Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala

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and
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# ABBREVIATIONS AND ACRONYMS

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<th>Abbreviation</th>
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<tr>
<td>CMI</td>
<td>Chieftaincy of Military Intelligence</td>
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<tr>
<td>DFCU</td>
<td>Development Finance Company of Uganda</td>
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<tr>
<td>DPC</td>
<td>District Police Commander</td>
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<td>KCCA</td>
<td>Kampala Capital City Authority</td>
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<td>KLB</td>
<td>Kampala Land Board</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NFA</td>
<td>National Forestry Authority</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NRA</td>
<td>National Resistance Army</td>
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<td>NRMO</td>
<td>National Resistance Movement Organisation</td>
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<td>PPP</td>
<td>Public-Private Partnership</td>
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<td>RDC</td>
<td>Resident District Commissioner</td>
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<td>SCOUL</td>
<td>Sugar Corporation of Uganda Ltd</td>
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<td>UBC</td>
<td>Uganda Broadcasting Corporation</td>
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<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
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<td>UEB</td>
<td>Uganda Electricity Board</td>
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<td>ULC</td>
<td>Uganda Land Commission</td>
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<td>UPDF</td>
<td>Uganda People’s Defence Forces</td>
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Finally, all these efforts would not have materialised had it not been for the full financial support for the project which was generously provided by the Foundation Open Society Initiative (FOSI). We thank you.
ABOUT THE PROJECT

The Land Justice and Post-Election Governance in Uganda Project is a one-year project implemented by the Human Rights and Peace Centre (HURIPEC) between 2016 and 2017. In HURIPEC’s experience, working on the 2016 elections, with the support of OSIEA, land and natural resources became highly contentious issues. Particularly the 2016 election-related incidents of violence in the western district of Kasese and the eastern region of Kapchorwa were directly associated with the extraction, use and distribution of benefits from the natural resources, including land, in these areas.

In the aftermath of the 18 February 2016 presidential elections, the country witnessed a political crisis characterised by a disagreement which arose between the opposition, a cross section of the public especially the youth, civil society organisations and a number of election observers on the one hand, and the government, the Electoral Commission and the NRM party on the other, who were, respectively, dissatisfied and satisfied with especially the presidential election results. Although one of the presidential contestants challenged the presidential election results before the Supreme Court, which ruled in favour of the same presidential candidate who had been announced winner by the Electoral Commission, the legitimacy of the outcome of the election remains contested by a number of actors. For this reason, the Elders’ Forum and the Inter-religious Council of Uganda, together with a number of other actors, proposed a national dialogue process in order to bring about post-election reconciliation and better governance in Uganda.

HURIPEC believes that in order for the national dialogue process to achieve its objective, it must have a strong focus on issues of human rights and governance, including those relating to land and natural resources, which are undeniably critical mobilising and aggregating factors. As a group interest, also, the biggest resource for most Ugandans and with its close nexus to politics and the law, land is a strong galvanising factor that can be used to reach out to many people. Predictably, therefore, land is a central question for Uganda’s post-electoral economic recovery.

Accordingly, the Land Justice and Post-Election Governance in Uganda Project brings to the national dialogue process research-based information on land and natural resources governance, including current trends of ownership or access to land and other natural resources as well as the processes through which groups lose these resources while other individuals and groups gain them. This information was generated through the project’s interventions, which included four separate studies involving a critical examination of the legal and policy framework relating to land governance in the country and empirical studies which covered the districts of northern Uganda (Agago, Amuru and Otuke), western Uganda/Rwenzori (Bundibugyo, Kabarole and Kasese) and central Uganda (Kampala, Kayunga and Mukono). These studies resulted in four separate reports, namely: The legal jurisprudence analysis report as well as the three reports covering issues in three of the districts surveyed in each region. On 8, 15 and 22 June 2017 HURIPEC organised dialogues in Lira (north),
Fort Portal (west) and Kampala (central) to both disseminate findings and provide a forum for the different stakeholders concerned with land justice to engage each other in order to appreciate and prescribe remedies to the emerging issues in the respective areas.

To bring the discussion forward and to the national level, HURIPEC organised a National Stakeholders’ Convention on 9 November 2017, to both enable the key stakeholders, including senior citizens, religious leaders, cultural leaders, local leaders as well as academia, to critically reflect on issues of governance as they relate to land and other natural resources, as well as to disseminate and launch the combined/national Status Report on Land Justice and Governance in Contemporary Uganda, which is a synthesis of the reports from the four separate studies undertaken under the project.

In all this, the project seeks to generate public consciousness of governance issues and, more widely, of leadership and accountability by state agencies with a focus on land and natural resources.
EXECUTIVE SUMMARY

This study was part of a larger HURIPEC project aimed at drawing a consensus on the participation and inclusion of all Ugandans in key aspects of governance, particularly natural resource – including land – governance, as part of a wider agenda for a national dialogue. In the western region examined by this paper, the study covered the districts of Kasese, Bundibugyo and Kabarole of the Rwenzori region. The selection of this region was based on its historical and contemporary governance fragility and land injustice.

The study revealed several interrelated causes of land conflicts, including:

a) **Inequitable land distribution and ownership:** These factors are linked to the history of land distribution and ownership in the region and to the current political and land governance system that favours the rich and well-positioned individuals and institutions. The colonial land legacies involved titling and distributing land to colonial henchmen, resulting in the mass displacement of persons and communities and the creation of landless societies. Most notably, the Omukama of Tooro specifically and the Tooro kingdom in general not only acquired large chunks of land from the colonial rulers but also the powers to distribute that land as they wished. Currently, land continues to appreciate both in urban and rural areas owing to the growing demand for the inelastic land resource. This demand is due to the growing number of investors willing to purchase land at higher prices and the pressure on the resource by the growing population in the region. Lastly, current public land distribution procedures, specifically in areas like Kabukero and Bigando in Kasese district, are marred by allegations of deliberate secrecy and the concealment of information by government agents and unfair land distribution to favour highly placed persons and groups.

b) **Poor land governance:** Land governance in the region is still shrouded in ‘calculated secrecy’. There is scanty and speculative information on lands that have been bought off by the government using the Land Fund to help tenants own land. The government is said to have bought off land from the Tooro queen mother in Kibiito sub-county and other places and yet tenants in these lands continue to pay busuulu and face threats of eviction from the queen mother. Some boundaries of public lands remain unclear, making these lands susceptible to encroachment. In other cases, public lands have been leased out without involving members of the public, triggering public protests and contestations.

Poor land governance in the region is also reflected in interference by political and military leaders to stifle land justice, propagate schemes of land grabbing and undermine judicial processes and decisions on land matters. Specifically, in Kabarole district, the study revealed the emergence of unlicensed land surveyors who either operate on their own or operate on behalf of licensed surveyor companies to issue wrong survey prints. Lastly, a paltry figure of less than 10% of the land in the region is surveyed and registered, creating room for deep-seated conflicts over boundaries.
c) **Ethnicisation of the land resource:** This study revealed that land in the region is not only an economic resource but a social and spiritual resource that defines identity and the future of persons and groups. In the ethnicisation of the land resource, communities in the region are increasingly associating land with their ethnic identities and limiting land transactions within them. More critically, cultural institutions in the region have continued to arbitrarily assume exclusive geo-cultural spaces where they attempt to threaten the right of persons from competing ethnic groups to own and control land and other productive assets. At the centre of this ethnicisation are inter-ethnic contestations over the demand for the creation of new administrative units. Specifically, some members of the Bakonzo and Basongora ethnic groups in Kasese district and Bakonzo and Bamba/Babwisi in Bundibugyo district continue to disagree on whether their districts should be divided. Apparent among those who support the division are competing proposals on boundaries, with each ethnic group proposing boundaries that will leverage its control over land.

To improve the formal and informal handling of land disputes, this study recommends short-term and long-term actions. In the short term, this study recommends the following:

1. The Uganda Land Commission (ULC) should publicly declare all the land that has been bought by the government, in order to guarantee security of tenure and to reduce the conflicts between the landlords and tenants.

2. The Ministry of Lands, Housing and Urban Development (MLHUD) should promote openness and transparency in public land distribution. In particular, the ministry should clarify public land distribution in the region, make public a list of beneficiaries and devise means of reaching a compromise between cultivators and cattle keepers, specifically in the land conflict hotspots in Kasese district.

3. The government should respect and implement outstanding court orders on land in order to avoid nurturing lawlessness in land management. In particular, the government needs to lead by example and support the full implementation of court orders on Rwehingo land in Kasese district and any other orders on land that may in future be made by competent courts.

4. The Uganda Wildlife Authority (UWA) should promote protected land-user rights. For mutual benefit, authorities of protected land resources need to protect the user-rights of the communities surrounding these resources as one way of minimising community animosity towards these land resources.

5. District land offices should raise awareness about land issues, especially those pertaining to the rights of tenants and landlords, the land rights of widows and children with regard to inheritance, protected land-user rights, land rights under different land tenure regimes, the importance of gazetted lands, the jurisdiction of different land management structures, the functioning of the land fund and the roles of different stakeholders like the police, the office of the RDC, district chairpersons and cultural leaders in land-related matters.
6. District land surveyors (DLSs) and Protected Land Management Authorities (PLMAs) should re-open and clarify on the boundaries of public lands. Clear boundaries of protected lands will mitigate cases of encroachment and minimise conflicts involving protected lands and the communities surrounding these lands.

7. Religious leaders should unite to condemn acts of land injustice and support victims of land injustice. Condemnation of land injustices should be accompanied by leaders’ commitment to support victims of land injustice to the extent possible.

8. Cultural leaders should stick to the constitutional mandate of uniting and mobilising people for development. Specifically, cultural leaders in the Rwenzori region should strive to unite people, desist from participating in divisive politics, and promote and mobilise people for development.

9. The Tooro kingdom administration should streamline its land management and respect the 1995 Uganda Constitution and the relevant provisions of the 1998 Land Act (as amended) that protect bona fide tenants. The kingdom administration, the queen mother and the royal family need to urgently desist from undertaking unlawful evictions and instead pursue legal processes in handling all land matters.

10. The Tooro kingdom and the MLHUD should facilitate the acquisition of land titles by tenants. The Tooro kingdom administration should support tenants on its land and acquire titles as one way of guaranteeing these tenants security of tenure and encouraging productivity. Similarly, the MLHUD should immediately facilitate tenants who are currently occupying land that was bought off by the central government from the queen mother to acquire land titles.

11. Civil society organisations (CSOs) in the Rwenzori region should mainstream land justice issues within their mandates, given the centrality of land in governance and peace processes in the Rwenzori region.

In the long term, this study recommends the following:

1. The government should authenticate and compensate historical land claims dating from the colonial period. The government needs to authenticate different historical claims on various gazetted lands and other lands in the region with a possibility of compensating persons and communities that unfairly lost their land rights.

2. The MLHUD should democratise the process of land registration by cascading the customary land registration process to every sub-county in all districts in order to enable people to acquire certificates of customary tenure. Furthermore, the ministry needs to strengthen coordination among land government structures and members of the public to weed out unlicensed surveyors from land registration processes.

3. The district land offices and production departments should promote effective and efficient land usage. Owing to the inelastic nature of land amidst a growing population, the government needs to research on and help communities undertake efficient and
effective land-use practices. They should also support land preservation initiatives. Communities need to be supported to undertake land preservation activities such as tree-planting on the slopes of Mt Rwenzori in order to reduce soil erosion.

4. District land offices should build the capacities of informal land management structures. In particular, district land offices need to strengthen coordination between and among these structures and take stock of informal structures with the aim of giving them technical support in the resolution of land-related conflicts.

5. The Interreligious Council of Uganda-Rwenzori Chapter should develop a long-term plan for addressing land injustices in appreciation of the centrality of the land resource to the quest for good governance as well as social, spiritual and economic stability.

6. Universities in the Rwenzori region should invest in research on land justice to guide land justice activism in the region. Such research will guarantee timely and adequate information to guide land justice activists, CSOs, religious leaders and other relevant actors in land management.
I. INTRODUCTION

1.1 Background

It is quite clear that most Ugandans still subsist on land, whether from a casual observation or from a look at the latest state-of-the-economy data. The Uganda Bureau of Statistics (UBOS) indicates that agriculture – which mostly involves small- and medium-scale household farming – employs 70% of the population, producing 95% of the food and cash crops of the country (UBOS, 2012: 1; see also, Wiegratz, 2009: 93). The livelihoods, incomes, as well as the social and political rights of these people, are all dependent on the land (ibid.). As long as Ugandans continue to subsist on the land in this way, conflicts over it are only likely to increase, especially as the population is on a steady rise – with a 3% annual growth – and yet other means of subsistence are yet to come. This is one major explanation for the increasing value of and contention over land.

Uganda is also grappling with a subtle agrarian revolution which has seen thousands of small-scale farmers across the country being driven off their land to create room for large-scale farmers, as was the case in Mubende, Amuru, Lake Victoria’s Ssesse Islands and, for purposes of this study, Kayunga.1 Under these circumstances, tens of thousands of people have been evicted from their land (Martiniello, 2012). Unlike the kind of agrarian revolution in Europe which happened alongside the industrial revolution, which made it possible for people to leave their lands for large-scale farmers while continuing to subsist on the labour they provided in the industries, Uganda’s agrarian revolution is happening without a corresponding industrial revolution.2 Hence, as the evictions continue to occur, Uganda’s evictees are offered no viable alternative means of subsistence.

