus of research. A detailed analysis of the land dynamics and deals in these areas were made.

#### **3.1 Sampling**

A sample size of a hundred (100) respondents was selected for the study. This included sixty (60) local residents (20 residents from each of the three land grabbing Hot spots, ten (10) opinion

leaders in the districts of investigation including local council chairpersons, religious leaders and councillors, we interviewed twenty (20) government officials.

### **3.2 Data Collection Methods**

Primary data was collected through key informant interviews and surveys. In addition we conducted in-depth interviews with victims of land grabbing. In-depth interviews lasting between 1 – 2 hours were held with each individual land grab victim we identified.

Observation methods supplemented interviews and other methods we used. We mainly observed the impact of land grabbing on people's livelihoods. We observed abandoned homes due to land grabbing, destroyed homesteads and the way people who stayed live. As a way of validating responses on current strategies, visual aid to observations was used to provide empirical evidence of what was taking place.

### **3.3 Data Analysis**

Data was analyzed qualitatively by use of thematic content analysis approach where themes and sub themes were developed and progressively analyzed. We did cross case analysis by focussing on different cases looking at similar or different incidences and how they relate to the overall theme of land grabbing and development. In addition we did in-case analysis of each case by looking at different features that constituted the nature of land grabbing in a particular case. The intention of this analysis was to understand the dynamics involved in acquiring land in each particular area. It is on the basis of this analysis that were able to perform a detailed cross-case analysis. Quantitatively, data was analysed using SPSS which aided generation of necessary tables, charts and graphs that for later analysis and interpretation of the collected data.

### **3.4 Research Ethics**

Oral consent for the in-depth interviews was obtained from all respondents. While it had been planned to use written consent, we found that getting people to consent in writing was very hard. Majority of the people particularly the land grab victims are suspicious of people who come asking them to sign anything since some signatures have been turned into agreements. To get verbal consent from the respondents, the goal and purpose of the study and the

procedures to be followed were clearly explained. In addition, outcomes from the study were explained to the respondents to remove suspicions of being implicated for being part of the grabbers. This was meant to build confidence between the respondents and the researchers. Building confidence was meant to create an environment that would allow free response to questions being asked by researchers and salient features of large scale land appropriation in Uganda were brought out.

Land deals can be dangerous if reported (see for example, Matsiko 2012). Confidentiality was ensured such that during reporting of results, there was no mention of names of respondents except where respondents agreed to mention and display of photographs, to avoid dangerous implications on the respondents. This was explained to the respondents so as to avoid withholding of information regarding land deals.

## **DATA PRESENTATION, DISCUSSION AND ANALYSIS**

### **4.0. Introduction**

The global rush for land acquisition has not left Uganda untouched. There are limited reports about Uganda being a country where serious land grabbing takes place (see for example, Anseeuw et al. 2012). Nevertheless, there is evidence that land grabbing does take place in Uganda (see for example, Oxfam 2011, Zeemeijer 2011). There is however, limited evidence on how it takes place and its perpetrators. The practice remains highly invisible and may easily go unnoticed. In this section we present data on the nature of land deals in Ssembabule, Mubende and Buliisa- districts of our investigation in Uganda.

### **4.1 Nature of Land Deals in Uganda: the Case of Mubende, Buliisa and Ssembabule**

In this study we consider land grabbing as any form of land acquisition where there are limited consultations with the local people by the investor or new land owners, when people are disposed of land they have used for ages and where contracts between locals have been questioned, and where there are little benefits accruing from land contracts. Uganda's land law requires that transfer of land ownership should be agreed upon by the land owner and the *bona fide* occupants and that the new owners should respect the *bona fide* occupants (The Republic of Uganda 2010).

To understand whether land grabbing does exist and its nature we investigated the process of land acquisition; how land is acquired, who is involved in the land acquisition and whether the law is followed when people are acquiring land.

#### **4.1.1 Process of Land Acquisition**

During our investigations, we found that land acquisition in parts of our study area is through buying, concessions and forced entry. Most of the land existing in Mubende district and the one mostly under contention is Mailo land. The 2009 Land Amendment Act stipulates that land may be sold to a willing buyer at free will but it also recognises that *bona fide* occupants should be given first opportunity before land is sold to another person. We found that land buying is more or less a closed deal which takes place between the buyer and the seller without consulting the *bona fide* occupants as prescribed by the constitution and subsequent land amendment act (see Republic of Uganda 2010). This is clearly a violation of the local people's land rights. We found that district land officials, the local council chiefs and the area land boards are never consulted when land deals are negotiated and executed. According to one highly placed government official in Mubende District;

*The way people buy land in Mubende leaves a lot to be desired. How land is acquired is only known by the seller and the buyer and may be, by the land officer who issues the title since many come carrying titles claiming that they are the new owners of land. We only get to know about any land transfers and acquisitions when there are problems with squatters* (Interview with district official)

Many people have been occupying land without knowing that it belongs to someone else or without knowledge that there is a title on land. As required by law, anyone who has a title should consult the people (*bona fide* occupants) before transferring land. However, people often get surprised when they see someone claiming he has bought land and want them to vacate the land. In Manyogaseka Mubende district, people were forced to leave land where they had stayed for more than two decades and their property was destroyed. People claim that they were not aware how the new land owner had acquired the land.

*One day someone came to our place, he told us he had bought land, he instructed us to vacate the place. We wondered how he had got the land. We later learned that he had got land after paying the bank. Later we also learned that he had sold the land to a certain army man who does not want anybody living on the land. We do not know this new person. We are now being forced to leave the land to clear way for the new owners* (Focus group discussion in Mubende).

In Buliisa, some people claim that they bought land, but we found that the people who purported to have sold land either do not exist or never owned land in question. In an interview with the local council chairman of Kasenyi where Kasemene oil well belonging to Tullow oil company is located, it was revealed that when the community land was sold, there was no involvement of the community, but people who had previously settled on the land are said to have sold the land and trials to investigate the sale by communities were met with hostility and violence. According to the chairman,

*Kahwa a rich Mugungu who stays in Kampala claims he bought land from two Congolese who never owned the land but had been resident in Buliisa having fled from Congo because of insurgency in Congo. Kahwa latter sold to Tullow oil. In both cases, there were no witnesses and local council officials. A month later, I received a letter from Bulisa Town council informing me to inform villagers that they were coming to inspect and fence Kahwa's land. The letter further requested me to mobilise the villagers for a meeting over this matter. In may 2012, the official arrived for the meeting. Soon after the meeting had began, a group of people arrived with sticks, bows and arrows and started beating people, and dispersing them. Shortly after, the police and other government officials also arrived and they joined in the beating and some arrests were made. (Interview with LC I chairman)*

In Ssembabule, Rwendahi sub-county, according to respondents, people woke up one morning and were told to vacate the land because it had been bought. We followed people who had been evicted and staying in another location and one respondent told us how they lost land they had lived on for three decades;

*My father migrated from Bukimbiri Kisoro district, we stayed on Mailo land for 30 years. Joseph (not real name) bought land neighbouring us, one day he came and told us, that he no longer wants to see any other person on the land we were staying; that he had bought the land. You are now illegally staying here so you should move, this is my land, he told us. We knew we were staying on mailo land whose owner we had never known and never met. We do not know how Joseph acquired the land (Interview with Respondent Living in Chabi-having Migrated from Rwendahi Names withheld for security reasons).*

We probed our respondents further and found that in some areas such as Sembabule, people are given first opportunity to stay on the land upon payment of a price which they cannot afford, a condition which forces them out and to sell to the new landlord. In an interview with one of the respondents, he revealed that compensation is only determined by the buyer not the seller.

