

THE ROLE OF POLITICIANS IN BUGANDA'S LAND QUESTION: A CASE STUDY OF NAKASEKE DISTRICT, UGANDA

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ABSTRACT

This paper reports part of the findings of the study which was carried out in Nakaseke district, one of the districts in Buganda sub region. It was carried out in November-December 2022 to assess the issue of land-related wrangles, hereinafter referred to as the land question between the year 1995 and 2013. The time scope was chosen for being the height of land wrangles in Nakaseke yet the Supreme law of Uganda which came in force in 1995 gives security of tenure to the people holding untitled land (the tenants or bibanja holders). Specifically, the study was done to investigate, among other things, the role of politicians in the land question in Nakaseke district, Buganda sub region. The study used a historical design with qualitative approach. Seventy respondents participated in the study. Out of the seven sub counties in the district, the data was collected using oral interviews and focused group discussions with people from four Sub Counties of Kasangombe, Kapeeka, Wakyato and Ngoma where land grabbing and evictions are the order of the day. The findings were that a relatively large number of politicians and powerful businessmen have bought land in Nakaseke district and they usually use security agencies to evict tenants. However, one Politician, Hon. Luttamaguzi, the Member of Parliament for Nakaseke South Constituency was praised by the locals for fighting for the tenants' rights. As per the findings of the study, the 1900 Buganda Agreement which distributed Buganda's land among a few people like the Kabaka (King), the royal family, the chiefs, the religious groups, as well as the Crown government, has a bearing on the land-related problems in Nakaseke district. This is because, some of the land is of Mailo type (permanent possession of some individuals and the Kabaka) yet other pieces of land are under the government (District land Board). A few people and organizations hold land titles for Mailo land, freehold and lease hold. The majority of the people do not have land titles; they are squatters (bibanja holders) on the land belonging to a few people and organizations. As a result, some of those with land titles use threats and intimidation to evict tenants. Many land lords especially the new ones are rich and hence bribe courts of law to pass/make judgments in their favour and hence evict tenants. Other landlords use the police and security agencies to intimidate and evict tenants. Land evictions has taken place and is continuing to take place in many villages of Nakaseke district like Balatira, Lukumbi, Nandeya, Kabira, Muzimbo, Mannywa, Ziramba, Kansiri, Luzingu, Mizimbo, Kasambya-Lukese and Nasenda, Kifamba, Muzimbo, Nkozi, Kasimbi, Kabogwe and Nkumale. It was reported that many powerful and un-touchable politicians and business men have bought land in Nakaseke district since, until recently, the land was very cheap. By the year 2015 for example, an acre of land was at about sh. 3,000,000 (three million shillings) or less yet Nakaseke is just 42 kilometres from Kampala, the capital of Uganda. These have played a negative role through evicting people sometimes without compensating them. Many new landlords evict people and turn the land into animal farms. They usually deliberately let the animals destroy tenants' plantations so that the tenants can be frustrated and hence vacate. Others forcefully take three quarters of the squatters' untitled land (bibanja) and hence the bibanja holders remain with a quarter or less of their original bibanjas so as to get land titles. Others are allegedly using Bukalasa land office to steal the aged or less 'connected' landlords' land through forging signatures to transfer land ownership in their names without the knowledge of the original land owner. Although the powerful politicians and businessmen have benefitted by acquiring huge acreages of land which they later sell out and get abnormal profits, it has impacted negatively to the local tenants. They have lost their bibanjas which were their major source of food and household income. Poverty has followed and hatred between the landlords and tenants has increased. Dangerous tribal sentiments are building up as the people of Nakaseke assert that those taking land from them are from one region of Uganda. They assert that the land grabbers are not from Northern Uganda nor are they from