The other explanation for the focus on land is petty accumulation. In Uganda, there are vulgarised versions of the capitalist ethic where primitive accumulation of wealth (which happens through exploitation of surplus labour and labour time) is being interpreted as ‘free accumulation of wealth through power’.3 If the powerful can access land through any means possible (whether corrupt and forceful), then they are free to have it, and turn themselves into some kind of a landed bourgeoisie. Indeed, landed bourgeoises have sold their land to large-scale planters from South Africa, Germany and England.4 According to Prof. Lunyiigo, ‘the so-called investors are in partnership with the people in power’, who have become the

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1 Kayunga district is located about 45 miles from Kampala. For the last five years, Bbale sub-county, which is located about 50 km from Kayunga district headquarters and about 3 km from the Victoria Nile running upstream, has been the epicentre of land conflicts and land-related violence, mainly in Misanga, Kinawanga and Kayonza parishes. This study investigated one single case involving large-scale land eviction of over 2,000 people from their land.

2 Interview with Ugandan historian, Lwanga-Lunyiigo on 24 March 2017.

land grabbing elite. So, in the name of development/investment, powerful people in power are now awarding themselves public land in partnership with foreign investors, who are often of Indian and Chinese descent. Under such circumstances, critics of the NRM government have argued that the land question in Uganda is political – not legal, not historical. In the words of Semujju Ibrahim Nganda, Member of Parliament for Kira Municipality:

The laws in this country cannot do anything as regards land matters. It is instead Museveni and Museveni's wishes alone governing land matters in the country. Although the country has all the right structures of implementation and legal regimes, there is an absolute lack of political will to rectify this process.

Given this background, this report documents and discusses land injustices in selected districts in central Uganda, the region of the country comprised of Buganda. It details the main nature and features of land disputes and illegal acquisitions, and their implications for the pursuit of justice in land matters. Through a conceptual framing which centres on the land question and the agrarian question in the contemporary Ugandan political economy, the report contextualises the idea of justice from the vantage point of access to land as a human right (Rwegasira, 2012). Within this framework, the report discusses the main drivers and implications of the different regimes of tenure in Uganda, the impact of capitalist expansion on those regimes, and notions of development and change in agrarian matters, and how these have impacted on both individual persons (most often the victims of land grabs) and the country at large.

This report is divided into five sections: This first section provides a background to the study, problem statement, objectives of the study, and methodology. Section two then follows with some of the existing literature on the major debates in the study of land matters. On its part, section three presents the nature of conflicts in the central region, whose conflicts and impact are further analysed in section four. Finally is section five, in which the general conclusions of the study and proposals for reform are made.

1.2 Statement of the Problem and Justification

Although Uganda has a relatively broad legal and policy framework relating to land governance, conflicts and injustices over land continue to manifest themselves across the country. The recent past has witnessed a plethora of incidents of land loss across the country by individuals or groups, either to the state, its agents or even private individuals. Most of the land injustices are attributed to, among others, the inefficiency and collusion of actors in land management institutions with the land grabbers who are usually economically and politically powerful or well-connected. There are also numerous cases of public outcry regarding inefficiency of the law enforcement agencies charged with enforcing the land laws, so much so that the people who are affected by land injustices are increasingly finding it close to impossible to achieve timely justice in the face of violations against their constitutional right to property.

4 Interview with Lwanga-Lunyiigo, supra.
5 Ibid.
The study in the central region was inspired by several media and NGO reports indicating the serious land injustices in this area that have often resulted in mass displacement, famine, and wide-scale abuse of human rights. Kayunga and Mukono have witnessed the use of armed force, mob justice, enclosures, forcible evictions and other forms of volatile exchanges over the ownership and use of land. Kampala, on the other hand, offered the opportunity to investigate questions of justice relating to public land (otherwise known as government land), and how its use and ownership have come to benefit only those whom the Ugandan people have entrusted with their land.

1.3 Objectives and Research Questions

The study’s major objective was to draw a consensus on the participation and inclusion of all Ugandans in key aspects of governance, particularly natural resource – including land – governance, as part of a wider agenda for a national dialogue.

The specific objectives of the study were:

1. To examine, through comprehensive narratives, the extent to which and context within which different groups of persons enjoy their right to ownership of land and other natural resources in central Uganda.

2. To document current practices of large-scale land acquisition and loss for marginalised communities in central Uganda.

3. To document and review current patterns and trends in protecting land and natural resources by state structures, especially the courts.

4. To assess the role of state and non-state agencies in land and other natural resources, especially the military, in central Uganda.

5. To provide neutral regional forums countrywide for stakeholders to express themselves on key issues affecting land rights and natural resources.

The major question of this research was: In light of the many historical and legal interventions, why are there continuing and increasing injustices on land in Uganda?


1.4  A Note on Methodology and Limitations of the Study

1.4.1  The scope of research

Focusing on the central region of Uganda, the report concentrates on the districts of Kayunga, Mukono and Kampala. In its coverage of the selected districts, the report is further limited to specific cases in the following sub-counties and villages: in Kayunga, Bbale sub-county and the villages of Misanga, Kinamawanga, Kayonza and Nsube; in Mukono, Kyampisi sub-county in the villages of Kasenene, Kiwumu, Namasaga and Namyyo; and in Kampala, the locations of Bukasa and Nakawa.

1.4.2  Methods and Limitations

The research was conducted through site visits, interviews and focus group discussions (FGDs) with affected persons (especially victims of land injustices, and not necessarily the alleged perpetrators of injustice), key informants, including Members of Parliament (MPs), local council (LC) chairpersons I and III, land officials and academics. During the site/field visits, we found the victims of injustice living through their victimhood: displaced from their lands, imprisoned, living through a food shortage, and their land being occupied by a visibly recent occupant, and changing its former uses. Our (somewhat Marxist) sensibilities were moved to pick and entirely trust in their story as signs of their plight/injustice were too visible to ignore. Although this might seem unfair to the alleged perpetrators of land injustice in terms of not seeking out their voices, our decision not to seek them out was emboldened by a research environment we found which had a history of putting the safety of the researcher at risk. In Kayunga, for example, we quickly learnt that previous researchers/investigators/civic based-organisation workers and, in some cases, police officers and MPs, had been openly abused by the alleged perpetrator of injustice, Mr Moses Karangwa. They had been either intimidated, offered bribes, or sometimes beaten. It felt too risky to follow through and entreat the perpetrator, who, we also learnt, together with his cronies, were too powerful to counter through any civil office (including police or courts of law). Indeed, as we explain later, this also factors into the increasing impunity with which land grabbers act towards their victims.

In several cases, the respondents provided materials in the form of land agreements, title deeds, court documents and booklets. With the aid of recorders and mobile phones, the researchers captured both video and voice recordings, which are available on file. Some photographs are reproduced in this study. Also reviewed were media and NGO reports.

In Kampala, the research was heavily constrained as respondents were extremely difficult to find. Appointments were endlessly postponed, while in other cases, they were not respected at all. As earlier noted, there was a great deal of tension at research sites in Mukono and Kayunga on the part of the researchers. In Bukasa (which we treated under Kampala despite its being in Wakiso), for example, the people threatened with eviction refused to speak, claiming that their issue was highly sensitive and that there were several competing interests.
The area MP, the Hon. Semujju Ibrahim Nganda, however, told us that these were not victims of an impending eviction as they sought to portray themselves; instead they were the beneficiaries of fraudulently acquired public land. This would be confirmed in subsequent interviews with the area LC chairperson, Edward Bakabulindi, and defence secretary, Sunday Segane.

In Kampala still, some of the most controversial cases of disputed land takeovers (including Butabika, Namulonge, the former CMI land at the Mulago roundabout) were difficult to research as information and respondents were difficult to find. In other areas, such as Mukono, key informants were often afraid of researchers, as they were convinced that these were state agents masquerading as researchers but with a different mission. Indeed, we missed speaking to many of these, including the chairperson of the Kyampisi sub-county land tribunal. Such incidents were revealing in that some of these otherwise concerned officials would be implicated in matters of alleged land injustice.

Despite the insistence that the researchers were merely researchers, and that the results of this project may not be seen in the nearest future, many respondents/victims, especially those in Kayunga and Mukono, viewed the researchers as benevolent interventionists in their plight. Often, the researchers were asked to help make the victims’ lives better and to ensure that justice was done. Although this may put future research projects at risk, these pleas were revealing in the sense that the victims had tried several channels of remedy and had reached a point of desperation. In one incident in Kayunga, where victims had even had an audience with the President, who did not seem to have done much to help them, they could not help but laugh at the reach of our ambitions. Finally, the allotted time of two days per district was a serious handicap to this project. With regard to especially Kampala, where appointments would often be postponed, and in other cases mobilisation had been painstaking, two days were just too few for any successful investigation. Since work had to be done, the researchers painfully returned to the field outside the stipulated two days. This imposed major financial challenges on the researchers. As a result, some follow-up visits, say for documentation or to seek clarification on one detail or another, were not done.
II. REVISTING THE MAJOR DEBATES IN THE STUDY OF LAND MATTERS: A NOTE ON THE EXISTING LITERATURE

The debates on land matters have often been divided into two broad fields, often referred to as questions, viz., the land question and the agrarian question. With respect to the former, the focus is mainly on the issue of land tenure and the governance regimes. On the other hand, the agrarian question is mainly concerned with the land reform movements and capitalist expansion, especially in the countryside, with the situation of peasants and their subsistence economies as cornerstones of the debate, as well as land use and the changes therein. Throughout this report, claims/notions of justice in land matters are informed by these two broad fields. Our discussion begins with these two broad questions.

2.1 Unpacking the Land Question: A General Overview

Archie Mafeje has argued that the ‘…notion of “ownership” of land, and land as “property” in sub-Saharan Africa are western borrowings’ (2003: 2). He notes that in European jurisprudence, these two concepts ‘confer jurisdiction as well as exclusive control on the holder,’ a condition which is not true about African land regimes of ownership (ibid.). Indeed, the situation is the exact opposite in most of sub-Saharan Africa where ‘the holder could be any of several things; the territorial authority…the clan, the lineage, the household or production unit, but never the individual’ (ibid.). This approach to land was central in creating the distinction between repository and use-rights (ibid.). Since African villages were largely not production units, but rather units of socio-political relations, reference to land as a communal unit was also a mistake in the colonial literature since it meant everybody from anywhere would have a claim to the land (Mafeje, 2003: 6). It is thus possible to conclude that the first instance of land injustice started with a displacement of local knowledge attitudes and relations to land and replacing them with alien notions of property and ownership. To paraphrase Luutu Mukasa, the relationship to land ‘is a cultural and spiritual [one]’ where taking it to ‘the market was the first instance of injustice’.

The advent of colonialism is often cited as the explanation for the changing relationships to land in sub-Saharan Africa, where development and bourgeois theorists wrongly asserted that communal tenure was insecure (Lwanga Lunyiigo, 2011; Ntsebeza & Hall, 2007; Mamdani, 2013). Writing about the African conception of land ownership, Mafeje noted that for those allowed to access the land, membership and allocation followed the lineage or clan (2003: 4). Indeed, a recognition of certain clan territories made it easy ‘for lineages to maintain a steady pool of land and to control any influx of strangers, i.e., non-kinsmen’ (ibid.). At the same

8 Interview with Prof. Luutu Mukasa of Markus Garvey Pan-Afrikan University in April 2017, at Makerere University, Kampala.
time, these corporate land rights that lineage members had in common helped in guarding against the alienation of land to outsiders, dispelling the conception that customary tenure meant communal tenure with all its bourgeois misconceptions. At the same time, this did not mean that there were no exchanges of land across lineage boundaries. There were and they took different forms:

In the past this problem had been circumvented by loaning use of the land to needy strangers in exchange for an agreed price or portion of the produce, which is not tantamount to sale of land. This gave rise to the well-known phenomenon of migrant farmers in West Africa and in southern Uganda, which was made possible by the separation in African customary law between the solum and its manifestations. At the same time, it afforded access to land by a wider circle of potential users as a response to the introduction of cash crops, without endangering the security of the lineages. (*Ibid.*, at 4)

Although this regime of land tenure still persists in different locations, especially outside Buganda, in the Ugandan context, we can describe this form of tenure as the pre-colonial context. Mafeje has provided a sort of historico-theoretical anchor for understanding this regime based on what he describes as ‘African jurisprudence’. Such jurisprudence can actually be read as the conceptualisation of the customary:

African jurisprudence, recognised rights of possession determined by prior settlement and membership in given social groups, use-rights contingent on social labour, and rights of social exchange underscored by implicit reversionary rights. For that matter, there was separation in African social thought between the soil and its possible manifestations such as crops and vegetation. Essentially, what was transferred to the user was not the soil itself but what it could produce. *Otherwise, the land was treated as a permanent part of human existence and generally taken for granted.* This did not diminish its value, as is generally believed by Eurocentrics, but instead made it inestimable. Among other things, this means that far from being a physical solum, land is a social endowment that is in principle inalienable. It is associated with corporate existence that is fixed in space but transcends time; that is, there are certain recognised domains of land possession but variable cycles of control over it. This gives the system unusual permanency as well as practical flexibility within its own terms of reference. (*Ibid.*, at 2; emphasis added)