*We are asked to pay one million Uganda Shillings (about US\$400) per acre of land if we want to stay, but if we opt to leave and get compensation, we are told we will be paid five hundred thousand Uganda Shillings (about US\$200). (Interview with Respondent in Ssembabule District)*

In Rutunku and Rwendahi Sub-counties of Ssembabule – which are the areas mostly affected by land grabbing, people were forced to leave even when they resisted. A key informant told us;

*Mafenda had to leave for Kiboga without compensation after resisting for so long, Manirageza is now in Gomba with no land. These people put up a strong fight, but they were eventually overpowered and they had to leave without anything. Banyenzaki, the only Mukiga who managed to pay his way and is still staying in Rwendahi, is living under threat and is contemplating selling under intense pressure of animals grazing his crops, but we doubt whether he will get the compensation he deserves. It will be on the basis of take what I offer basis since now he is the one demanding to leave, we wait to see (Key informant in Lutunku – Ssembabule District).*

It was reported that the money bibanja owners are compensated with is still minimal or sometimes not there. Majority of the local people interviewed reported that money given to them as compensation by land owners is not comparable to their land and other investments on it. In most cases people are forced to leave and are offered compensation that is not worth the land and the property or investments on land. In Manyogaseka – Mubende district, people were given Uganda Shillings 200,000 less than USD 100 as compensation and some defrauded and left with no compensation at all.

In some instances, people are lured into signing documents which are eventually forged to appear as if they were agreements of compensation. In an interview with people who are still living on the land under contention and whose property was destroyed purportedly by people sent by the land owner, we learned that;

*After several trials and notices to evict us without success, George (not real name) sent his men to tell us to go for our compensation so that we leave the land. We were told that each will receive Uganda shillings two million (2,000,000) almost 1000 USD. When we arrived at his house, he made us sign an agreement that he had compensated us. After signing he told us that he had miscounted the money and he can offer us 200,000, and the rest will be paid later. It is this agreement he insists that it is evidence that he paid us our compensation. (focus group discussion with people still stranded on the land in Manyogaseka)*

The evidence above is corroborated with evidence from interviews with other key informants.

One of the respondents put it thus;

*we signed an agreement and were paid Uganda Shillings 200,000. After three years he came back with police from Mubende under leadership of Musisi (Sergeant), he burnt houses. His foremen first came and cleared all our plantations, he enquired how much money I wanted, I told him I wanted 30 million, after three days he came and cut the plantation. He stood with army men side by side (interview with Key informant in Mubende).*

We traced one person who after the scare freed the land and is staying in Kigando. Jane 39 years, a widow with 5 children, formerly resident of Manyogaseka, informed us that

*...in 1999, June, we saw land surveyors on the land we had lived on for three decades, we sent them away. In 2002 we saw a man George (not real name) coming and he told us that he had bought the land from the bank and wants us to leave his land. After this notice he left only to come in 2004 this time with a gun. People reacted and refused to vacate, he called in police and*

*people were arrested. We called the area member of parliament to rescue us but he told us that he would not get into conflict with George (not real name) and instead he advised everyone to find his/her way out. We were harassed and intimidated until 2009 when George brought cows which would be released into our gardens at night to destroy them. Later after failing to get us out by harassing us, we were told that we were not supposed to get food from our gardens since the land did not belong to us. We remained defiant and continued to get food from our garden. Finally, on 14/08/2009 George's cows ate all my gardens, 3 hectares of banana plantation, 1 hectare of cassava. Five families were affected including mine. When we found the cows in our gardens, we held 7 of them hostage and called the chairman LC 1. Realising this, George's workers cut one of them, and reported the matter to police. Police came, we were beaten by the officer in charge of police, and we were tied together, bundled on a police truck and taken to Mubende police. We were kept in police cells for four days and the local council chairman and other people came and bailed us out on condition that we report at police twice a week. After a week it became costly for us, we paid 400,000 shillings each and the matter was dismissed. He again, came and instructed us to leave his place, he paid people 200,000 UGX. I was given 350,000 UGX. I had nothing to do but leave his land. On the day I was leaving, people with guns and machetes came and destroyed our property. Houses were destroyed including mine, plantations cut and no one remained with a banana plantation in the village (see plate of picture we found with those who still leave on land). The pressure had become too much, the law we trusted was no longer on our side. I decided to leave. Only about three families still stay on that land, others like me fled this terror. (Interview with Jane a victim of land grab)*

Jane's story is retold by those who stayed and have since abandoned their plantations in fear of it being cut down again. We met three of the remaining families whose stories are similar to Jane's story.

In Ssembabule, Jane's story is retold and it is revealed that in some cases, "when animals destroy the crops and you hold the hostage, the owner may decide to ignore them until you go on your knees begging. Sometimes he frames you falsely accusing you to the authorities as having cut his animals and then charges the culprit for malicious damage" (Interview with Key Informant). In other cases, it was revealed that police is brought in to force such individuals to pay and in the end, most locals have given up and left the area. James (not real name) migrated from Kabale, and bought land in Ssembabule. In 1996 – 97 (Joseph) – not real name) bought the neighbouring land, James narrates his relationship with Joseph;

*After buying my neighbours land Joseph fenced the other side of his land not mine. He started releasing animals into my gardens. One day, I was accused of cutting his cow; he sent his men at night to come for me, I refused, he came himself carrying a gun, realising this might be more harmful for my entire family, I went out. He beat me, flogged me and hanged-me, in the tree in my compound with my legs up. I finally told him to kill me instead of torturing me since he had a gun. He pulled me down and took me to police. I was kept in police cells for three days, I was only lucky the police in charge was from my home area where we migrated from and he felt pity for me. In the morning he was informed that there is a man who was brought in the cells the previous night by a big man and there were instructions that whoever releases him will face it.*

*But after seeing me and how I had been treated, he ordered my release. All the police officers on duty feared to release me and told him to be the one to do it. I was released”.*

The stories and testimonies of the victims which are presented above show the fraudulent process in which land acquisition takes place.