the East; they are Museveni's people. Such sentiments are dangerous as they have social and security implications. The 1994 genocide in Rwanda has roots in tribal-related sentiments. We must therefore fight such tribal sentiments by addressing the land problem, not by just intimidating people with threats of imprisonment for promoting sectarianism when the problem causer is not addressed. Therefore, the researcher bases on the above to argue and recommend that since it is the duty of the police and other security agencies to protect people and their property and ensure that law and order is maintained in the country, not to be used to intimidate peasants on land, the Police Act and UPDF Act should be revised to stipulate tougher punishments to those who involve themselves directly or indirectly in evicting tenants. To ensure implementation of the law, the President should sack at will anybody perceived not to be performing his/her duty of disciplining security operatives. In addition, since politicians, powerful businessmen and landlords usually bribe courts of law to make judgments in their favour, and since they hire powerful lawyers who confuse tenants, the law should be amended so that land complaints are handled by local courts only (L.C 1) without judges, magistrates and lawyers coming in. The local courts should be mandated to pass judgement when all the nine members of the L.C 1 court are around. If atleast three quarters of the L.C 1 court members agree on a particular side, that side/party should be the winner of the case. The government through the Legislature (Parliament) should also amend the law on land so that all the land can be of freehold nature and that whoever owns a plot of land must be given certificate of ownership by the Central government as proof that he/she owns that land perpetually (though he/she can sell it at will and transfer ownership to the buyer) provided that he/she is a Ugandan. For the sake of promoting industrialization and large investments, the law can allow the government to take people's land after compensating them five times the current value of their land so that they can happily go away and buy land elsewhere or make big investments. Lastly, in Uganda's politics, the head of state practically has a lot of power and authority. He has the capacity to cause whatever he wants in the country to happen. The President therefore has the capacity to cause land evictions and grabbing to stop if he wishes. Given the increasing land grabbing and evictions in Nakaseke and other areas of Uganda yet the President barks at the land grabbers and attempts to stop them from evicting people but they do not listen to him, it is an indicator of something; Either he has grown old and can no longer manage his people or he is barking for formality just to please the voters. If he can no longer manage, this study recommends that Ugandans vote another leader they feel can manage better.

Key Words: Politicians; Land Question; Buganda

INTRODUCTION

Land question refers to the problems associated with land, such as land disputes between the land lord and tenants, disputes among tenants on the land, thousands of people being evicted from the land they have occupied for generations, tenants' property being destroyed by the so-called Land Lords etcetera. These disputes lead to many questions, such as why are these problems continuing? is there a problem in the land law? If the problem is there, why is it not rectified by Parliament? Is it a problem of land-law related implementation? Why are the orders of the President of the Republic of Uganda, stopping land evictions, not observed? These, among other questions, seem to be having complicated answers (Muloodi, 2022). Today in the 21st century, since Buganda is located in the Central part of Uganda with a very high population of high purchasing power, and since Kampala, the capital city is found there, the land in Buganda is very competitive. Many powerful people have bought land under the Mailo land tenure system and have secured the land titles. Since many of the tenants on this land are Bibanja holders, the rich who buy this land usually use courts of law, powerful politicians and security agencies to evict thousands of tenants and many times they use a scorched earth method, hence making Uganda appear as if it is a lawless country. Corruption and illegitimate demand for money slow the justice delivery process.

Subject to article 237 of the Constitution, all land in Uganda is vested in the citizens of Uganda and is owned in accordance with the following land tenure systems— (a) customary; (b) freehold; (c) mailo; and (d) leasehold. The registered person or customary owner of that land which they hold is known as the Landlord. On registered land, there may be other people occupying and utilizing the land other than the Landlord. These people are known as Tenants. In Buganda, they are referred to as Bibanja holders. They too, are protected by the law from being illegally evicted. Unfortunately, although the law is in place, illegal and forceful land eviction is the order of the day (Kalyango, 2006).