Mamdani has downplayed the position of the customary tenure in African pre-colonial society (or the entire notion of African jurisprudence) as a construction of colonialists as they sought to subject pre-colonial society to western civil law (Mamdani, 2013: 6-7). He problematically argues that ‘there is no history of the customary available to us’ (Mamdani, 2015: 3) and concludes by noting that the ‘pre-colonial’ is an ‘imaginary’, to especially land rights activists who often claim to state the position of the customary as a form of land tenure. Despite Mamdani’s claim of the non-existence of a fixed customary system that people will
always return to for reference, there are three problems with his reading of the situation: Firstly, it does not provide an alternative sense of how pre-colonial societies generated and negotiated land rights. It leaves a vacuum. If the problem is with the description of such tenure as ‘customary’, which Mamdani notes derives from Sir Henry Maine’s reading of colonial India, he does not provide us with an alternative naming of the mechanism through which pre-colonial persons claimed and transferred access to their land across and between lineages. Secondly, by focusing on the corrosive power of the market, Mamdani does not take stock of his historical located-ness and temporality, as he critiques the presence of the ‘customary’ in the pre-colonial from the vantage point of the present, especially since the notion of customary is neither uniform nor static. As he also rightly acknowledges, colonialism did not leave these regimes unscathed. Thirdly, Mamdani displays an obsession with the omnipresence of the market and how all social relations are now negotiated in the market, which is rather problematic. As Luutu Mukasa would tell us in the interview cited earlier, instances where claims of land ownership are legitimised through death (of the ancestors) and life (the unborn) are still present in the countryside, and all of these form part of the package discussed as the ‘customary’ – in what would be termed as the ‘uncaptured peasantry’, which remains unique and powerful (Hyden, 1981). Writing in 2003, Mafeje noted that ‘over 90 per cent of rights in land in the rural areas continue to be generated through customary channels’, reaffirming the resilience of customary socio-economic relations (Mafeje, 2003: 5). Needless to say, these forms of tenure still largely hold outside Buganda where most of the land is still untitled. Even with titled land, family or clan relations still negotiate ownership and use under a ‘customary’ arrangement.9

2.2 The Situation in Buganda

The kingdom of Buganda, which is located north of Lake Victoria, is key to the land debate in central Uganda. In Buganda, the regime of customary tenure, which took a slightly different form (from Mafeje’s model), was thoroughly disrupted by the market forces beginning with the advent of colonialism in the late 1880s (Lunyiigo, 2011: 6). This does not mean customary tenure was completely erased and cannot illuminate the present claims of customary relations. The customary nature of ownership in pre-colonial Buganda followed an arrangement where the Kabaka and his chiefs held the land in trusteeship for the people of Buganda (ibid.). Lunyiigo has pointed out that after colonialism,

The colonial land system removed the Kabaka from his position as the Ssaabataka or chief trustee of land in Buganda; it removed the clan heads as trustees of land on behalf of their clans…most radical of all, land could now be bought and sold like any other commodity. From holders of land at the will of the Kabaka, chiefs now became major owners of land in Buganda in perpetuity. The giver of land, the Kabaka, was now given land under the Buganda Agreement of 1900. (Ibid.)

9 Interview with Luutu Mukasa, supra.
By this agreement, customary tenure would completely come to a close, and perpetual ownership of land was confirmed. At this moment, land in the territory known as belonging to Buganda was registered, titled and given in perpetuity. It is important to note, however, that there was a definite tradition as regards land before the agreement. As Lunyiigo has noted, the struggle for land started much earlier before the arrival of the colonial administration (Lunyiigo, 2011: 20-34). In other words, even customary/traditional land regimes were often contested and renegotiated in different political environments.

2.3 The 1900 Land Settlement

For most studies on land in Buganda, the starting point for understanding the land crises today is best located in the 1900 Agreement, which was a major milestone in the process of colonial dispossession. Our interest here is not to discuss the details of the agreement, but rather to record what it put in place as such a discussion will be helpful in illuminating more contemporaneous land issues.

Out of the 19,600 mi$^2$ that was estimated to be the land mass of Buganda at the time, the 1900 settlement gave roughly half of it, i.e. ‘waste, uncultivated and forest’, to the colonial government, as laid out in Table 1 below. This came to be described as ‘Crown land’. The other half was given to the Kabaka, the regents, several senior and junior chiefs and private landowners in the form of freehold estates (so-called ‘mailo’). Empowered to decide the validity of the claims, the Lukiiko, the Buganda Parliament, reserved the right to give the 8,000 mi$^2$ to the 1,000 private owners defined as chiefs – as their freehold estates (Lunyiigo, 2012: 51). Being composed of chiefs, the Lukiiko would ensure that bakopi (peasants) did not benefit from this land grab (ibid., 52). The colonial government was to construct roads on 10% of any individual’s property, and this could be taken without compensation, except if more land was required. Lunyiigo points out that ‘non-natives who had estates and those whose claims had been admitted by Government were to receive title deeds for them’ (ibid., 47).

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10 The titling of land and giving it out for perpetual ownership did not completely end customary forms of land ownership, transfer and use in Buganda. Since these were generally larger pieces of land parcellled out to only a few persons, mostly heads of clans and chiefs, the modes through which use, ownership and transfer occurred many times followed a customary arrangement. Luutu Mukasa interview.
Table 1

The 1900 Settlement

<table>
<thead>
<tr>
<th>Beneficiary</th>
<th>Number</th>
<th>Size (in square miles)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protectorate Government (Crown land)</td>
<td>1</td>
<td>10,500</td>
<td>10,500</td>
</tr>
<tr>
<td>Kabaka</td>
<td>1</td>
<td>350</td>
<td>350</td>
</tr>
<tr>
<td>Members of the royal family</td>
<td></td>
<td></td>
<td>148</td>
</tr>
<tr>
<td>Ssaza chiefs’ official estates</td>
<td>20</td>
<td>8 (each)</td>
<td>160</td>
</tr>
<tr>
<td>Regents’ and ministers’ official estates</td>
<td>10</td>
<td>16 (each)</td>
<td>160</td>
</tr>
<tr>
<td>Regents’ private estates</td>
<td>3</td>
<td>16 (each)</td>
<td>48</td>
</tr>
<tr>
<td>Nuhu Mbogo and adherents</td>
<td>48</td>
<td></td>
<td>48</td>
</tr>
<tr>
<td>Kamuswaga of Kooki</td>
<td>24</td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Chiefs and private landowners</td>
<td>1,000</td>
<td>8 (each)</td>
<td>8,000</td>
</tr>
<tr>
<td>Missionary societies</td>
<td>92</td>
<td></td>
<td>92</td>
</tr>
<tr>
<td>Protectorate government stations</td>
<td>50</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>19,580</strong></td>
</tr>
</tbody>
</table>

Source: Adapted from Lwanga Lunyiigo (2013: 49)

By giving land to a select few, as summarised above, [only 3,700 people] out of a population estimated to be one million persons at the time, and who were kept in the dark regarding the entire process, the first act of land injustice had been committed (Lunyiigo, 2011: 7). The injustice quickly showed its ugly head as ‘the chiefs expected and demanded rent and tribute from the peasants whom they evicted from their bibanja as they wished’ (Lunyiigo, 2011: 8). Countering this injustice, and aware that the producers of coffee and cotton were the everyday people, the colonial government heeded the cries of the peasants and enacted the Busuulu and Envujjo Law of 1928. This created safeguards for the peasants in the sense that after they had paid their rent, which was in terms of money (and not labour or produce), they stayed on their land undisturbed and were even free to sell it (Lunyiigo, 2011: 10; Mamdani, 2013).

A number of observations can be made about this settlement, and the events that followed thereafter. In the first instance, all the land in Buganda was shared out and allocated in perpetual ownership. In other words, it ceased to be held in trust on behalf of anyone; not the colonial government and not the Kabaka. Secondly, soon after the agreement, landlords began leasing out their land and, later, selling it off completely. Thirdly, after 1928, the dual nature of land rights, i.e. those of the kibanja holder and that of the title deed holder were confirmed. It is also important to note that at the end of colonialism in 1962, all waste and forest (Crown) land was first of all returned to the Buganda Land Board, but later in 1967, to the Uganda Land Commission (ULC) under the central government, and designated as public.
land. Finally, it must be emphasised that the contemporary land wrangles are not new to the region of Buganda. Indeed, the settlement, which was actually a war treaty (Lunyiigo, 2011: 36) never solved them. Instead it heightened them by, firstly, successfully turning land into a property that could be owned in perpetuity and, secondly, creating a landed aristocracy with a section of people in possession of land while the remaining majority had no rights of ownership (except user-rights in some cases). The desire of individuals to acquire land as their own property is the first step in explaining the land wrangles under investigation. With documentation being the most accepted indication and claim of ownership, the Buganda Agreement, as opposed to the arrangement in other regions, gave us documentation (titling) of land in the region upon which subsequent negotiations would revolve.

2.4 Buganda’s Agrarian Question

The movement of foreign capital into the countryside and concerns over turning the peasantry into an industrial proletariat forms the crux of the debates about the agrarian question: Who owns the land? Who uses the land? Who benefits from the land? What is the land used for? Key to this question is the position of the peasantry – their proletarianisation – and the capitalist transformation of the countryside and globalisation of development (McMichael, 1997; Anyang Nyong’o, 1981; Bernstein, 1979). Terms such as ‘peasants,’ ‘peasant societies’ and ‘peasant economies’ as economic and conceptual categories form a major part of the debate. Defined variously, peasants are often understood as people – especially those living in rural areas – whose subsistence depends on tilling the land, using mostly family labour for their consumptive benefits but also being involved in production for larger economic networks (Chayanov, 1925; Saul & Wood, 1971; Bernstein, 1979; Meillassoux, 1973). Allen Isaacman writes about peasants as ‘agriculturalists who control the land they work either as tenants or smallholders, are organised largely in households that meet most of their subsistence needs and are ruled by other classes, who extract a surplus either directly or through control of state power’ (Isaacman, 1990: 2). Under both definitions, peasants are defined in relation to their access to land and the use of individual and family labour, but also as being involved in broader economic networks which might include the surplus of their produce, and also as being liable to be controlled by other people, say landlords, who extract rent from them. Key to this conversation is the point that they are never taken off the land as their subsistence depends on it.

Discussions of the agrarian question also touch upon small-scale farming versus large-scale plantations with the development discourse currently being in favour of large-scale farming, arguing that large-scale farming is necessary for development through industrialisation (McMichael, 1997; Martiniello, 2015). What this means is that subsistence farming or the growing of food crops is gradually replaced by cash crops, including eucalyptus trees, Jatropha; sugarcane or cotton and coffee, with a great deal of focus on
turning peasants into wage workers (proletariat) or out-growers. To counter this discourse, debates over food security and food sovereignty provide the foundation upon which the proletarianisation of the peasantry is critiqued. Large-scale cash crop growing, which comes with large-scale land acquisitions, poses a risk to food security and has the possibility of turning entire populations into beggars (Martiniello, 2015). Reflecting on the large-scale growth of sugar plantations in eastern Uganda, Lwanga Lunyiigo noted that wherever sugarcane is grown, destitution and absolute poverty follow.13

In Buganda, most of the land is owned on a small scale and the people in the region are mostly small-scale farmers. At a national average, 85% of farmers are small-scale, 12 medium-scale and 3 large-scale.14 The people in Buganda predominantly grow 

matoke

, beans, maize, cassava, potatoes and yams. They also grow cash crops including coffee, sugarcane and vanilla. Grown mostly on a small scale, these have been able to sustain Uganda’s food and export economy right from the colonial period (Lunyiigo, 2012). Not much has changed in terms of land use and ownership patterns although the incidents of large-scale land evictions from both public and private land have occurred. Prominent cases include the intended giveaway of 7,100 hectares of Mabira Forest to a sugarcane planter and processor, Mehta Group, in 2007.15 The idea was to enable large-scale sugar farming as a way of increasing productivity. Other incidents of this nature have included the 2001 Kaweri Coffee land grab in Mubende where over 2,000 persons were violently evicted from their land to create space for a Germany-based coffee company, Neumann Gruppe.16 Incidentally, the people being displaced were coffee farmers as well, growing coffee on a small scale. These incidents do not only point to changes in land use as large-scale farms swallow up small-scale farms. They also pose a risk to food and environmental security. The same criticism has been levelled at the operations of palm oil growers on Ssese Island, BIDCO.

The discussion of land justice is, therefore, engaged in within this frame of access to land as a guarantor of food security as large populations depend on tilling the land. At the same time, endangering the environment through turning forests into farmlands portends danger to the environment and equally risks food productivity. Large-scale cultivation of cash crops – without mixing them with food crops – is equally dangerous in the sense that it constitutes a risk to food security.

2.5 Complications with Land Documentation

After the 1900 Agreement, but especially with the passing of the Registration of Titles Ordinance in 1922, all land in Buganda had documentation in the form of title deeds under the Torrens system of land ownership (Mugambwa, 2002: 142-147). Over the years, several smaller plots were carved out of the larger chunks. However, there are several smaller chunks

13  Ibid.
of land lacking proper documentation indicating their carving off from the larger chunks, even though the demarcations are well known. In an interview with Kampala City Council councillor, the Hon. Kennedy Okello, we learnt of big plots of land, which hosted different public facilities including a school and a hospital, and about a few private individuals owning plots under freehold and other arrangements. However, Okello adds that, with the exception of the ‘mother’ plot, which has documentation, all the other occupants, including the school and hospital, despite being legitimate occupants, did not have any documentation regarding their ownership. We also learnt that there were several lands in Kampala and other parts of Buganda with bona fide occupancy but without any documentation (case investigated with Carol Nakazibwe in Makerere West). These included lands, on which sat public schools and hospitals, which were being contested as people in authority would know of these gaps and choose to grab a part of them. For example, of the 76 public schools in Kampala, only 12 have land titles. Cases of this nature were common, which made land grabs easy once an informed individual, often those working with land offices, learnt of this loophole and quickly sought to exploit it.