## **4.2 Drivers of Land grabbing**

The key drivers of land grabbing are mainly what happen in the international environment: the increased population and urbanisation and the increased demand for food, bio-fuels are some of the key drivers. It suffices to mention however that amidst these drivers there are key facilitators without which land grabbing may not occur. In this section a discussion of the key drivers and facilitators of land grabbing in Uganda are presented.

### **4.2.1 Land Acquisition and international demand for food production**

Globally, the rush for land acquisition is triggered by what takes place in the international environment; food crisis, the increased demand for bio-fuels, the increased need for water and the increased demand for animal products are some of the push factors. Our investigation found that, that there was no large scale foreign investment projects in the areas of our research engaged in the production of agricultural products, oil palm, biofuels or animal products much as these exist in other parts of the country. It was however revealed that people who buy/grab land in the areas of Ssembabule and Mubende are mostly local (Ugandan) wealthy cattle farmers. But, there were no clear findings within our area of study showing that there were many animals, to warrant the claim that the international market for animal products triggered the demand for land. At most, one can argue that most of the land being grabbed in these areas is for speculative purposes. This argument is in agreement with Deininger et al (2011) who asserts that while there has been increased rush for land by the global North in the global South, only about 21% is actually put to use leaving the rest unutilised.

Indeed in areas of Ssembabule it was revealed that the new land acquisition movement may be driven by the demand for animal products especially in the East-Asian countries, therefore most land may be for livestock production. According to the Chief Administrative officer (CAO), the demand for white goats by the Arabs intended for their ceremonies is directing new demands for

land in the area where the previous focus was on cattle keeping. Under the Community Agriculture Infrastructural program (CAIP), one farmer has been identified to breed goats for the distribution to other farmers in the area. These farmers would then sell them in Arab market” (Interview with CAO Ssembabule). It was revealed that the goat project is supported by government through funding from the Ministry of Agriculture. We learnt that there are a number of people who have so far received about 2000 goats as seed for multiplication. One of the farmers owns land in Rwendahi sub-county and has displaced people in order to raise and graze these goats. We asked the CAO the likely impact of the goat project on land use and acquisition; his reply was that;

*The goat project is likely to lead to more demand for land and hence more land acquisition. For anyone to benefit from the project, he/she is supposed to have between 100 and 150 acres, and therefore the rich may be acquiring more land for such projects* (Interview with CAO Sembabule District).

In Mubende, we explored the relationship between land acquisition and international environment one farmer and former district councillor has over 200 hectares of land which she acquired through applying to the land board (public land) and also by buying a mailo land and compensating the *bona fide* occupants. On the land, she has over 120 heads of cattle. The farmer told us that she and other cattle keepers are exploring possibilities of producing meat for international market. *“Under Uganda Beef Producers Association, we are trying to organise ourselves to tap into foreign market to export meat”*. Given this explanation we therefore assert that, the acquisition of land in Mubende District especially in most areas we visited, are driven by the need for livestock production to meet the international demand for animal products particularly meat.

#### **4.2.2 Land Governance and Relationship with Land Grabbing**

Land governance is about the policies, processes and institutions by which land, property, and natural resources are managed. It includes decisions on access, land rights, land use and planning as well as making investment decisions. It involves legislation on land, land management, secure tenure and transfer of land rights.

#### 4.2.2.1 Land Tenure System

In Uganda there are four types of land tenure system recognised by the constitution; mailo, leasehold (public), freehold and customary land tenure systems. In Ssembabule and Mubende districts, all the four forms of land tenure system do exist, but the predominant one is mailo with limited customary and free hold tenure systems. The predominance of the mailo land tenure system is a result of the earlier links and connections with Buganda. Ssembabule district was cut off Makasa District and Mubende was taken out of Mityana District. Both Masaka and Mityana Districts were earlier parts of Buganda which took the larger share of mailo land during the Buganda agreement. Like leaseholds and mailo land tenure systems, customary and free hold systems of land tenure have existed for a long time, but unlike lease and mailo, they have largely remained in name and very few people have actually applied for them. Most of the land in Buliisa remains customary. There is limited knowledge on how the land tenure system operates in Uganda and people buying or grabbing land exploited people's ignorance of the land tenure system. Our findings in Ssembabule show that a big number of people do not know the forms of land tenure systems and which land tenure system does exist in places of their residents. 80% of the local people whom we surveyed did not understand the operations of the tenure system.

The Ugandan constitution provides for the security of tenure, but people do not know that there is a land law, they are not aware of their rights and how to secure them. The 1900 Buganda agreement created a stream of absentee landlords. This was repealed by subsequent land laws such as the 1975 land decree allowing other people to occupy land at will and also the 1995 constitution which recognised the rights of occupancy by the bonafide occupants. According to the Land Amendment Act 2010, bonafide occupants can be evicted only when they fail to pay ground rent. We found however, that people were ignorant of the law. We investigated knowledge about the land law. The 2009 land amendment act has been translated into the local language, "*Eteka Lye Etaka*". We asked respondents to indicate whether they know the law based on the statement, "*on a scale of 1 – 10 (whereby 1 represent less knowledge and 10 represent highly known), please determine the transparency and the practice of the land law in Uganda*". It was found that 60% of the citizens are aware of the law, 20% practice the

knowledge of the law and 10% do not know the law. It is the ignorance of law that has made land wrangles, land grabbing a phenomenon in Uganda.

According to the constitution of Uganda, a person can be evicted from land which he/she previously occupied through failure to pay the ground rent –*Busulu* which are prescribed by parliament. Subsequently districts enacted laws governing this rent and the amount to be paid. In the areas of our investigation, it was revealed that each tenant is supposed to pay Uganda shillings 200,000 (less than USD 100) as annual fee from ground rent. This is irrespective of the size of land she/he occupies. Against this background it was found that one of the triggers of land grabbing is the low price for land in terms of ground rent. Owing to the low ground rent, landlords will always opt to sell the land to whoever can take a risk of dealing with the bonafide occupants. In Mubende and Ssembabule we learnt that the biggest challenge is the land conflicts between the new landlords and the *bona fide* occupants. Most of the land being grabbed is that where absentee landlords exist and purportedly sell to other people without giving bonafide occupants an opportunity to buy as prescribed by law. The new land lords are subsequently evicting people on their terms not in recognition of the law. During the key informant interviews one local leader had this to say;