Under the law, the tenant enjoys security of occupancy on the land he/she occupies; Must pay annual nominal ground rent to the Land owner; May acquire a certificate of occupancy by applying through the Land owner; With permission of the Land owner, a tenant may sublet and /or subdivide the kibanja; May assign, pledge and create 3rd

party rights in the land with consent of the Land owner; and May end the occupancy and return the Kibanja to the Land owner. Therefore, the law provides a social protection intervention that seeks to enhance the security of occupancy of tenants on registered land. It also protects customary land owners from unlawful evictions, hence eradicating untold suffering and landlessness. However, it is one thing for the law to be in existence and it is another thing for it to be implemented.

Nevertheless, by the year 2022, the outcry in Buganda sub region was land evictions. People are usually invaded at night; their plantations and houses are destroyed and ordered to vacate the land, claiming to have obtained orders from the court of law. The president has always condemned this practice, even appointed a Minister of Lands to traverse the whole country condemning this practice, but it is increasing. This is feared might breed insecurity if not addressed. Whereas this has been blamed on the current land law which gives a lot of powers to the land lords, the same law is also blamed for being abused by the judiciary and the police through corruption. The president's ordering of the stopping of land evictions yet the practice is continuing also raises many questions. Why is he barking without biting? Is he perceived as usurping the powers of the Judiciary? If the current land law is the trouble causer, why doesn't he cause Parliament to amend it since the majority of the members of Parliament are of the ruling party, National Resistance Movement (NRM) and he (the President) is the Chairman of NRM?

According to the Baseline Evaluation Report (2007), the Land Registry's main problems evolve around; (1) fraudulent and back-door practices which lead to the losses of the property by rightful owners, undermine public confidence to the state registration system, affect the land tenure security, makes the transactions of the property uncertain and has tragic consequences for many families that suffer from such practices (2) counterfeit land titles circulating in the market, which create additional uncertainty in the market (3) the existing registration system and procedures are too disorganized and practically ineffective to prevent such cases and properly resolve the issues (4) the degraded registry environment and damaged and outdated land records leave a little chance to the genuine owners and clients to protect themselves or get reliable information about the property (5) a great majority of the title records in registry strong rooms are in very dilapidated and sorry state, and they continue to deteriorate, with consequent loss of information and strategic data sets (6) inappropriate systems are still predominantly used in the land records management and archiving system; the manual system results in wear and tear, loss of documents and consequent loss of information (as cited in the National Association of Professional Environmentalists-Uganda (2012).

According to findings of a 2008 household survey by Rugadya...et al for Ministry of Justice in 20 districts, land disputes rank the highest among conflicts countrywide and are often the cause of other disputes including family and domestic violence, assaults and murder. One of the major conclusions of this survey was that land conflicts and disputes point to a lapse in land tenure administration and management especially with regard to boundaries, land ownership and its transmission, occupation, trespass, fraudulent transactions and succession wrangles. The findings show that there is a county wide increase in land disputes, where the occurrence of land conflicts at household level is (34.9%); with rural households accounting for (36%) of these conflicts compared to urban households that take a share of (33%). Overall the most commonly cited types of land conflicts experienced by the households surveyed are 'boundary discrepancies' (32.1%), land ownership wrangles (18.8%), inheritance and succession wrangles (15.5%) and illegal land occupation (12.3%). A significant 20% of all land disputes that occur are not reported to any dispute resolution institution, given the severity of land conflicts, this is a precursor to social tensions that could erupt into violence.

The current study addressed these problems regarding the role played by politicians and businessmen in using security agencies to evict the tenants or Bibanja holders who do not have land titles, how and why they do it; how and why the rich, with the aid of powerful politicians and security agencies, reject the orders of the President of the Republic of Uganda on land evictions and then go on with the practice (of evicting tenants from their Bibanja); how and why powerful and untouchable politicians and army or police officers use their power and positions to intimidate and evict the tenants (Bibanja holders who do not have land titles); how and why they use the security agencies to intimidate and evict the tenants; how and why powerful and untouchable politicians and Officers use their power and positions to buy land from District Land Board, or Buganda Land Board and then evict the tenants occupying it; how and why powerful and untouchable politicians and officers use their power and positions to intimidate and evict people from their land (Bibanja); how and why they influence courts of the law; how and why the rich use powerful politicians and security agencies to destroy tenants' plantations and houses so as to evict them from their land.