17 Interview with Kennedy Okello, KCCA councillor for Nakawa, on 26 March 2017 at City Hall, Kampala.
18 Ibid.
19 Ibid.
III.
ANALYSING THE NATURE OF LAND CONFLICTS IN BUGANDA

3.1  Nature of Conflicts

Contemporary land conflicts in Buganda mainly assume struggles between *bibanja* holders and landlords; forceful evictions and land grabs; illegal appropriation of public land; fraud; and the outright theft of land titles. They take the forms below, with some overlaps:

Perhaps the most intense and protracted conflicts have been those between *bibanja* holders and landlords, or those who hold title deeds. Because of the dual tenure system, which separates land use (*kibanja*) from ownership (manifest in the title deed), *kibanja* holders continue to lose land to title holders, especially after they have sold off the plot(s) to wealthier and more politically influential buyers. This happens especially in instances where the original landlord, while in possession of a title, has neither the financial nor political/security capital to buy out, develop or forcibly evict the *bibanja* holders, and decides to dispose of the land. Once sold, the new landlord proceeds to deploy his or her financial and political/military capital to effect an eviction. These kinds of conflicts are, by far, the majority in Kayunga and Mukono, with cases involving real estate developers and large-scale land buyers – the so-called ‘investors’.

In Mukono, for example, we investigated a 2016 case involving a *kibanja* holder, Nelson Wajja, against Abdallah Kitata, the National Resistance Movement (NRM) chairperson for Rubaga division in Kampala, and the chairperson of the boda-boda national association, Boda-Boda 2010, who had acquired the title deed and was using his financial, political and military connections to evict Nelson Wajja. In an interview we had with Nelson Wajja, he revealed to us that he bought the contested piece of land in 1989, from one John Ssempa, at a fee of USh. 70,000. This was after he had been informed by one James Kaddu about Ssempa’s intentions of selling off his *kibanja*. He stated that after the said sale, John Ssempa took him to one Ramathan Kitibwa, the latter being the owner of the title deed of the bigger piece of land which comprised the contested *kibanja*. As a tradition, Wajja paid his *busuulu* and also gave a *kanzu* to the landlord. However, the landlord did not sign on the sales agreement, neither did he give him any document acknowledging receipt of *busuulu*, something that Wajja sorely regrets in view of the latest developments on his land. Subsequently in 2002, Wajja planted pine trees on his land. That same year, his neighbour indicated that she was selling her land and wanted to go elsewhere. Again, Wajja bought the land via an agreement witnessed by the LC officials.

Wajja said that he first met Abdullah Kitata in March 2016 when the latter was taking surveyors around his newly acquired plot, just adjacent to Wajja’s land. At this time, Wajja had gone to tour his land. In what Wajja referred to as an informal interaction, Kitata introduced himself...
as a person who worked with the Ministry of Defence. Seeing that he had a pistol on him and two bodyguards, one of whom was armed, it was easy for Wajja to take Kitata at his word. At the same meeting, Kitata expressed an interest in buying two acres of Wajja’s land but the latter made it categorically clear that he was not selling.

Barely two months later, on 22 May 2016, news reached Wajja that his kibanja had been fenced off by Kitata. Indeed, when Wajja reached the site, he could not access it.

In this picture, Wajja Nelson (third right) standing in his pine plantation after his entire plot had been fenced off by the land grabber. The land grabber had even started harvesting the pine. This picture was taken the day The Monitor journalists visited to record his story, 1 July 2016.

Wajja then decided to rush off to Nagalama police station to report a case of infringement. However, before he could set off, one of Kitata’s employees, who had heard him mention this option, told him not to waste his time. Wajja recalls this employee telling him verbatim: ‘Mzee, power is stronger than the law.’ Even then, Wajja narrates, he continued to the police station and filed a complaint. The police, who came with the officer in charge of land at that station, took pictures and left. A village meeting was later called to ascertain whether Wajja was a lawful tenant and, if so, whether the landlord was aware of his interests in the contested land. The meeting was attended by Kitata’s lawyers, the heir to the estate of the late Ramadhan Kitiibwa, Adam Gitta, Wajja himself and some villagers.

Despite Adam Gitta’s denial that he knew Wajja, whom he referred to as an unlawful occupant of his land, Wajja narrated that it is he who, in 2008, was approached and requested by Adam Gitta to show him the boundaries of the land belonging to the late Ramadhan Kitiibwa, his father. This was because of the relationship that had developed between Wajja and Gitta’s father over time. These claims by Wajja were also corroborated by the villagers who attended the meeting. Wajja also narrates that Gitta had offered to sell the title-deed rights to Wajja once he was ready. That, however, never happened, as Wajja was not ready by the time
Kitata appeared on the scene. Kitata now asserts that Wajja was a squatter who did not have any right to the land, and that he had bought the title deed under the impression that the land did not have any encumbrances (‘encumbrance’ being the pejorative for squatters). During the village meeting, Kitata’s lawyers and the police (with the police seeming to work together with the lawyers) also took issue with Wajja’s possession of photocopies, claiming that they wanted the original copies. They asked him to bring the original copies next time, which he did and showed them. Wajja notes that taking issue with the photocopies is a ruse to grab the originals from the owner so as to deprive the complainant of any claims of ownership. When Wajja contacted the LC I chairperson, Night Nakyeyiwe, she only lamented her powerlessness in matters regarding Kitata, whom she said was rich and powerful and was buying land all over the place. According to her, he was such a powerful figure that he did not even bother going to the LC I people for validation of any sales agreement. He bought without their knowledge, and did not even care.

Similarly, in Kayunga district, Bbaale sub-county, the study investigated a case involving the NRM district chairperson, Moses Karangwa, who allegedly evicted over 2,000 peasant bibanja holders. After gaining ownership of 901 acres of land formerly belonging to Yonadabu Bidandi Nsubuga in 1998, Karangwa would forcefully evict all bibanja holders starting 2013, only compensating them at rates personally determined and, in some cases, not compensating them at all but choosing to evict them instead. This case introduces an additional element of grabbing land from a title-deed holder.

Kayunga district is about 45 miles from Kampala. Bbaale itself is about 50 km from Kayunga district headquarters and is located north of the district. The contested areas of Misanga, Kinawanga and Kayonza are about 3 km from the Victoria Nile running upstream. For the last five years this area has been the epicentre of land conflicts and land-related violence.

According to Mustapher Kigwe, whom we interviewed on 28 February 2017, Moses Karangwa first appeared in Kayunga in 1995 as a herder looking for grazing land to rent. With about 70 head of cattle, Karangwa was allowed to graze his animals on the 901-acre plot of land in Misanga belonging to the family of Yonadabu Bidandi Nsubuga. He would be required to pay USh. 30,000 annually for each head of cattle. Three years later, in 1998, Karangwa wanted to buy this land. Working with the eldest son and heir, Christopher Kikku Nsubuga, Moses Karangwa bought 600 acres of this land. Kigwe highlighted a number of problems with this transaction. Firstly, despite being heir, Mr Christopher Kikku did not have letters of administration for the land to allow him to sell. Indeed, in the agreement which Kigwe showed to the researchers, drawn up by M/s Rwakafuuzi & Co. Advocates in 1998, it is indicated that the purchase has taken place but ‘[t]he Vendor undertakes to effect transfer as required after getting Letters of Administration of the estate of the registered proprietor.’ When Kikku finally processed the letters of administration in 2001, the letters spelt out that Mr Kikku, as heir, was not allowed to sell any of the deceased’s assets exceeding USh. 90,000’s worth. In the transaction that had happened earlier, they were dealing with a USh.9,000,000 million land transaction where he had sold land to Moses Karangwa. Indeed, on the day the contract had been signed, 30 November 1998, Karangwa issued Mr Kikku with a Cooperative
Bank bank draft of USh. 5.2 million. In 2012, after a long court process, these letters were challenged in court and cancelled. Kigwe narrates that the judge noted that these letters had been fabricated and that they were not registered in court either.

In 2013, the family of Yonadabu Bidandi Nsubuga convened a meeting and elected Jenipher Nsubuga, Mustapher Kigwe and Kiwala Yusuf, all of them grandchildren of the deceased, as administrators of the estate. This was registered in court on 18 June 2013. In the same year, the administrators opened a proper case (this time with letters of administration) against Moses Karangwa for colluding with Christopher Kikku to fraudulently sell their land. This case has been going on since 2013 but with very little progress. The main complainant, Mustapher Kigwe, noted that money started changing hands immediately. The long gymnastics of court procedures, absenteeism of the accused, and the accused coming up with one excuse after another had an especially heavy financial toll on the complainants. Then in 2015, during a court hearing, the judge at the Jinja High Court declared that the case was 'without value' as it had spent a lot of time on file. Noting that time was being wasted on this particular case, the judge dismissed it. Kigwe narrates that, surprisingly, the judge also had the temerity to threaten the complainant against appealing his decision.

The appeal took long to be filed. In the view of Kigwe, his lawyer seemed to be compromised or was enjoying business from his client. When he filed the appeal, the hearing was also never scheduled. Mustapher Kigwe, who kept the case going, was running short of funds. Appealing to his lawyers almost bankrupted this hitherto rich coffee trader. For over one and a half years, the appeal remained pending and was never heard. Mr Kigwe opted to find another lawyer, Abubakar Sebanja, in late 2016, who seemed more straightforward and is now handling the case. They signed an agreement where once successful, the lawyer will be rewarded with 50 acres of land as compensation for his work.

The second level of conflict on this piece of land involved the new landlord (alleged land grabber from the earlier title holder, with a case still in courts as seen above) evicting bibanja holders. He wanted to use his land for something else, and families with no deed rights had to leave. It all started in 2012 when Moses Karangwa expanded his estate. Forcefully he occupied another of Yonadabu Nsubuga’s estate, which comprised an adjacent plot of 501 acres. Since these plots were adjacent to each other, Karangwa declared all of them his, and started evicting tenants. By then, Karangwa had become the NRMO chairperson of Kayunga district and was a very powerful man. Having garnered the protection of the state, Karangwa wantonly used military and police connections to threaten, beat and evict people from their land. He used his cattle, estimated at 3,000 head, the military and NRMO election money to get people off their land. Under his orders, soldiers beat up people. However, Karangwa would deny any involvement since he had never been seen personally beating up anyone.

Intimidation was rampant. Currently, the village lives in a state of fear, and benefiting from a large network of local informants, Karangwa quick gets to know anyone investigating his estate and plan exactly how to deal with them. As we carried on the investigation, we were told that Karangwa would be happy to arrest us for investigating his assets and would teach us a lesson we would never forget. If we were not beaten, we would be imprisoned.
There was one intriguing case of one Moses Musiita who was imprisoned for mobilising villagers into resistance.\textsuperscript{20} Musiita knew Mr Kigwe, the ‘original’ landlord, personally, and knew that they were being wrongly evicted. Like many of the tenants, they knew Karangwa had grabbed land from Kigwe, for Kigwe would never seek to disown them and reduce them to squatters. Even when threatened with imprisonment, Musiita refused to vacate the land and continued mobilising others to do the same. What Karangwa did was to construct a small grass-thatched house in Musiita’s neighbourhood as a simple shelter. One day, in April 2013, the thatch was set ablaze and Karangwa quickly accused Musiita of the incident. In the hut, Karangwa claimed there had been a bicycle and USh. 150,000. Using his connections in the political establishment and the security services, Karangwa made sure Musiita was immediately picked up. He was temporarily detained at Kayunga police station.

A couple of days later, the villagers organised themselves and rioted over the arrest in both Bbale and Kayunga. The environment was charged and was fast escalating into something worse. Arraigned in court the following day, Musiita had the LC I chairman on his side, and the councilors of the area as his witnesses. All of them noted that Musiita had been with them in a meeting when Karangwa’s hut was alleged to have been burnt down. No residents of the area stood witness for Karangwa, the complainant, who had accused Musiita of arson. Asked to bring the frame of the bicycle that had been burnt inside the hut, Karangwa did not produce it. Asked to explain how a man as sophisticated as he could keep USh. 150,000 in a grass-thatched hut, he could not explain. Musiita would be remanded several times to Kirinya as the matter progressed. Asked to bring witnesses on one occasion, Karangwa hired two unknown individuals who were unknown in Misanga village as witnesses. They were all new faces to the residents of Misanga village. They had never lived there as neither of them could even tell who the area LC I chairperson was. However, at the end of the day, Musiita was sent to prison to serve a four-year sentence. When the researchers visited Musiita in Kirinya Prison in Jinja,\textsuperscript{21} he told them that the judge privately advised him to politely serve his sentence, as appealing would only waste his time and resources. Once Musiita was in prison, the land evictions continued, as everyone had been cowed into silence. Musiita’s family, however, still occupy their plot as they refused to leave, and Karangwa does not have a legitimate case to flush them off their land. They do not farm the plot though as Karangwa’s animals roam the area and they have no avenues for justice.

As our investigations continued, we learnt that Moses Karangwa did not only forcefully evict people from lands in Misanga but also went to the neighbouring villages, including Kinamawanga and Kayonza. In Misanga alone, over 200 families were displaced comprising close to 2,000 people.\textsuperscript{22} It should be noted that an average family in this area could have about 10 persons, including relatives and children.\textsuperscript{23}

\textsuperscript{20} As narrated by LC I chairperson, George Lutembana, and Mrs Musiita, in Misanga, Bbale, on 12 March 2017. We also had a chance to meet the prisoner himself, who corroborated this narrative, at Kirinya Prison, on 29 March 2017.

\textsuperscript{21} Ibid.

\textsuperscript{22} FGD, in Nsube. The information about the other villages suffering Karangwa’s land wrath is also picked from our interview with Mustapher Kigwe at Makerere University.