*The problem we have here in Sembabule is not the law but the ignorance of the law which landlords are using to evict people. They prescribe the compensation they want to give and do not in any way consider bonafide occupants as prescribed by the law. Bonafide occupants do not know their rights either and believe that they are at the mercy of the landlord. Yet this is not the case. In areas, like lutunku- Rugusuru subcounty, the problem has been that of absentee landlords. Most people were bibanja owners and did not have any clue who the owner was and what rights they have on land, until one day one rich man came and told the whole village that he has bought the land on which they lived, and therefore must vacate. Some vacated without any resistance, because they believed they had no rights at all” (Chairman LC 11, Rugusuru, Sembabule district).*

In Buliisa district we found that people owned land on customary basis but did not know that they needed to have certificate of customary ownership for them to have claim over land. In the neighbouring district of Hoima, we interacted with four family members who claimed that their land had been grabbed by other clans; further interaction revealed that they had nothing to show that the land in question ever belonged to them. The Abaseka clan in Kyaruboiija, Buhimba subcounty led by

Kahwa, Rugiretima, Kiiza and Arinda (we requested for their consent to use their names in our report and they agreed) narrates their loss of land;

*We have owned land for generations, we were born on this land, our fore fathers lived here, but one day in 1990s, four other families (names withheld- efforts to reach these families fell on deaf ears we could not collaborate this evidence) ganged together and grabbed our land. We reported the matter to court which ruled in our favour. In 2007, after most of our elders had died, the group ganged together again and took over the land again, they grazed their animals on our gardens, destroyed our property and we came together as clans and fought back. Beyagira and Alinda sustained injuries and were hospitalised, the police did not arrive on time to save the situation. Today we are still, battling the matter in court but it is very expensive to continue* (Focus Group Discussion with Kahwa, Rugiretima, Kiiza and Arinda of the Abaseka Clan).

We asked them whether they had evidence that the land in question belonged to them and they indicated that they had no registered title to the land and no certificate of occupancy. This complicates the matter as communal lands in this sub-region seem to be taken over on the pretext that it belonged to no body. The above discussion indicates how people can exploit a weak system of land governance and utilise it for their selfish interests.

As Okuku argue, it is not legislation that matters but institutionalisation which provides security of rights. The security of tenure does not mean that everybody has secure rights protected by the institution (Okuku 2006). Indeed data gathered from Mubende and Sembabule indicates that while there is a clear law about land access and land rights, the same law is not well understood and evidently not practiced. The constitution provides for rights of access, but people's land rights are not protected. People are aware of the law but its understanding is not clear. Of the 60% respondents interviewed who claimed they were aware of the existence of the law, a majority of these did not know its application. Indeed interpretation of the law is still a challenging factor; moreover, the law is silent on certain key aspects such as payment of rent in case tenants fail to locate the holder of the title. It is such loopholes and challenges that provide a conducive milieu for land grabbing to thrive in the different parts of Uganda.

#### **4.2.2.2 Legislation on Land**

In Uganda Land governance has gone through a series of transformations precipitating different legislations such as the 1900 Buganda agreement, 1975 land decree, 1995 constitution and the recent Land Amendment Act of 2010. The 1900 agreement, created absent landlords in Uganda, the 1975 land decree which made all land a property of government opened up these lands to other occupants. The 1995 constitution in Uganda declared land to belong to people and restored

the mailo land and the tenure system which existed before 1975. However, in the constitution there was observation and protection of people (bonafide occupants who had settled on Mailo). The Land Amendment Act of 2010 states that:

*... a change of ownership of title effected by the owner by sale, grant and succession or otherwise shall not in any way affect the existing lawful interests of the bonafide occupant and the new owner shall be obliged to respect the existing interests”* (Government of Uganda 2010, 4).

The main impact of the 1995 constitution subsequent land amendments is that land in Uganda was made tradable “good”, open to free competition and selling to the highest bidder. The 1999 Land Act makes land transactions easy to conclude. The four land tenure systems recognised by law allow sale of land by individuals owning them at will. The 2010 land amendment Act which provide for protection of the *bona fide* occupants, does not guarantees security of tenure in the constitution. Enforcement of the law is not well observed, as noted earlier, the constitution does not prescribe certain issues for example how to pay rent in case the landlord cannot be traced, does not prescribe what adequate compensation is and should be and does not create awareness, consequently, people are not aware of their rights and are often forcefully evicted.

In Manyogaseka- Mubende district we asked respondents why they had not made use of the law when they were evicted. One respondent said:

*We tried the law but we only lost more during this trial, we were arrested instead and paid more for our freedom. We actually thought there is no land law. We know that government cannot help us and does not have a land law.* (Interview with key Informant)

One of the councillors in the district of Mubende described the land law as dead; “*era Kiteka Kifu*” Meaning that “*indeed the law is dead*”. She added that:

*the law was not ready and it was simply brought without considering the dynamics and histories of land conflicts in Uganda* (interview with district woman Councillor in Mubende).

Another respondent in Kyabayima, reiterated the councillor’s concern and said that:

*The new land law aimed at settling Buganda but not the tenants on these lands. Ultimately all parts of the country with mailo land were affected.*

People are evidently not aware of the land law and the government has not made any efforts of educating people about the land laws and support especially the peasant population by sensitising them on what to do to guarantee their security of tenure.

Such considerations indicate that while a favourable land law exists in Uganda, its enforceability is not in place. Consequently the protection and guarantee of citizen's land rights is not in place. In Kyayi and Kyabayima parishes in the new Manyogaseka sub-county, residents cried that they were evicted and forced to live in three square kilometers. In a focus group discussion we learnt that one Asian (Abedi), bought land from the former Cotton company and decided to only allow all the settlers on the land to have three square kilometers.

#### **4.2.3 Transparency of Land Governance System**

In the areas of our research, we found that land governance is far from being transparent. As discussed above, local people have limited access to records, so are people land management offices such as the district planning unit and the land protection unit. We made a survey on the statement; *on a scale of 1- 10, where, 1 is non-transparent at all and 10 is very transparent, rate the transparency of the land system in your district.* 70% of the respondents indicated that land system is not transparent at all, 10% indicated that land system is transparent, 20% indicated that the system is fairly transparent. We used qualitative data to corroborate this data. In Mubende, it was indicated that the system favours Baganda more than any other people. As one respondent noted;

*There is a native factor- Baganda versus other tribes, it may take a year before land application forms are processed by the land board if you are not a Muganda and less than 2 weeks if you are a Muganda.* (Interview with Government official Mubende District)

We interviewed, one person who has been applying for a land title since 1996, even after paying lease offer fees, and the respondent lamented; *"I have failed to get a land title because the process is so slow and unfair"*. According to the documents carried by the respondent, he applied for lease in 1984, which offer was given under Minute ULC min8/3/84a. Payment of premium fees of Uganda shillings 500,000 was made on receipt no. 476713 on 11/08/1986 in respect of 200 ha at Kanyirunga Mubende. To date the applicant has not received a title to the land. Instead, in 1987, some other person came and occupied the land, he indicated he has been following the case with the President's Office after the district land board failed to resolve the issue, but has not made any leeway still.