1:2. Problem Statement

In many districts of Buganda sub region, such as Luweero, Nakaseke, Kayunga, Masaka, Sembabule, Rakai, Mubende, Kasanda, Kalungu, Nakasongola among others, land disputes and evictions are some of the most outstanding unresolved national issues that threaten the peace and stability of the country. Whereas the President of the Republic of Uganda, has, on very many occasions condemned the chasing of people from their land by the rich landlords, this practice is just increasing and to make matters worse, those chasing people from the land are usually escorted by the army and the police. It seems there is impunity associated with a category of land owners that use political power to get away with massive and violent evictions of tenants off land (Office of the Prime Minister, July 6, 2022).

In Nakaseke district, land grabbing is the order of the day. For instance, in 2007, over 17,000 families in areas of Naluvule village and Kaasangombe were threatened with evictions; in 2017 the area Member of Parliament, Hon. Luttaguzi asked parliament to probe land evictions in the district which he alleged, were done by untouchable politicians in government and the soldiers; Nakaseke top district officials and government soldiers were cited in grabbing over 200 acres in the year 2021; in the year 2022, the veterans bush war asked the Lands Minister to intervene in the growing land evictions in the district (The New Vision, February 27, 2022) which had made thousands of people homeless after the destruction of their plantations and houses by those evicting them (<https://www.monitor.co.ug.news>). This shows the magnitude of the problem which requires urgent attention, hence the current study.

LITERATURE REVIEW

The causes of land disputes and evictions in Uganda can partly be traced from the year 1900. Before the colonial administration in Uganda, land was majorly enjoyed basing on the customs and practices of a given community. However, when the 1900 Buganda Agreement was made, matters on land issues in Buganda changed.

The 1900 Buganda Agreement as a Precursor for the Land Conflicts in Buganda

This agreement later fundamentally changed the land structure and market in Buganda and beyond. The Agreement was signed between Buganda Kingdom and the British Colonial Government. Under this agreement, land in Buganda was alienated into two forms, Mailo and Crown land. Mailo land was donated out to the kingship, the chiefs and some notables. In effect, the Mailo holders acquired title certificates for land occupied by poor peasants who henceforth turned into tenants. The Mailo System created a situation where both Baganda peasants and immigrants on large tracts of undeveloped land were legally rendered landless and actually had to pay "Busuulu" or "Envujjo" rent to the holders of title certificates (Rugadya and Kamusiime, 2009). These pay outs were later enshrined in the law. However, the access rights of the tenants were also recognized and they could not be evicted without compensation. It can be rightly argued that the creation of mailo land turned the bonafide occupants into "tenants" and they were required by law to pay rent to their newly imposed "owners"! With time, the 'landlords' kept increasing the rates indiscriminately till the tenants became fed up and started agitation. So, the Buganda leaders at the time seemingly betrayed their subjects by giving away their rights thereby leaving them landless and squatters on their own land on which their ancestors had lived for generations and generations. In the late 1920s' mailo was infested with the kibanja holders who also sought traditional and customary rights on the land. The kibanja holders were aggrieved by their landlords who billed them with high taxes (busuulu) and a portion of their produce (envujjo) which led to the Bataka uprisings in 1920 and shortly the Busuulu and envujjo laws of 1928 were passed to regulate the rights and obligations of a kibanja holder and the landlord. The law however had one loophole that if a mailo owner allowed a person to settle on their land, the kibanja holder was deemed to enjoy an inheritable permanent right of occupancy subject to payment of fixed annual rent. They would only evict them upon failure to pay the said rent and that the eviction had to be confirmed by the court.