\textsuperscript{23} Ibid. FGD, Nsube.
Following these forceful evictions, which involved gunshots and wanton imprisonments, the woman MP for Kayunga, the Hon. Ida Nantaba, had several run-ins with Karangwa. Nantaba is highly popular in Kayunga for standing with the people who were being forcefully evicted from their land. This issue also sucked in the Inspector General of Police (IGP), Kale Kayihura, and the President of Uganda, Mr Yoweri Museveni. Involving the IGP and the president was done in an effort to find a political solution to the matter but the effort failed. In one incident, during a meeting with the victims, the IGP suggested to the victims that they should accept about 300 acres from Karangwa and leave the rest of the land for him. The angry villagers asked how the owners had all of a sudden become beggars.

In the course of this research, we made several visits to Misanga, especially in March and April 2017. On all these occasions, we found Kakira Sugar Ltd-branded vehicles and tractors clearing the land. The villagers told us that Karangwa had sold 20 mi² to Kakira Sugar Ltd and that the company was clearing the land to establish a sugarcane plantation.

As an extension of the kibanja-versus-landlord conflict is the phenomenon of forceful land grabs or evictions. These usually involve politically or militarily ‘connected’ individuals forcefully appropriating land from the legitimate title deed holders. This takes different forms. Firstly, the land grabber procures a new title from the land office registry and then asserts a claim of ownership. In Mukono, for example, in the land grab in Namasaga, Mbalala, victims, including Sekajugo Katiginya, Umar Sendege, Joseph Kigwe and Asuman Sekajugo, all family members and grandchildren of Misusera Mukabya, accuse Mukono district land


25 FGD, Nsube. Also reported during interview with Mustapher Kigwe.
officers, including the senior land management officer, Mr Robert Mbazira, the land registrar, Mr Overson, the principal land management officer, Mr Satyaa Mangosho, and a land dealer called Sendi Joachim, for processing a fake title deed in the names of Folomera Nantume, which they used to grab 401 acres of their land. It is a similar but slightly different matter with Moses Karangwa against Yonadabu Bidandi Nsubuga/Mustapher Kigwe, where the former lost over 1,000 acres in Bbale. In this incident, Moses Karangwa, through a fraudulent transaction with one family member and heir to the estate, Christopher Kikku, acquired ownership of 600 acres, but then later expanded to another 501 belonging to the same family – this time, however, by simply using force (case details in Section IV). In cases of this nature, confronted by such a claim, the legitimate landowner embarks on a long and arduous process of pursuing justice in a court of law to the point of near-bankruptcy. In the two cases cited above, both victims noted the painstaking journey in pursuit of justice. Mustapher Kigwe, a seasoned coffee trader, noted that pursuing justice for his family land – something continuing to this day – almost bankrupted him, and had to take a break to recuperate. Because of the strong state-based connections of the grabber, the victim faces an uphill task in securing justice.

Further fraud is effected under the pretext of offering land-related services, such as the processing of title deeds and representation in the courts of law. In this respect, fraudulent dealers in land exploit the lack of awareness of rural landowners to steal their property. In one case in Mukono, an LC I official, Joseph Kiggwe, is involved in the pursuit of justice involving crooks, one of whom, called Kalema, purported to be a land dealer, and approached the Kiggwe family in February 2016, offering to help with processing a land title for Kiggwe's family estate. Introducing himself as a member of staff of the Kampala land office, Kalema warned the Kiggwes that their land was coveted property and they need urgent titling. For his services, an agreement was entered into with a clause rewarding the dealers with 10 acres of land carved off the 300-acre estate for processing the title. In July 2016, a fake title was passed on to the administrators of the estate while the fraudulent dealers sold off their 10 acre 'commission'. This set off the alarm bells. The Kiggwes would quickly learn that Kalema had never worked for the Kampala land office, and was simply a land dealer.

Coupled with such forgeries is the outright stealing of genuine titles from unsuspecting holders, especially at land offices. During research at the Kampala land office at the Ministry of Lands, we explored an incident involving an elderly woman who, after someone appeared on her land with another title claiming ownership, visited the land office in Kampala to report/inquire about the presence of a second title deed to her land. At the land office, the land officials who had masterminded the production of a second land title (as she learnt later) spotted her and quickly engaged her. When time came to leave their offices, she asked for her title back, which she had handed them minutes earlier for examination. They started

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26 Interview with victims of land injustices in Kayunga, on 7 February 2017 at Wandegeya, Veteran’s Market.
27 Interview with Mustapher Kigwe, of Kayunga on 28 February 2017 at Makerere University.
28 Ibid.
29 Interview with Joseph Kiggwe, 16 March 2017, Nakumbo-Kasene ne, Mukono.
30 Ibid.
denying possession of it. When they checked the office in which she was seated and they could not find it, and aware of the implications of the loss, she raised an alarm which drew the attention of other senior officials. Pressed, the land official who had grabbed the title went to his accomplice’s office where the title had been stealthily slipped under a pile of files.31

Kampala presented a slightly different dynamic from Kayunga and Mukono. Here, it is mostly public/government land in the form of forest reserves, ministry lands (such as those belonging to Agriculture and Finance),22 security agencies such as the police and prisons, (former) Uganda Electricity Board (UEB) and Uganda Railways, which were grabbed by private individuals. Especially guilty of the vice are politicians and public servants, using their positions as insiders with knowledge of the location and status of these government lands.

In many instances, land conflicts were caused or exacerbated by ‘bad neighbours’ and the lack of appropriate zoning and planning schemes in both the rural and urban areas of the territory. It is also linked to the spate of investment-related activities which have been pursued in many districts in the central region and mainly involves cases where one neighbour renders another’s land unusable. ‘Abasa amayinja batugobye mu nyumba yaffe. Tetukyalima nakulima,’ (Those quarrying stones have chased us out of our houses. We are also not tilling the land) reported Badru Sozi, a resident of Nakumbo-Kasenene.33 In Mukono, we explored cases of Chinese and Indian stone miners who were not necessarily involved in land grabs but the activities on their plots rendered neighbouring plots unusable for either residence or farming.34 Quarrying rock, which involves the use of crude blasting technology, makes farming, herding and residence in the neighbourhood within a radius of 5 km difficult. Often, before blasting, a siren goes off to warn locals to leave their locations. Because of the blasting, semi-permanent homes have developed cracks. In other cases, scattering rock particles have broken rooftops or destroyed crops. These so-called investors do not pay any inconvenience fee or compensation.35

A critical issue is the loss of farm or grazing land when public land is taken over or appropriated by a private individual (usually somebody masquerading as a government functionary or veteran). Most times, these kinds of conflicts are mild since the existing users of public land (such as people who farm or pick firewood from this land) did not have the authority to stop a newer intruder from taking it over, especially if the intruder claimed and presented themselves as veterans of the 1981-1986 National Resistance Army (NRA) war. Such a conflict took place in the Bukasa area of Kampala. Mrs Prose Namigoye reported the loss of her land

31 This story was narrated on condition that the narrators are kept anonymous, Kampala, March 2017.
32 Nakawa MP, the Hon. Michael Kabaziguruka showed us a plot in his neighbourhood in Luzira that once belonged to the Ministry of Finance but that had been self-allocated by a former employee of the ministry. He was spearheading the case to have the land revert to the ministry. Interview at his home in Luzira, 26 March 2017.
33 FGD, Badru Sozi, Abdul Kalibala and Hanifa Namwebe, Kasenene, 16 March 2017. The same reports were given in an FGD at the Kyampisi sub-county LC III office, 29 March 2017.
34 Ibid.
35 Ibid.
in Bukasa when a group of people calling themselves ‘veterans’ (supposedly of the NRA war) forcefully acquired all her family land in a forest they once used for farming.36

Vacant and unoccupied public land has been the target of appropriation when persons in and/or connected to the government realised that ministry land that had been vacant could be acquired. In the early 1990s and 2000s a lot of vacant, publicly-own land was vacant in Kampala and only utilised by neighbouring residents to grow beans and maize.37 Such land would be occupied by public servants for personal benefit. This process incidentally often followed legally institutionalised processes, but were meant largely for the benefit of those with power and influence. Semujju Nganda noted that under these systems, the amount of assets lost to private persons hitherto belonging to ministries and government parastatals in Kampala is astounding:

Taking advantage of aging structures in Kampala, government started by introducing the Public-Private Partnership Bill. Here, they claimed they did not have money to build new structures and a private partner would have some of the land and then help to build new structures. Property belonging to government departments including UEB, Uganda Railways, Post Office, Uganda Coffee Marketing Board, Uganda Lint Marketing, Uganda Hotels, properties in Nairobi, Dar-es-Salaam and London, and [most recently] Uganda Broadcasting Corporation (UBC), KCCA, were all up for grabbing. Every single government department had land in Kololo for senior workers. For companies which had business beyond the Ugandan territory, such as Coffee Marketing Board, and did a bit of work in Mombasa and London, had also acquired property in those places. Houses and stores in Mombasa belonged to Coffee Marketing Board. With the new regime, some of these properties were taken over by those in the know, and quickly sold off.38

Most Outstandingly, Semujju explained that government officials took advantage of a combination of privatisation and aging structures of ministries and parastatals. The introduction of the private-public partnerships (PPP) arrangements, and the sale of government houses to existing occupants was a windfall to many senior public officials in areas such as Kololo and Nakasero. Ssemujju continued:

The process of stealing property in Kololo happened through a clear process: When the NRA fighters had just taken power, they occupied government property in Kololo. Arguing that government departments did not need all this property, and that especially the houses were a burden to government as regards maintenance, they came up with a policy of selling houses/property to sitting tenants. Almost all the first ministers in the NRM government got houses in Kololo, and other upscale

36 Interview with LC I chairperson, Bukasa, Edward Bakabulindi, Bukasa, 12 May 2017. Secretary to Bukasa LC I Committee, Prose Namigoye, re-echoed this sentiment during the regional review meeting of this investigation at Hotel Africana on 22 July 2017.
37 Interview with Nakawa MP, Michael Kabaziguruka, 26 March 2017 at Luzira. Also interview with Kira municipality MP, Ssemujju Ibrahim Nganda, 5 May 2015 at his home in Bukasa.
38 Interview, 5 May 2017.
suburbs. Interestingly, they got these houses at give-away prices and would sell the following day at a price. The Observer one time did a story where Moses Byaruhanga, the then RDC for Kampala, who upon learning that houses were being sold on the cheap rushed to Kololo and grabbed one. He settled himself into it, having known it had been vacant for a while. He demanded to have it sold to him. He would be buying it at USh. 250 million. Byaruhanga did not have the money. He thus went to DFCU Bank and borrowed the money and paid for the house. The following day, he sold it at USh. 600 million. (Ibid)

This appropriation of both public land and public property was and still is mainly accomplished through the use of insider knowledge at offices such as the Kampala Land Board (KLB) and in the Ministry of Lands. For public lands, these are often plots without title deeds, occupied by public facilities such as schools and their playground, and hospitals.

Kampala is also plagued by the problem of lapsed leases. As most people hold land under lease from the KLB and the Uganda Land Commission (ULC), many never know when the leases are expiring. The explanation for this is that many people are seated on leases as second- or third-generation occupants. Kira municipality MP, the Hon. Semujju Ibrahim Nganda, told us that current owners are often unaware of the tenure arrangements under which their grandparents owned these plots. Semujju continues that, at one point, people show up claiming to be in possession of a lease from the KLB and demanding that the existing occupants vacate the land. In Kayunga, Afande (Officer) John Matovu, the officer in charge of the land desk, also reported that Moses Karangwa (case explored earlier in Bbale) took over land formerly owned by Yonadabu Nsubuga under a lease arrangement. The lease had elapsed many years before and the administrators of the estate, the grandchildren, had not renewed it either out of ignorance or lack of means to do so. Indeed, renewing a lease is an expensive undertaking, which often keeps many people away from doing so. As we learnt from Carol Nakazibwe whose parents owned an acre of land in Makerere West and sought a lease from KCC for their land in 2003, she paid a premium of USh. 13 million to be granted an initial lease of five years. What is equally puzzling about the Carol Nakazibwe incident is that land offices are not properly coordinated to establish the jurisdictions under which different plots belong. In the end, a painful atmosphere of confusion is created that frustrates clients. When the five years of the initial lease elapsed, Nakazibwe and family sought an extended, longer lease. However, the confusion they encountered was thoroughly frustrating:

However, when we returned to KCCA in 2008 for a more extended lease, it became difficult to secure, as KCCA all of a sudden realised they did not actually own that land. The office in Entebbe would establish that the land did not belong to Makerere

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39 Interview with KCCA councillor, Kennedy Okello, on 26 March 2017 at City Hall, Kampala.
40 Interview with Ssemujju Ibrahim Nganda. We had earlier received the same sentiment from KCCA councillor Kennedy Okello, supra.
41 Ibid.
42 Documents from the family of Mr Yonadabu Nsubuga indicated that Yonadabu Nsubuga owned these plots under private mailo, which is the commonest form of tenure in Kayunga. The researchers were, however, unable to see the documents upon which Afande John Matovu based his claims.
43 Interview with Carol Nakazibwe, Kamwokya, 16 May 2017.
University either, as we had thought as Makerere is our immediate neighbour. Neither did the land belong to the Uganda Land Commission. Indeed, we learnt that land was held in freehold, owned by the individual persons who occupied it. Being located in Kampala, we are under a KCCA mandate, which would prepare us the title deed for freehold. But this is also taking time to come through. (Ibid.)