#### 4.2.4 Information Access and Land Records

Land records are vital for land governance, and access to such records by legitimate inquirers such as the land rights holders is an important indicator of a transparent land governance system (Deininger et al 2012). However, we found that districts of our research lack record systems that can facilitate access of land records.

Uganda has a central registry of land and records existing at district land offices. Overtime Uganda has undergone divisions involving creating new districts out of the old ones, for example, Ssembabule district was created out of Masaka, Mubende out of Mityana, Buliisa out of Masindi. Creation of these districts however was not followed by effective creation of land registries at the new districts. We found that new districts did not hold land records instead the old districts still held onto them making record access and verification difficult for the land officers and people concerned. We interviewed the land officer of Mubende district and he lamented that lack records was hampering land management and governance in the district;

*Mubende district is a new district prone with land conflicts; we in the land registry have a almost no records, most land records are still in Mityana. We have received many people who claim to be tenants wanting to know whose land they occupy, since they have never seen their land lord, yet they have to pay rent. We cannot help them. We refer them to Mityana. This is failure on our part.*

A Similar story was told by the officer in charge of land protection unit Mubende district.

*It is very hard for me to verify complaints lodged by many land evictions taking place in the District. Every day I receive cases of land wrangles some involving violent crime, but as a unit in charge of land protection, we are handicapped. On many occasions, we feel challenged; whose land we are protecting, who owns it? And who should we side with? As result we end up focusing on saving lives first and protecting land later”.*

In the areas where we held interviews, local leaders also indicated the challenge of tracing mailo land owners. One of the respondents when asked how they are handling the issue of people who come into the area claiming that they are the owners of mailo and the scare of eviction of bonafide tenants, he had this to say:

*We are mobilising people to find the true owners of the land where they are living, but in the land office, it is not easy to trace the land owner. Whenever you go to the land office, it is not easy to trace the owner of the title.*

According to the respondent, land ownership and claims in Mubende are complex;

*So far there are three types of claims taking place; on the one hand there are genuine claims and the claimant owns a genuine land title and is following the right track; on the other hand, there are claims through a third party or land dealers and they come claiming ownership and carrying fake papers but no title is involved. There are also cases where land titles are manipulated and the claimants are carrying fake titles. Some people gets titles from other places, they come with surveyors claiming they want to ascertain the boundaries of the land on that title, but impose the title on that land and get a new land title on the land. In all these cases, as local leaders we need to verify, but this is not possible without proper land records” (interview with a local council III chairman-Kigando Sub-county).*

According to the Chief Administrative Officer (CAO) Ssembabule district,

*there are limited proper land records, we tried to establish a land office at the district, but the transfer of records from Masaka has not been done. The district does not have a lands officer, we advertised for the post but there were no applicants with qualifications we wanted for the office. The district still utilises the services of Masaka District (interview with CAO Ssembabule District).*

Access to land records is a big problem for new districts. This has hampered the operations in these districts with respect to land management. According to the CAO, most of the land wrangles existing in the district result from lack of records of land.

#### **4.3 Land Grabbing: Power and Influence at Play**

Land governance also relates with the system of transfer of land from one party to another. Land in Uganda can be transferred in different ways; through purchase (willing buyer-willing seller), through inheritance where land is held on customary basis, through leasing (especially with public land). The system of land transfer seems very clearly laid down. However, rarely is the system followed. We found that although influence peddling and power they remain highly invisible, they play a lot in land transfers. This was manifested by the indirect way of land purchases and the approach that land grabbers use. It was found out through Focus Group Discussions in Mubende that most land grabbers use their power and influence to buy land. The approach they use is by making sure that people are left with no choice but to sell their land. They do this by exposing the people to risks and vulnerable situations such as crop damages by cattle, or by allowing them priority to buy land and a price they cannot afford. Land grabbers

who use power and influence include military officers, powerful politicians and or relatives of those in power. In most cases when land is grabbed the victims fear taking the matter to court in addition to being poor and cannot stand to challenge the rich land grabbers.

Asked whether they were interested in taking cases to court, local residents who are victims of land grabbing mentioned the challenge of poverty situations that local residents live in, which makes them incapable of handling court cases as advanced by top district leaders. Two local residents in Mubende had the following to say;

*The way they buy land here leaves a lot to be desired. This is not a case of willing buyer and willing seller but forced buying and forced selling. People have lost their land to the outsiders without any choice. Most of them are very poor that they cannot take cases of grabbing to court. Some even fear going to court because they know court cases are always bought in favour of the rich who have influence and are educated to buy lawyers. When you talk about compensation, I do not understand you well because, you cannot compare 2 acres of land and someone giving you just 200,000shs. This is not comparable... (Interview with Balya Yowesi, Kashambya LC1, Mubende district).*

Another respondent had this to say;

*Army men harass local people here. They do not compensate them when they take ownership of their land. In cases where they decide to do it, they do not do it genuinely. They are the ones to determine how much to pay the squatters. In general the process of land acquisition is not transparent; you cannot know how people get land titles. The law provides a process through which people should get land titles, but these are not followed at all (Sub County Chief Kigando Sub County, Mubende District)*

Most people interviewed for this study do not like the way their land is being taken over and some people have been resisting although with limited success as noted by one resident:

*Brigadier Lutaya in 1981 made claimed that he wanted to survey public land. He surveyed even my land in the public land he surveyed. He asked me if I had documents and took me to lands office. In 1981, he forced me to get out of my land without success. He would get police and soldiers to scare us. We are about 30 people and on another side of Mubende they were 60 residents (Mzee Eriya Kanyaraju Kiyonga Parish, Kigando Sub County)*

Power and influence also seem to play in the area of Buliisa. It is believed that the acquisition of land in Buliisa is related to the power which people hold and how they relate with the powerful men in government. The discovery of oil in the region has made it possible for people to rush for land in Bunyoro and in Buliisa in particular in

the need to position themselves so as to benefit from the oil. Since most of the land in Bunyoro is held under customary tenure, the land is not registered to one single owner but is held communally. In Hoima, a certain army officer was named in a complex land dispute in Kisukuma village Kigorobya Sub-county where local residents were arrested after resisting forceful vacation of the land they occupied. From key informant interview it is alleged that the army officer bought 1,205 hectares of land from Bunyoro teachers' cooperative savings and society and yet this organisation had acquired the title fraudulently. People who dared take the matter to police or to resident district commissioner were arrested and this scared away other people.