Our contention is that such experiences of frustration with lease processing are not unique to Nakazibwe and her family. They are reproduced in different forms in different contexts and, in the end, keep people away from renewing their leases, making them vulnerable to opportunistic persons in the land offices.

The land grabs explored had strong connections with the presence of natural resources either on the contested land or in the neighbourhood, fuelling the land grab. If these resources were not on land, they were underground. Indeed, across the world, history is rife with cases of natural resources – especially oil, gold, diamond and marine resources – fuelling conflict.

In Kayunga, the land conflict studied happened in the area that neighbours River Nile, in the section called Victoria Nile. In the course of the research, we learnt that Moses Karangwa had sold 20 mi² of land to Kakira Sugar, and sugarcane plantations were being established. Indeed, during our field visits, we found Kakira Sugar-branded lorries ferrying workers to the site; graders would be seen flattening and clearing the land. The location of this land in the proximity of River Nile prompted this massive land grab since being in the proximity of water eases access to water for factory work but also, and most importantly, eases irrigation of the sugarcane. Afande John Matovu of Kayunga police station noted that the contested area of Misanga does not only border Victoria Nile but was also rich with tin. He added that the widely publicised contest between Minister Ida Nantaba and Moses Karangwa was not over the plight of the peasants but over control of the mineral underground. Matovu, describing Nantaba as a comedian, noted that while she had Chinese investors, Karangwa had Indian investors and were now fighting for control over the mineral-rich lands.44

44 Luise White (2000), studying rumour and gossip in colonial Tanganyika, Uganda and Zambia, noted that rumours and gossip are not studied for their veracity, but rather for the world they reveal, especially as this helps to understand the world the studied community did (2000: 4). It is against this background that I include a footnote here, which almost reads like gossip. It is told that the Hon. Ida Nantaba was at first Moses Karangwa’s concubine, and the story of fighting for the victims of Karangwa’s land grab is indeed a fight over lost love. The story goes that while the affair had its heyday, Karangwa would reveal to his girlfriend the plots he had bought and the reasons behind the purchases. In Misanga, the existence of mineral deposits underground became known to Karangwa, information that she shared with Nantaba in the heyday of their affair. However, when Nantaba became a minister, allegedly benefiting from Karangwa’s strong NRM connections, she became greedy, and got interested in owning the mineral deposits. It is claimed that Karangwa actually paid the bibanja holders through bank accounts and the records show this. (The victims we spoke to actually deny receiving any payments from Karangwa, making the entire story suspect, and instead note that Karangwa hired fake evictees who also claimed to have received compensation through bank accounts.) Sources claim further that hungry for the minerals underground, the Hon. Ida Nantaba mobilised bibanja holders who Karangwa had earlier on compensated to return to their land, claiming that the money was not enough. This was the beginning of the showdown over the 20 mi² of land in Misanga. This narrative has serious evidential challenges (such as victims’ claim that they were never paid and that they were willing to openly confess this even in front of those perpetuating the narrative of a love affair gone sour. However, since this love narrative comes from highly credible and highly-placed persons in the district civil service, it does reveal a lot about the counterclaims and competing claims in the entire affair, but also the spin that has been put on the narrative.
In Mukono, the presence of several rocks and, furthermore, in the proximity of Kampala, has contributed to the complications with land in the area. With the rise in construction works across the country, there has been a surge in the demand for stones. In the villages of Kasenene, Kiwumu and Nakumbo, we learnt that there were close to eight different stone quarrying companies belonging to both Chinese and Indian investors. With increased quarrying, the effect is that neighbouring lands are rendered unusable, as the noise pollution in the area is overwhelming. The problem is even worse when rock miners do not compensate neighbours for this disturbance. Over time, locals have been turned into wage workers at quarry sites as this proves more profitable than subsistence farming but generally enslaves them. Indeed, in the course of our research, in Kasenene, Kiwumu and Nakumbo villages in Mukono, we discovered that farming was being abandoned for quarrying opportunities. This transformation risks causing famine in entire villages. In one transformative incident in Kiwumu village in 2013, the locals rioted against the Indian managers who owned a stone quarry over non-compensation of injured workers and over increased noise levels. They damaged/burnt property and other equipment and threatened to kill the proprietors. The company closed and since then the land has been lying unutilised. Events like these speak to the larger challenge of land conflicts and the transformations in land use, which, in part, are a product of the presence of natural resources in the neighbourhood.

Because of its fertility, Namyoya Forest in Mukono was quickly turned into a commercial tree planting venture about 15 years ago. During the FGD meeting in Namyoya, we were told that forest reserves were often reserves for the minerals existing underground. Historian Lwanga Lunyiigo agrees with this position, noting that most of the lands marked as forest reserves were areas where colonialists had discovered minerals and reserved them for future exploration. With several people now aware of this dynamic, those with power and influence are using the opportunity to help themselves to the land. This could explain the massive interest in Mabira Forest, the forests in Ssese and Kome Islands, and in Namyoya Forest Reserve.

The study also noted a close connection between politics and the ongoing wave of land grabbing and related injustices. In Mukono, it was noted that in the aftermath of the 2016 elections, land grabbers were mostly influential NRM politicians and mobilisers. Right after the elections, the NRM mobilisers seemed to have saved a lot of money, which had been meant for electioneering but was hoarded and diverted to other selfish projects. This money emboldened them to forcefully evict persons from land they found occupying their lands. It also gave them the confidence to buy off any authorities who would otherwise follow up the matter with the victims. In the case explored here, one of the victims, Dr Nelson Wajja Musukwe, lost his land in March 2016 to a NRM mobiliser, Abdallah Kitata. Kitata had so much money that in paying the landlord, he also persuaded him to deny his bona fide tenant. These events happened just a month after the election, making the connection even more plausible. The victim noted that that at the time of the research, which took place a

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46 Interview with Prof. Lwanga Lunyiigo, Kampala, 24 March 2017.
47 Ibid.
year after the eviction, his oppressor was broke, having spent all the election savings within a small period.

In Kayunga, it was reported that Moses Karangwa, who is also the NRM chairperson of Kayunga, used NRM electioneering money to ‘buy’ bibanja holders off their land. One respondent noted that while people received USh. 50,000 thinking it was NRM campaign money, Karangwa would return and tell them the money they received was meant to buy their bibanja and were being required to leave.

In these two cases, it is worth noting that NRM mobilisers often had the state machinery behind them. Since the NRM party is the one in power and has often made use of the resources available to them, the situation was not very different even this time after the 2016 elections. These resources were in the form of military or police vehicles and armed bodyguards. These would be used to intimidate people off their land. We are told that in a confrontation with a victim, Karangwa would call a police van from Kayunga to come and pick up anyone resisting eviction.48 The vans would come with sirens blaring, and entire villages would be cowed. Nelson Wajja also reports that when he first met his tormentor, Abdallah Kitata, he was armed with a pistol and also had an armed bodyguard. Abdallah Kitata had introduced himself as an employee in the Ministry of Defence.49 As we note later in the conclusion, politics is accused of usurping the powers of the other bodies responsible for ensuring land justice, such as the judiciary and the land offices. State organisations, especially the police, district and regional land boards, and the LCs were implicated in perpetrating land injustice.

3.2 Actors

By actors, we mean the profiles of the players involved/implicated in land conflicts. We realised that the actors took two different forms: individuals and institutions. There are individuals who, for several reasons, such as wealth and strength of political and military connections, have become highly visible in perpetrating land injustice. At the same time, there were institutions which, contrary to their duty to provide safety, regulation and guidance in land matters, were not only found to be incompetent, but had also turned into dens of thieves.

3.2.1 Those with political and military connections

The most outstanding profiles were of the politically and militarily connected individuals. Most of the implicated land grabbers are people with strong political and military connections. These include people with connections, especially to National Resistance Movement Organisation (NRMO), either as party politicians, government functionaries such as Resident District Commissioners (RDCs), and members of the security establishment, including the Uganda Police Force (UPF) and the Uganda People’s Defence Forces (UPDF). For example, in Bbale, Kayunga it is the NRM district chairperson, Moses Karangwa, who is implicated in

48  FGD, Nsube.
49  Interview with Nelson Wajja, Kiyunga, 16 March 2017.
land fraud, and had the opportunity to deploy the UPF to facilitate his land grab. From our interviews with the victims, we noted the following:

Having garnered the protection of the state, Karangwa generously used military and police connections to threaten, beat and evict people from their land. He used his animals, estimated at 3,000 head of cattle, the military and NRMO election money to get people off their land. His soldiers would be ordered to beat up people but Karangwa would deny any involvement since he had never been seen personally beating up anyone.50

In Mukono, as already seen in section 3.1 above, it is the Rubaga division NRM chairperson, who also claimed to be an employee of the Ministry of Defence, who is at the centre of the land grabbing injustice. UPDF soldiers were implicated a lot in Kyampisi sub-county where they used their offices, dress and vehicles to intimidate and forcefully take land from the people. In our conversation with the Kyampisi sub-county LC III chairperson, Jamil Yiga, on 29 March 2017, he noted:

The most frequently implicated land grabbers include soldiers who have been central in grabbing land in the area and mistreating bona fide occupants without compensation. There are two cases of soldier land grabs. Early in 2017, a soldier drove and parked his military-plated vehicle and cleared people’s lands in Nakasajja village. Not a single person would intervene. With a vehicle carrying military number plates parked on site, it was a clear statement of his power and strong connection. Nobody moved till I showed up.51

In Kayunga, for example, individuals connected with the government brought in the dynamic of the elections. Most of the land is grabbed during the elections as money that was being given to people to buy support for the NRM was instead claimed by Karangwa to be money for buying their kibanja. The story was that Karangwa would turn up with a sack of money and hand it over as he and the recipients posed for a picture.52 This picture would then be used as evidence of compensation (ibid.). Money as little as USh. 50,000 was, in some cases, reported to have been the price of a person’s 4-acre kibanja. On the other hand, immediately after the elections, NRM party functionaries often have a lot of money that they could use to grab or buy land. This is money they would have saved during the election season as money is often splashed out during the elections in proven cases of ‘vote buying’.

50 FGD in Misanga, Bbale, 12 March 2017. This involved victims, including one identified as Mama Hassan, Grace Musiita, Deborah Musiita, Hassan Byekwaso Tibamanya and councilor George Lutembana. This was also true in another FGD with victims in their new resettlement site in Nsube village. These victims included John Lutembana (Kansala LC1, Misanga), Gertrude Akiyaye, Florence Akware, Betty Nyaburu, Semei Kagali, Peninah Ndibalekera, Felix Muloto, Lawrence Yiga, Richard Oyise and Moses Serwaniko (the LC1 Nsube), Nsube, 25 March 2017.

51 Interview, Jamil Yiga, Kyampisi sub-county headquarters on 29 March 2017.

3.2.2 District land officials

The other players included district local land officials (irrespective of the political parties they belonged to). Afande John Matovu of Kayunga police land division affirms that, often, the party which produces the chairman of the district is more likely to have a majority in council representation. With most or all of the councillors coming from the same party, they collude and steal land with abandon. The officials of the district land boards know exactly where and which land is easy to steal, both public and private. Here, we need to bring up a discussion of boards, such as the Buganda Land Board (BLB). While discussing the Buganda question, Prof. Lunyiigo noted that Buganda land is institutional land and cannot be claimed to be owned by the Kabaka. As such, the idea of Buganda Land Board giving leases to people in Buganda was fraudulent. Lunyiigo adds that the creation of the Buganda Land Board itself to oversee all land in Buganda and as chief owner of such land was wrong in the sense that this land had been under the trusteeship of the Kabaka but was owned by all Baganda before the 1900 Agreement. However, Lunyiigo suggests that, as a way of moving forward from the time the agreement was signed, the 350 mi² of land which is known to belong to the kingship should be under the Buganda treasury not the Buganda Land Board. The 140 official square miles is what should constitute land over which the Buganda Land Board can have authority. It is worth noting here that this study does not delve deeply into the Buganda question with regard to the region’s land matters. The issue of ‘Kyapa mu Ngalo’, which demands that any kibanja holder on Kabaka’s land should get a lease for that land as a permanent claim of ownership, and that such lease can be used as, say, security for a bank loan, only became topical as our investigation unfolded. We note here that this deserves an entirely independent historicist and legal study.

3.2.3 Area land committees

Related to the above are area land committees. Like the district land boards discussed above, in addition to being complicit in land grabs, these have caused the most confusion in land matters. For example, it is not unusual to find an area land committee chairperson signing three sale agreements for a single plot of land. In collusion with the sellers, the committees mislead and rob unsuspecting land buyers. Afande John Matovu of the Kayunga police station land desk said he almost imprisoned all LC I chairpersons in Kayunga for involving themselves in this sort of fraud.

3.2.3 Cartel of land grabbers

The other actors in land grabs include what could be termed cartels of land grabbers. These operate as part of a network and often identify land that is easy to grab, for instance a forest reserve, which is often government land or land with absent landlords. These gangs arrive at night and begin by constructing a makeshift local council office. Often constructed of wood and covered in NRM colours or with Museveni’s posters, this becomes the command

53 Officer John Matovu speaking during this study’s review workshop at Hotel Africana on 22 June 2017.
54 ibid.
post for their theft. It would be audacious of any local authority to question their legitimacy as they would seem to be representing the president/NRMO. As happened in Bukasa, most likely calling themselves veterans, they then start sub-dividing plots, and many more members start arriving in the place in the subsequent weeks and claim their share.55 The Kira municipality MP, who one time received an invitation to benefit from the spoils of one of the cartels, narrates:

It is possible that people who call themselves ‘veterans’ nowadays saw earlier veterans amassing land and property on the cheap and have only chosen to follow suit. This new wave involves land grabbers who mobilise themselves and move in a group. They occupy all public lands, especially those gazetted for forests, and share it amongst themselves. They often know which lands have leases unpaid, underutilised, or those whose licences have expired or are about to expire. Most of the National Forestry Authority land which was replanted with eucalyptus trees by licensed persons has been easy targets across the country. In Bukasa, for example, many licensed tree planters lost land to these groups and created villages with new local councils. It is difficult to tell where [the] veterans come from, but what is visible is that the few that come to grab often mobilise willing members from the nearby villages to join them.56

Not to appear selfish, they invite willing locals to join them and help themselves to land free of charge. This is also true of land in the so-called Katale ka Balemma (market of the disabled) along Bombo Road opposite the eastern side of Makerere University (ibid.).