#### **4.3.1 Power and influence, land acquisition and the Emerging Oil Industry in Buliisa**

In Kasenyi, Buliisa District, one key informant noted that one Franco Kahwa, a local wealthy entrepreneur widely named in speculative land deals, had bought community land a few years back from two men who had no right to sell it. Community members who protested this deal were apparently attacked by thugs and police. According to the LC 1 Chairman, Eriakimi Kaseegu;

*In 2010, one Kahwa Franco, a rich Mugungu who stays in Kampala bought land from two Congolese. Local leaders had let these men settle here sometime back because the area was largely uninhabited, although useful for grazing. But these Congolese did a deal with Kahwa, who then sold off the land to Tullow Oil. We summoned these Congolese who had sold our land to a village meeting, where they admitted selling the land. One of them; a Benja Tepolo said that he had sold the land where the oil well is now situated, for about one million shillings (US \$ 400). The men agreed to refund the money to Kahwa and try to repossess the land but this appears not to have happened because I was surprised in April 2011 to receive a letter from Buliisa Town Council informing me that they were coming to inspect and demarcate Kahwa's land. I wondered how they could refer to our community land as Kahwa's land. I mobilised the villagers to resist this but instead we were attacked and bitten and I was arrested. It was a horrible experience. I was arrested for five days after which I was taken to Masindi and released on bail. The case was later dropped. We now fear to go to police because they are all Kahwa's agents. We feel very insecure (Pers comm, July 2012).*

This testimony by the LC1 above goes to affirm what had been indicated earlier even in Sembabule, that most communities in Uganda experience insecurity of tenure. Land tenure in much of Buliisa is overwhelmingly customary and it is local leaders who allocate families the right to use this land and those rights can be inherited by new generations in a family but occupants do not have land titles and they are not entitled to sell.

Land speculation is certainly rife in oil rich areas of Buliisa and local entrepreneurs have been buying up plots from individual farmers, perhaps on behalf of even wealthier families from elsewhere and with assistance of the District Land Board which has jurisdiction over land titles and is independent of Central Government control. Hon. Stephen Mukitale, the NRM Member of Parliament for Buliisa County whom we interviewed and has long been waging war on land speculation in Bunyoro for several years claims that;

*around 30 families 'from Kampala' have been using local agents, including Franco Kahwa to buy land along the whole Albertine Graben.*

He alleges that he has also been harassed and intimidated by local security chiefs and police because of his efforts to expose this land grabbing racket. He revealed that many local district officials and security personnel are involved and facilitating the land grabbing process to take place in his area. The MP noted that on December 2<sup>nd</sup> 2010 he officially complained to parliament that the Officer in charge of Buliisa Police, a one Edison Muhangi had shot at him three times (*Pers. Comm with the Hon. MP July 2012*) because of trying to protest against and curb land grabbing in his constituency. The MP claimed that his investigations and out-cries prompted President Museveni to announce a ban on further land transactions in the area, in a bid to calm the situation. (*Pers comm, July 2012*).

Several respondents elsewhere in Buliisa frequently mentioned Kahwa's name in connection to dubious land deals and a Paris based regional publication, *The Indian Ocean Newsletter* has also linked Kahwa to land deals in Buliisa on behalf of senior Ugandan Politicians which goes to exemplify the invisible nature of land deals in Uganda. Its December 2010 issue reported:

*The current minister for information and former Chairperson of the National Resistance Movement parliamentary group, Kabakumba Masiko, is high on the list of landowners who hope to see their land increase in value when the oil exploration comes under way. She is believed to have obtained the land through cooperation with another land owner, a certain Kahwa Franco, who supervised the transaction in collusion with Fred Lakumu, the head of Buliisa District Council. Among the other landowners in this zone are the Second Deputy Prime Minister Henry Kajura as well as some DRC Nationals who have obtained land deeds from Uganda Land Commission, like Rapheal Soriano, a wealthy businessman from Katanga.*

*(<http://www.africaintelligence.com/ION/business-circles/2010/12/18/land-grab-in-the-oil-bearing-zone.86837285-ART?createok=1#2> – Accessed 2<sup>nd</sup> November 2012).*

From the above data and testimonies of land grabbing victims, one can deduce that land grabbing in Uganda is a reality but in the areas we investigated, it is clear that land is being appropriated by wealthy locals who seems to be enjoying police (and arguably government) protection to terrorise the helpless peasants.

#### **4.4 Large Scale Land Acquisition and Rural Development**

Pro-land acquisition proponents argue that large scale acquisition of land facilitates development through provision of employment and access to the market and development of infrastructure (Deininger et al 2011). From the in-depth interviews and key informants interviews carried out as revealed in the previous sections, the negative impacts of large scale land acquisition outweigh the positive impacts. Most local residents do not see tangible benefits that have accrued from local or foreign land acquisition taking a case of the coffee firm, sugar cane plantation and Forest Company in Mubende. The large scale farm lands in Ssembabule and the Oil land grabs taking place in Buliisa have also not benefitted the locals in any way and many are disillusioned.

In addition, we found that land acquisitions have often resulted in evictions and these have largely affected development of the area with people losing their livelihoods. During evictions, people's property, gardens of food, shelter are destroyed. In Mubende, people's houses were burnt down, banana plantations cut down and cassava gardens destroyed. People have since abandoned their gardens which are now turning into bushes in fear of being cut down again. The overall impact of this is loss of food and incomes. People no longer have the courage to work on their gardens since they think that they can lose the gardens anytime. Interviews with leaders indicated that they encourage people to use the land maximally so that in case there is compensation to be met by the landlord, it is in bigger sums of money. But this contradicts what some people have already gone through in form of loses and many families have lost morale to work.