### 3.2.4 Individual land officers

Individual land officers have also been implicated in land injustice. Other actors included land officers at the district, including the registrar, the district sub-surveyors and district land officers. In Mukono, in a land dispute in Namasaga involving the family of Misusera Kamya, Henry Properties and SCOUL Sugar (see details in section IV), senior land officers in the Mukono lands office, including a land management officer by the name of Robert Mbazira, and the principal land management officer, Satyaa Mangosho, the district sub-surveyor, Musitwa were implicated in forging letters of administration and producing title deeds for plots they sought to acquire whose landlord was absent.57 The same is reflected by a report the researchers picked up from the lands office in Kampala involving physical theft of a land title from an unsuspecting elderly client who was only saved by her decision to raise the alarm.

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55 Interview with Ssemujju Ibrahim Nganda, *supra*.
56 Ibid.
3.2.5 Public servants with information on the location of vacant government land

Also implicated in land conflicts were public servants in the know about the presence of vacant government/public land. These would then use the advantage of their offices and award themselves vacant plots. These included the owners of Namyoya Forest, who are members of the National Forestry Authority (NFA) who, about 15 years ago, replanted the entire forest with eucalyptus trees, which they have continued to harvest. They are currently suggesting that the forest be turned into a science park, which, according to MP Betty Nambooze and chairman Andy Kawesa, is a ploy to allocate the land to themselves for private ownership and development. When we visited the site, there were even newly constructed bungalows on site. There were stories of uniformed men regularly inspecting the land.

3.2.6 Land dealers and brokers

Other actors in land injustice include land dealers and brokers. Especially since they are unregulated, these are involved in all sorts of practices in which people have lost their land. In Mukono, for example, property/estate dealers are implicated in driving land grabs. In the sub-county of Kyampisi alone, the LC III chairperson reported that there were over six estate dealers in the area involved in all sorts of land fraud and forceful evictions.

3.2.7 Investors/miners

In addition to land dealers are investors/miners (of especially Chinese and Indian descent), especially rock miners quarrying stones for road construction. These may not necessarily seek to fraudulently take anyone’s land, but have tended to making neighbours’ plots unusable through noise and air pollution, and the havoc wreaked by broken scattering stones, which often dangerously break through roofs and walls.

3.2.8 Moneylenders

During this study’s review workshop at Hotel Africana on 22 June 2017, we also learnt that moneylenders are the other prominent actors in land conflicts. These would sign contracts with landowners indicating that they had entered into a sale and purchase agreement in spite of the fact that the lender was lending money to a desperate landlord. At the end of the day, these would return after some time and take over the property with the agreement they signed as evidence. In most cases, the value of the property would be many times higher than the amount of money the landlord had borrowed from the moneylender. This entire scenario pointed to the proliferation of money laundering in the country.

59 Interview, Jamil Yiga, Kyampisi sub-county headquarters, March 29, 2017.  
60 Ibid. See also, FGD, Badru Sozi, Abdul Kalibala and Hanifa Namwebe, Kasenene, 16 March 2017.  
61 Money laundering was one of the causes that Lwanga Lwunyiigo pointed to as fueling land grabs. Interview of March 24, 2017.
3.3 Process of Eviction

The process of eviction took different forms, but it was mostly executed by the use of force and other violent and anarchic means. With specific examples, this section sets out to discuss the different forms of eviction in the different places. In Kayunga, for example, in the case (presented in section 3.1 above) involving Moses Karangwa against Mustapher Kigwe and several bibanja holders, the title deed holder allegedly sold to another buyer, Moses Karangwa, without consulting the kibanja holders, as required by law. In Mukono, Nelson Wajja, a kibanja holder, is on the verge of losing his land to Abdallah Kitata, who recently bought the title deed and is the newest landlord. In these two cases, the new buyers were people with strong political connections – both of them NRM chairpersons, the former for Kayunga district and the latter for Rubaga division in Kampala. It was found that the most effective tools in their arsenal were not just intimidation but also actual violence. They used force to have tenants evicted from their lands. The forceful eviction took different forms, including:

3.3.1 Use of animals/cattle as tools of eviction

Animals/cattle were used as tools of eviction. This often included the use of cattle to damage crops and make farming difficult. In Mukono, chairman Jamil Yiga of Kyampisi sub-county reported the use of animals to frustrate tenants in their efforts to cultivate the land:

In the village of Konero, one Sam who owned over 200 acres of land that had been occupied by bibanja holders started intimidating bibanja holders to vacate his land without any compensation. When they refused he ferried over 150 head of cattle and let them loose through their plantations. They ravaged crops, and over time, the occupants stopped cultivating since they did not have alternatives for redress. In late 2016, after years of no activity, the land fellowed into bush. Sam brought graders and started grading the land, which belonged to tenants whom he had not compensated.62

In Kayunga in 2012, when Moses Karangwa asked the tenants to vacate ‘his’ land, he was resisted. To implement his orders, he allegedly released an estimated 3,000 head of cattle onto tenants’ plots. One of the victims, a widowed elderly woman, Nalongo Lewokadiya Nakatte, narrates:

The animals fed on all our crops, and destroyed all of them. When we approached Karangwa to pay for our crops, Karangwa accepted to pay but only on condition that this payment would be taken as compensation to vacate the land.

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62 Interview with Chairman Jamil Yiga, L C III Chairperson, Kyampisi sub-county headquarters on March 29, 2017.
3.3.2 Slash of crops and boundary marker trees

The practice of damaging crops extended to slashing them with machetes. In other cases, trees such as mangoes and trees that the locals sometimes use as boundary markers would be cut down so as to obliterate any evidence of ownership. With the LCI too afraid to deal with the powerful NRM chairperson of the district, the tenants did not have any avenues of redress. With tenants’ farms turned into grazing lands, farming stopped. When they had been thoroughly frustrated and were unable to cultivate anything on their land, they painfully entreated their tormentor, Karangwa, to compensate them so that they could move on to other places where they could farm. However, the price of their compensation was arbitrarily determined. There are harrowing cases of people receiving a mere USh. 500,000 for four acres of land. The best paid received USh. 1,000,000 for the same size of land, which would not buy them even half that amount of land in another location.

3.3.3 Beating and burning of houses

Beating of tenants and burning down of houses was another means through which evictions happened. Moses Karangwa deployed quite a number of soldiers, who ran after people like they were chasing straying animals. There were gunshots in these eviction operations although no cases of casualties were reported. The DPC of Kayunga is accused of being at the forefront of commanding these land grabs. Many times, he led the arrests and beatings himself (ibid.). The victims reported that Moses Karangwa was rarely involved in the beating himself, but the soldiers who moved with him did the beating. Challenged, he would ask whether he had ever been seen beating anyone. In many cases, houses would be burnt down and the residents beaten up (ibid.).

3.3.4 Use of intimidation and other threats

Intimidation and other threats were also part of the eviction process. Mrs Musiita reported that Moses Karangwa threatened that he would throw her into River Nile, which is about 3 km away from the contested lands. During an FGD in Misanga, the locals narrated:

Often, Karangwa comes with a pick-up filled with soldiers and parks in front of one’s compound and threatens to beat the person up. Many people were imprisoned. In one incident, a casual labourer served three years for being hired to till someone’s plot. Local council chiefs have been bought off and they are the ones who now threaten us to leave the rich man’s land, as we will not manage what awaits us.

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63 FGD with victims at their new resettlement site in Nsube village. These victims included John Lutembana (Kansala LC1, Misanga), Mwaase Robert, Gertrude Akiyaye, Florence Akware, Betty Nyaburu, Semei Kagali, Peninah Ndibalekera, Felix Muloto, Lawrence Yiga, Richard Oyise and Moses Serwaniko (the LC1 Nsube), Nsube, 25 March 2017.
64 Ibid.
65 Ibid.
66 Ibid.
67 Ibid.
68 FGD with victims who were able to find space in neighbouring locations in Misanga. The victims included Nnalongo Lewokadia Nakate, Mrs Musiita, Maama Hassan, and councillor George Lutembana, 12 March 2017.
It is said that siding with the land grabber cost former MP Sulaiman Madada the 2016 election. There were many other people in the area who had become some sort of Moses Karangwa’s eyes and ears in the village. These would report any incident to the man for immediate response. In other cases of intimidation, the victims noted:

When an incident was reported, a police vehicle would come speeding from Kayunga with sirens [blaring] to apprehend anyone who had had a run-in with Karangwa. They would enter the villages at breakneck speed to show us that the person [Karangwa] who had called them was very important.  

Police vehicles and sirens intimidated many people. In Mukono, the same was reported with regard to Abdallah Kitata, the Rubaga NRM chairperson, who also intimidated his victims using soldiers in the land grabs. One such victim is Wajja Musukwe of Kyampisi sub-county, Nakumbo village (details are found in the interview with Nelson Wajja in section IV).

3.3.5 Imprisonment of resistant bibanja holders

As earlier noted, imprisonment as a way of weakening bibanja holders’ will was also used. In one high-profile incident, by the time of this research Moses Musiita was serving four years in Kirinya Prison for refusing to vacate his kibanja and for participating in mobilising fellow tenants to resist the land grab. In a court case (which sucked in the Kayunga Woman MP, the Hon. Ida Nantaba, the President of Uganda, and the Inspector General of Police), Musiita was accused of having burnt down Karangwa’s farm shelter on the contested plot. Musiita was sentenced to four years in prison, in a court hearing that proved to be politically controlled. When we visited Musiita in Kirinya Prison in Jinja, on 29 March 2017, he told us:

The judge privately advised me not to appeal but serve the sentence. My adversary, the NRM chairperson of Kayunga district was very powerful, and I would not win. Indeed, as soon as I was in prison, the land evictions continued as everyone was cowed into silence.

It is worth noting that even when Musiita’s family entreated President Yoweri Museveni or when a visit was organised by the Kayunga Woman MP, Ida Nantaba, a promise was made to get Musiita out of prison. The president had promised to have him released in early 2015, but by the time of this study in early 2017, the man was still in prison. The villagers argue that for being the most outspoken, Musiita had to be ‘exiled’ since other tenants were starting to gain confidence from his resistance and were following suit.

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69 Ibid.
70 Interview, Kirinya Prison on 29 March 2017.
71 FGD, Misanga on 12 March 2017.
72 Ibid.
IV.
UNDERSTANDING LAND INJUSTICE AND IMPUNITY IN CENTRAL UGANDA

4.1 Nature of the Problem

This study reveals that there are several causes of the flagrant injustices surrounding the land question in central Uganda, resulting in a situation of gross impunity. Perhaps the most significant cause of this impunity is the egregious level of corruption at all levels of the system of land administration and justice. Hence, in the land grab in Namasaga, one Sekajugo Katiginya told us: ‘The judge asked us for 50 million shillings to rule in our favour. We failed to mobilise it before the date of the ruling, and the land was returned to government.’73 In almost all cases investigated for this study, the phenomenon of corruption was mentioned. Here, the land officers in all district lands offices were implicated. In line with this, petty accumulation of wealth was also cited as one of the major explanations for land grabbing. People have come to want to own everything – some sort of primitive accumulation which has been taken to mean free accumulation.

There is gross incompetence, compounded by the new-collapse of the basic structures that need to be in place in order to ensure the operation of a transparent and corruption-free system. Prof. Lunyiigo narrated how he found ‘land files littered all over tables and the floor, many with dog ears and dirt gathering on them…I told them this was money and people’s lives on the ground.’74 This is a demonstration of sheer incompetence and carelessness and feeds into the other explanations, including bad governance and general dishonesty of the people. Related to incompetence is the situation of a lack of knowledge among the general populace as well as within those relevant authorities, such as LC authorities that are the main entry points into the system of land management in contemporary Uganda. Would-be arbitration centres such as the village LCs and land committees or sub-county offices do not understand land matters, especially land law and related amendments. There are mix-ups at different levels regarding concepts such as bona fide occupancy, land tenure and modes of compensation. These structures are not only ignorant but have also become implicated in fraudulent land deals. In Kayunga, for example, Afande John Matovu would tell us that he almost imprisoned all LC chiefs for being complicit in cases of land injustice, including especially overseeing multiple sales of a single piece of land.75

Under the pressure of neo-liberalism we have arrived at a situation where ‘only foreign investors are investors’ because ‘the investors taking public land are actually in partnership with the leaders.’76 This explains why local investors are not considered investors. Most

73 Interview with victims, 7 February 2017, Wandegeya, Veterans’ Market.
74 Interview with Lwanga Lunyiigo.
75 Officer Matovu said this during the central Uganda review meeting at Hotel Africana.
76 Interview with Prof. Lwanga Lunyiigo.
of Kampala’s prime land is taken by Indian and Chinese investors in collusion with public officials.\(^{77}\) In Mukono, the appropriation of Namyoya Forest was pursued under the guise of development and the building of a technology and science park. An unknown Chinese investor lurks behind the entire project.\(^{78}\)

Court processes in contemporary Uganda are extremely expensive and long. Good lawyers are costly to hire and many poor people cannot afford them. Even the pro bono services offered by the Uganda Law Society and other legal service bodies are not necessarily free. One must facilitate the lawyers with commissions and transport refunds: ‘There is so much money in coffee. I dealt in coffee business, and I was a rich man. But these court things dried me up,’ according to Mustapher Kigwe.\(^{79}\) Wealthy land grabbers, on the other hand, are fully aware of the challenges affecting the justice system and seek to exploit them to their advantage. Court processes are not only long and expensive but have also been compromised. Moses Musiita, whose case was cited earlier, is in prison over refusal to vacate his land. He was charged and sentenced at Jinja High Court on allegations that he had burnt down a farm shelter of Moses Karangwa with whom they had had a misunderstanding over land.\(^{80}\) ‘Even when Musiita had the LC councillors and chiefs as his witnesses, he was [still] found guilty.’\(^{81}\)

When we speak to him at Kirinya Prison, Musiita told us that ‘the judge privately advised me not to appeal but serve the sentence. My adversary, the NRM chairperson of Kayunga district was very powerful, and I would not win.’\(^{82}\)

Land in Buganda is particularly affected by the dual nature of the land tenure system, which is also vague to many people. The distinction between use-rights and ownership remains a major problem. This continues to create confusion as there are several cases of ‘landless landlords’. These are those with full ownership of the land, demonstrated by the holding of a title deed, while the entire land is occupied by bibanja holders. This contradiction has become a major driver of conflict in the central region.

The fact that there are no legal limits to the amount of land that one individual can purchase is also a problem. Prof. Lunyiigo noted, for example, that if land buyers were allowed to buy any amount of land depending on their money, Uganda would be owned by only 2,000 people, with each one having as much land as Mukwano has at present.\(^{83}\) Because of the lack of a ceiling on the amount of land one can have, there has been a sort of primitive accumulation of land, depriving many in the process: ‘One with money, which is often floating around, can buy as much as land as they wish, which would deprive many others in a country of close to 40 million people.’\(^{84}\)

\(^{77}\) Ibid. During our interview, Lunyiigo gave us similar examples elsewhere in the country, such as Ssese Island on Lake Victoria where 13 plots of public land were degazetted and given away free of charge. This could only happen in concert with people in government. And all these were happening in the name of development.

\(^{78}\) Interview with former Namyoya LC chairman, Andy Kawesa, Namyoya, on 18 March 2017.

\(^{79}\) Interview on 28 February 2017, Makerere University.

\(^{80}\) Details of this entire this stand-off in section IV.

\(^{81}\) Councillor Misanga village, George Lutembana, during the FGID in Misanga, 12 March 2017.

\(^{82}\) Interview, Kirinya Prison, 29 March 2017.

\(^{83}\) Interview with Lunyiigo.

\(^{84}\) Ibid.
The other explanation for the land injustice in the central region is speculation and money laundering. Most of the land that has been taken away from peasants is still kept idle as speculators continue to wait for a good day when the prices will be much higher than when the purchase was made. There is an interest in keeping money in land as a more secure option than keeping it in the banks. New laws on money laundering have also meant that such resources cannot be exported.

4.2 A glimpse into the implications of evictions

As more and more people lose their lands fraudulently, it does have implications for especially the agrarian economy, governance and human rights in the country. At one extreme, this can potentially plunge the country into violence as discontent accumulates over time. As indicated in the introduction to this study, over 80% of Ugandans subsist on the land. Fraudulent land evictions (as opposed to development-induced or land transfers under mutually engaged transactions) often deprive people not only of their subsistence livelihoods but often tends to deprive them of their dwellings, exposing them to general suffering. This reflects badly on general human rights and governance in the country. In the areas that we studied, the impacts of land grabbing manifested themselves in the specific forms discussed below:

4.2.1 Strained livelihoods and food shortages

In Kayunga district and parts of Mukono, the lack of land translates into a lack of food. According to elderly Gertrude Akiyaye during an FGD in Nsube on 25 March 2017: ‘We have no food. We are now buying maize flour from the shops. But we do not even have money. I have seven children, but they are starving.’ The people of Bbale grew maize, beans, sweet potatoes and cassava on their lands. Before the land evictions could take place in 2014, Karangwa, as cited earlier, released hundreds of heads of cattle to graze through the tenants’ crops. These animals damaged entire plantations by turning gardens into grazing land. Cultivation was stopped for the subsequent seasons as animals would continue ravaging the crops. When the tenants were evicted, the compensation money was not determined at the market price to enable the evictees to afford to buy land elsewhere and thus to find food for their families. There were several families in Kayunga who spent days without eating as they could not afford to buy maize flour.

In Bukasa, the locals who farmed on the forest lands were the denied the opportunity to continue with their livelihoods on account of the occupation and partitioning of the land.

4.2.2 Landlessness and homelessness

As discussed in the earlier sections, with large-scale land evictions that took place in Kayunga, many of the victims were left with nowhere to go. One such family is that of Nnalongo Lewokadiya Nakatte (pictured below) whom we found still stuck on the contested land because they did not have anywhere else to go.
Nalongo Lewokadia Nakatte with some of her grandchildren.

In the picture above is Lewokadia Nalongo Nakatte, a widow with over nine grandchildren. This picture was taken at her home at Misanga village in Bbale, where she still lives on her kibanja in the midst of land claimed by Karangwa. She revealed to the researchers that she refused to accept Karangwa’s paltry eviction fees, instead accepting to be beaten to death. She continues to face intimidation as she goes on occupying her house. She used to farm her four-acre plot of land but from the time Karangwa declared war using his animals, Nalongo has stopped tilling the land as the animals would damage anything they found. She has a problem feeding her grandchildren as all she has left is that piece of land. All her neighbours have dispersed. Asked why she had resisted Karangwa’s forceful eviction, the old widow noted that her behavior was not resistance, but helplessness. ‘I do not have many choices, and I am willing to die here.’ The machines from Kakira Sugar have intensified their activities and her house stands amidst the clearance the graders were doing. She can only herd her goats and pigs and nothing more. But these can neither afford her the sustenance she could provide before the Karangwa-induced evictions.

There are several landless persons who, after being imprisoned for their resistance to the land grabs, were released and now loiter around the villages, spending time at the fishing sites on River Nile, and sleeping in the bars. Some evictees of Misanga who moved to the neighbouring village of Nsube still find life difficult. As we learnt during the FGD in Nsube on 25 March 2017, they had been taken advantage of by land sharks in Nsube. They had bought ‘air’ as the actual owners of the lands they bought were elsewhere and also had not been provided with proper documentation for the land they bought. Even in Nsube, these displaced persons were living off the mercy of the landlords in the new area who only understood and pitied their condition.

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85 One of the cases was that of Robert Mwasa, just returned from prison after refusing to leave his land, and was now loitering around the river shores in Misanga. Interview with Robert Mwasa, 12 March 2017.
86 FGD, Nsube.
87 FGD, Nsube.
4.2.3 Cultural and social frustration

Land is not simply property but also has cultural and spiritual qualities. The site of desecrated cemeteries haunts many in Bbale as the executors of evictions did not even heed the calls by victims for the decent relocation of their dead. By the time of the fieldwork conducted for this study, Kakira Sugar graders and trucks were clearing cemeteries in complete disregard of people's cultural connections with the dead. Since some of the evictees had lived on these plots for decades, some from as far back as 1960 and 1970, the destruction of their burial sites was a cause for great concern as many families did not know where else they would be burying their dead.

88 Ibid.
89 Ibid.
90 Ibid.
V.
CONCLUSION AND PROPOSALS FOR REFORM

5.1 Conclusion
From the preceding analysis, coupled with the cases explored, and in line with the questions this study sought to ask, several deductions can be made about land injustice in the central region. In the first instance, it is quite clear that the political has usurped the legal. The point is not that the law is weak, but there appears to be an absolute lack of judicial independence which would ensure that the law is actually enforced. Court cases on land matters are decided in the main outside of the courts of law; the courts only serve to rubberstamp decisions which are made in political and extra-legal fora. This is a far-reaching problem which links up to more fundamental questions of governance in the country. Secondly, and relatedly, most cases of land grabbing involve people with both political and military connections. These actors are often people with godfathers in either military and political circles or both. The evidence is even more startling when land grabs increase during election periods, as NRM cadres are awash with large sums of money to spend. Land has proven to be the most secure way of investing and keeping one’s ill-gotten wealth. Because of the existence of the problematic legal provisions we have considered in this study, it is quite clear that the solution to the present land-related injustice can only be effected politically. The land question in Uganda is neither legal nor historical. There is the argument that colonialism left us a terrible legacy (Mamdani, 1996), which continues to influence the ways in which the country is encumbered in moving forward. The logic of this rather popular argument is really limited: The good news is that present actors – the politicians and elite – act from a point of knowledge. They fully understand the challenges that colonialism created and, therefore, are expected to respond in the best way possible. Secondly, there have never been a time in history where actors act from a clean slate – an environment that had not met with influences from other places and other traditions. The history of empires and religious movements attests to this historical and human reality as smaller traditions have always adjusted to the dominating or more aggressive traditions, with actors acting with actual agency (Diamond, 1974; Scott, 2004; Cooper, 2007; Mazrui, 2005). As several respondents argued, the land problem in Uganda is political: the government must stop aiding, abetting and condoning the action of land grabbers. Furthermore, the executive has to let the judiciary do its work. The police and members of the military have to stop propping up land grabbers with guns and other forms of protection and facilitation.

5.2 Proposals for (Legal) Reform
It is quite clear that the conditions affecting the land question in central Uganda require urgent legal attention. These range from strengthening judicial independence, regulating
bibanja and title deed holders as regards access to and the use of land, to limiting the amount of land a single individual can buy or possess.

Paramount among the issues for legal reform is regulation of the systems of tenure that are in operation. Hence, it is our main point of contention that the dual system of land tenure should be removed. Having two land tenure regimes where one has land-use rights and the other ownership is clearly problematic. Depending on where the land is located (rural or urban), there should be some regulation regarding the manner in which the land is shared by the two claimants to allow the deed holder to also enjoy use rights. There should be a percentage of land regulated by law that all bibanja holders should receive as they transit and become landlords of their plots. This will be the beginning of phasing out of bibanja holders and moving towards title deed ownership. The practice where landlords have asked bibanja holders to buy themselves out or to receive a certain percentage to become landlords often happens but without proper and clear legal guidance. There should be proper legal guidance for all this arrangement, which is already popular among the populace.91

A limit should be imposed on the amount of land that one individual or family can purchase.92 It is incredible that a single individual can own 20 mi² of land in a small country of just 241,038 km² of land and an estimated population of 40 million. Prof. Lunyiigo, for example, notes that if each Ugandan were to own the amount of land that Mukwano owns, you would need only 2,000 Ugandans to own all of Uganda. A few rich people are now taking over large chunks of land and thereby depriving their rather impoverished compatriots simply because they can afford to buy it. Others have the power and military and political connections to simply forcefully take land even from those reluctant to sell it. The proposal to limit the amount of land one should buy should not be treated as wishful thinking since the political elite, who ought to enforce it, are the chief owners of large estates. Nationals cannot afford to look on as the entire country is shared amongst the few rich people. Consequently, it is our considered opinion that legislation capping the amount of land to be owned should be tabled as a matter of priority. This is based, firstly, on the understanding that legislation is not necessarily for the present and, secondly, that there ought to be a discussion on the incentives for the large-scale landowning political elite to appreciate the need for limiting individual land purchases.

The idea that commercial large-scale agriculture is the future developmental model is not only ahistorical but is also a recipe for disaster. In both Russia and China where large-scale farming was attempted, it failed (Selden, 1994; Prosterman et al., 1997). Lunyiigo notes that the idea of transiting from ‘the small man to the big man’, which is the concern of developmentalists such as USAID93 in Uganda, and other developmentalist organisations

91 Interview with Lunyiigo.
92 Our respondents were not specific about the amount of land one can have, but stressed the salience of this debate as a way of legislating against excessive ownership of land by a single individual, which risks disenfranchising many.
that are receiving government blessings, is ill informed.94 Small-scale farmers have produced Uganda’s major cash crops for years and are continuing to do so (Mafeje, 2003: 5). Modern large-scale farming is supposed to be augmented by mechanisation, but Uganda has failed to initiate a policy on mechanisation.95 Advocacy for large-scale farming ignores the working conditions of the people who are enslaved on these farms, working under harsh conditions and for long hours.96 Once the peasants lose their means of survival on the land, they are turned into slaves on the farms by the large-scale farmers. From a political and humanitarian angle, the argument has to be strongly made that salvation cannot be found in large-scale plantation farming. Small-scale farmers have sustained Uganda’s economy for generations and ought to be supported, not uprooted from their land and turned into slaves.97 There is a need to understand that evicting people from their land exposes them to famine in addition to destabilising livelihoods, and leads to migrations and the search for resettlement.

Finally, the cultural and spiritual understandings of land should be integrated into any land reforms. The treatment of land as property in a liberal economy mainly marked by the principle of willing buyer, willing seller is a major challenge in all land matters. The idea of willing buyer, willing seller needs regulation and should integrate the consideration of cultural and religious sensibilities about land and other claims to ownership that are outside the market. Left to the market with all its vulgarities and excesses, the country risks losing any ancestral and cultural footing, both of which are important for identity formation, as well as for national and cultural history.

95 Interview with Lwanga Lumyigo.
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