In Ssembabule, people lost land and those harassed by the land grabbers have resorted to producing cash crops such as coffee which are not easily destroyed/eaten by cows and goats. In an interview with a key informant he had this to say;

*At first my neighbour brought herd of cattle, which would break my fence and eat my crops, but cattle was easy to manage because, fencing limits their access to my crops although once in a while they would break the fence. This did not go down well with him because the aim of my neighbour is to make me suffer and eventually sell my land to him. He has now brought over 200 goats and these became a menace. They ate my crop season after season, now I have resorted to planting coffee which is not eaten by goats and cows.*

On the question of employment, we asked different people the extent to which new land owners in areas of Mubende, Buliisa and Ssembabule provide employment to local people. Responses were mixed. From government officials, below is the response we got;

*local people are lazy and owners prefer to hire foreign labour to do the jobs. Not many local people want to work on land therefore labour is imported. Even the few employed by those planting trees, are paid little to earn a living.*

We also interviewed local people in the areas of Kiganda and Manyogaseka in Mubende and the story seemed to be somewhat similar although in this case, landowners do not want to hire locals. According to respondents in a focus group discussion held in Kiganda, the new owners of land are mainly interested in evicting people and not ready to offer them employment. They noted that for most land owners, any offer of employment to the locals would be a way of keeping them and they would never leave land. Accordingly to our respondents, the new land-owners therefore prefer to employ foreigners. In one incident, locals reported that on one farm, the owner hires bow and arrow-wilding Karamajongo warriors, not only to protect his animals, but also to instil fear among the locals. This finding confirms reports about land use and employment in areas such as Kalangala where complaints of the foreign land acquisitions has not benefited local people in form of employment (<http://www.voanews.com/english/news/africa/east/Report-Palm-Oil-Project-Hurts-Land-Residents-in-Uganda-148539165.html> (accessed on 14/05/12)).

In Buliisa, people noted that they cannot be employed because after their land is taken, it is gazetted and declared out of bounds, it is then guarded all through by military personnel and local people cannot get access to employment. In an interview with one employee of Turrow oil Company, he said that,

*yes we try to offer casual employment to local people, but most of the work is subcontracted to other companies because the work we are doing at the moment involves technicalities. The companies come with their employees from wherever they are based. Therefore, there are limited employment opportunities to local people*

*(Personal communication with Turrow Technical Employee- who requested to remain anonymous)*

We further asked “*Is there initiative for people to develop enterprises to respond to oil exploration in the area?*” The response was;

*Not evident so far; it’s the tourist companies attempting; all services are contracted and it is difficult for the locals to tap directly from the oil companies. Some however have started some accommodation units to take care of tourists.*

We asked residents about other benefits including access to good roads, education, and water points. It was indicated that there are limited benefits. In Manyogaseka, it was instead indicated that the land owner called Abedi closed the local people’s path leading to water points and whenever people use the road they are arrested by workers for criminal trespassing.

In the oil rich Buliisa, we were told however that

*Road infrastructure have definitely been made easy, community services programs have also been commissioned (Schools, health unit). Access to resources has never been restricted rather it’s the activity that dictates the number of persons and frequency of usage. For instance during seismic acquisition on lake, communities and fishermen are restricted for one or two days during data acquisition. However, Uganda Wild life Authority (UWA) and National Forest Authority (NFA) have also realized that they need to actively and aggressively protect their resources thus the “restriction”*

Following Uganda’s rapidly growing liberalized economy and favorable investment climate, land acquisitions by foreign private companies have increased. These land acquisitions have been supported by the Constitution of the Republic of Uganda 1995 (and as amended in 2005), which provides a legal policy and physical infrastructure for private investment to flourish. For example, the Ugandan Government has adopted a policy of converting public land to private use to encourage investment and economic growth. However, this process, known as degazeting, has become a source of conflict between the government and local communities over ownership and rights to use the land. Thus through government agencies such as UWA and NFA, local communities are restricted from use of certain resources especially forests and from other protected areas such as national parks.

While these conflicts involve issues that plague government-owned land, other forms of land tenure are also facing pressure from both within and outside communities. With the development of land markets, the economic value of land has increased. Under mailo tenure, tensions are

growing between the landlords and tenants. Pasture lands with better soils and access to water have become individualized and pastoralists find themselves increasingly being pushed onto marginal and more arid areas. This individualization of landownership has threatened the right of access to common grazing land and water and the livelihoods of agro-pastoral communities.

It can therefore be argued that there is little benefit that accrues to the people in areas where large scale land acquisition has taken place since local people do not get employment on the farms set up by the new land owners, and also from companies such as those working in the oil rich Buliisa. This agrees with Zoomers (2010) who argues that development will depend on whether the investor wants to provide people with employment or whether they are looking at benefits for themselves and increasing outputs. In this perspective, investors will look at limited use of labour intensive means of production.

However, it should be pointed out that some local residents interviewed in this study revealed cases where positive impacts have been witnessed in terms of community development. In Greater Kisozi and Lutunku, there is a micro finance enterprise, a water scheme and a few schools established as a result of large scale land investment by land owners in the locality. In Gomba, there is a secondary school and a polytechnic institute that have improved school intake and impacted skills in the young people. Key leaders through key informant interviews mentioned that in Gomba Sub County, about 15 children have attained bursaries in the new established school and polytechnic which has supported the efforts of the rural poor in the sub-county. Creameries Company was also mentioned to be instrumental for rural transformation in Sembabule. As reported through key informant interviews, the company supports farmers by giving them market for their agricultural products. There are for example plans of setting up a processing milk plant in Sembabule for the benefit of the local population. The above notwithstanding, most respondents did not look at all this as a tangible benefit to be compared to effective land utilisation by the community as most of these projects seem to be isolated cases and thinly spread on the ground.

#### **4.5 Strategic and Practical Solutions that Can Transform Land Grabbing into a Vehicle for Rural Development.**

Using police department of land protection has helped in addressing land conflicts and other related cases in Mubende. It was revealed by the police in charge of the protection unit that, in Sembabule, he has registered over 50 cases since 2012. Of the 50 registered land cases, 20 have been settled without going to court, 10 cases are still pending, 10 cases are in court while the remaining 10 complainants lost interests in the cases. He also revealed how about 5% of these cases have gone to violent stages involving murder cases. We investigated why such land wrangles result into fatalities and why such is not prevented from happening since the police unit is supposed to perform this role. Police officers informed us that one of the challenges they face is facilitation. They lack vehicles to rush to the scene of conflict and if manage to go to the scene of conflict they often reach late when the conflict has escalated into unmanageable proportions and a lot of damages already done. In some cases, policemen are not able to move because they do not have fuel even when a vehicle is availed. We were informed that the consequence of this is that people have lost interest in the system. It is no wonder that in places such as Mubende, Ssembabule, and Buliisa people hold low regard of police and consider it as conniving with the powerful to grab their land. The consequence of this is that they end up resigning from investing on land where conflicts are likely to develop. Resignation and uncertainties surround investment decisions in the areas of research. We earlier discussed that most people in the areas of our investigation lack information regarding the nature of land tenure system governing their lands. Therefore, they often leave land undeveloped because of the uncertainties related to land grabbing. Without a well facilitated police unit, proper governance system, it is likely that land grabbing will continue to affect investment decisions and will definitely curtail development.

Local district leaders suggested that decentralising land offices to new districts would address the loopholes in handling land conflict cases. It was noted by the Resident District Commissioner (RDC) for Sembabule that, failing to have a land office in Sembabule and land documents disturbs their capacity to address land cases. He suggested the transfer of records from Masaka to Sembabule to easily administer the dynamics involved in land grabbing. According to him this

would address cases involved and the pending of land cases in Sembabule. The RDC had this to put across;

*The challenge we have in Sembabule is that we have no land office. You know Sembabule was initially part of Masaka and our land records have not been separated to have a decentralised system of land administration in Sembabule. Most land cases therefore are referred to Masaka and this is a big challenge. Sometimes people think we are weak but sometimes it is the institutional set up. What we have done is to push for this and once we achieve it, we will be moving a step in addressing land cases in the district (Mr Charles Kibelu- RDC Sembabule District, January, 2012).*

Local leaders in Mubende and Sembabule argued that addressing the gaps in Uganda's land policy would address some of the land grabbing issues. Local leaders in Sembabule revealed that, there can be redistribution of land especially land that is not utilised in the region as a result of absentee landlords. Though interviews with a few land owners that the study was able to get, they have long term plans of developing the land which is not developed of now. However, most of them reported how they are doing commercial farming and supporting many families living on such vast lands-known as squatters.

Local residents in Sembabule, Mubende and Buliisa perceive the new land policy differently. Most people still believe in traditions and think the new land policy is going to take away their land. Strengthening ownership rights was seen as a major step in addressing land grabbing in the 3 districts of Mubende, Sembabule and Buliisa. It was reported by local leaders in Sembabule that over 90% of local residents do not have land titles and therefore are not owners of the lands they occupy. Giving them titles would protect them against unnecessary displacements.

*Titling the land will strengthen our ownership rights. Most of us do not understand what laws say because we are not educated and we do not know how to get land titles. They normally tell us that process of acquiring land titles is long and might even take 5 years and that it also involves a lot of money which we do not have (Ntaama Kosea 62, Kigando SubCounty, Sembabule District).*

Engaging foreign companies in long term contracts rather than short term contracts in the land use was seen as yet another strategy to make foreign large scale land acquisition more positive.

Land grabbing is found to paralyse developments especially for Bonafide occupants whose occupancy is not regularised. People are in fear of losing developments on land and in most cases they have left the land to fallow. Approaches to solve or minimise land grabbing will

enable people utilise land effectively and this has a positive impact on development. Indeed people we interviewed in Bulisa, Ssembabule and Mubende indicated that they cannot do any developments on land since they expect land to be taken away from them anytime. Therefore, the present wave of land grabbing can be positively utilised to make leaders focus on making ownership of land more regularised to minimise fear of the land being taken away from people.

We asked administrators and residents the question; How can you solve the Problem of Land Grabbing? Responses indicated that there is need for local capacity building. So far this is being done at different levels and it is involving educating the local people on guarding against land grabbing. Issues that have been impacted to the local people include making people understand the importance of land ownership and land rights. This is intended to make people guard against large scale land acquisition. It was found that districts are already translating the land law into local languages to make it more understandable by the local people. In Mubende district, we were able to see the land amendment act bill having been translated into Luganda; a local language with the title, “Eteka lye Etaka”. Although findings on ground among the local residents including the councillors we interviewed, indicate that there is general lack of knowledge about the existence of this translation and the land legislation, the initiative to translate the law into the local language is a positive step towards minimising land conflicts resulting from land grabbing.

Districts are slowly strengthening the capacity of land offices. It was revealed that the tree districts still have challenges of having fully fledged land offices to make access to land records possible without restrictions. In addition, it was revealed that land ownership is being streamlined through educating people and giving them assistance and support documents to regularise ownership. In Mubende and Ssembaule as already discussed the key driver to land grabbing is irregularity in ownership of the land. It was found that while the land law provides for bonafide occupants as rightful claimants of land as long as they pay rent, many people do not pay rent because of the failure to get in contact or even locate the owners of the land they occupy (i.e. one who holds the title). It was therefore found that often many tenants (bonafide occupants) do not pay rent and consequently land grabbers who manage to locate the owners of

these lands often ride on this weakness and grab the land. The law provides for conditions of eviction, one of which is failure to pay rent for one full year.

To deal with the above challenge, some councillors are already giving support letters to the local residents to be recommended to open bank accounts and also to the courts of law so that they are protected in case the land owner or any other person claiming title shows up and wants to evict people on condition that they did not pay rent. In one case we found that a local council chief had written to the magistrate requesting court to assist people on advising how to pay rent for the land they were occupying and had failed to locate the owner. In the matter that came to court, the magistrate ruled in favour of applicants and recommends for opening of the bank account in a bank where money could be deposited annually. It was therefore found necessary that sensitising people on how they can regularise their stay on land would minimise land grabbing.

## **5.0 Conclusions**

We have discussed that land grabbing is a global phenomenon which has also affected Uganda. We have discussed that the nature and character of large scale land acquisition in Uganda cannot be described otherwise except as land grabbing. This is based on the understanding that any land acquisition which leads to violation of people's rights, in which people are discontented with the compensation they receive and which involve disposition of people of their rights to land, should be considered as land grabbing. Indeed we found that land grabbing is a feature characterising the districts of Mubende, Ssembabule and Buliisa. We however found that the nature of land acquisition, the processes involved leave a lot beneath the eye for it to easily be recognised as land grabbing. We thus conclude that land grabbing in Uganda largely remain highly invisible and can easily pass as genuine land acquisition. We found that land grabbing in Uganda has affected rural development and the lives of the people; people have lost property, they are not adequately compensated, and are not employed by the new land owners. We thus conclude that land grabbing in Uganda has not in any way contributed to rural development. We conclude however that while land grabbing is a feature that has failed to transform rural development in Uganda, increased sensitisation and dissemination of information regarding people's land rights can make land deals in Uganda beneficial to the local communities. We conclude that making

people aware of their rights on land can lead to a win-win situation in the event that land is taken away from the bonafide occupants since they can be adequately compensated. Assurance of adequate compensation would therefore make people utilise the land and not leave it to fallow. We further conclude that sensitising people on their land rights can make visibility of land grabbing, making it possible to prevent it and or to make better use of it by making genuine claims and demanding better compensation by the affected populations. Once people are well compensated, they can easily relocate and maintain good lives. In addition, proper policies and their implementation and follow-up would make the land grabbers fulfil their obligations as stated in land deal agreements thus making people and communities benefit from the investments.

The final conclusion we would like to emphasis is that much as large-scale land appropriations might have potentially positive benefits to rural agrarian transformation, the benefits of this investment do not always translate into tangible outputs that can benefit the largely rural communities of Uganda unless there is a deliberate effort to ensure that the majority rural peasants also enjoy some positive outcomes. We conclude that improving the process of knowledge creation about the existing land law will increase the benefits of land grabbing.

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