Crown land on the other hand was alienated for Government purposes. This land was vested in the Queen as the custodian.

Section 15 of the Agreement stated that the land of the Kingdom of Buganda, totaling 19,600 square miles would be dealt with in the following manner: i. Forests to be brought under control of the Uganda Administration (1500 square miles); ii. Waste and uncultivated land to be vested in Her Majesty's Government to be controlled by the

Uganda Administration (9,000 square miles); iii. Plantations and other private property of His Highness the Kabaka of Uganda (350 square miles); iv. Plantations and other private property of the Namasole (16 square miles); v. Plantation and other private property of the Namasole, mother of Mwanga (10 square miles); vi. To the Princes: Joseph, Augustine, Ramazan, and Yusufu-Suna (8 square miles each two square miles); vii. For the Princesses, sisters, and relations of the Kabaka (90 square miles); viii. To the twenty chiefs of counties (Abaamasaza), eight (8) square miles each as private property) hence 160 square miles; ix. Official estates attached to the posts of the Abamasaza, 8 square miles each, hence 320 square miles; ix. The three Regents of the young Kabaka Daudi Chwa (ie Apollo Kaggwa, Stanislas Mugwanya and Zakaria Kisingiri) received private property to the extent of 16 square miles each, hence 48 square miles.

Mbogo (the Muhammedan chief) received for Himself and his followers 24 square miles; the Kamuswaga, chief of Koki, received 20 square miles. One thousand chiefs and private landowners received the estates of which they were already in possession, and which were computed at an average of eight square miles per individual, making a total of 8,000 square miles. There would be allotted to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as 92 square miles. The land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka etc. etc.) 50 square miles. As all these people were given land, the rest of the people; the peasants, were not given; they were left out. They would therefore be tenants or squatters to the land owned by the very important persons in the kingdom.

Under the 1900 Buganda Agreement, land was allocated to the Kabaka, chiefs and the notables as their private property. This allocation was to be the source of the problems since the people who formally used and enjoyed land without interference were now subjected to the payment of rent (Busuulu and Envujjo). This system was insensitive to the people and to make matters worse, those who failed to pay were evicted by the landlords and hence became landless. A similar trend continues today in the 21st century.

The 1995 Constitution and its provisions on land

With the emergence of the National Resistance Movement (NRM) government in 1986, Uganda realized that a new land law was needed to clarify and protect land rights. Initially, the Agricultural Policy Committee, recommended that the 1975 Land Reform Decree be abolished and that all land be privatized, that is, put under freehold tenure. With regard to mailo land, the recommendations proposed that tenants be given freehold rights to the land they hold as tenants, and that mailo owners be given freehold rights to the land they hold which is not rented out to tenants. As a result, a draft law was written and debated. While this would have been in line with property rights development and practice in the central region, other regions in Uganda still have strong customary tenure systems in place (Rugadya, Nsamba-Gayiiya and Kamusiime, 2008).

The provisions in the 1995 Constitution recognized four land tenure forms: customary, freehold (individualized private property), mailo, and leasehold. In the first decade of independent Uganda, there was not much radical transformation in the land tenure and management regime. The 1995 constitution under which governance in Uganda is currently conducted brought about major changes in the land tenure and ownership. Article 237(8) & (9) of the Constitution guarantees security of occupancy of bonafide (de jure) occupants of Mailo, freehold or leasehold land and Article 26 of the same Constitution guarantees protection of individual property (Republic of Uganda 1995, 1998). According to the Constitutional provisions:

- All land in Uganda is vested in the citizens of Uganda. Previously, these tenants held it at sufferance and could be evicted at anytime and without need for prior notice, but with compensation.
- The bonafide occupants of Mailo Land, freehold and leasehold land were now recognized and their security of tenure protected.
- Freehold and Mailo tenures, which had been abolished by the Land Reform Decree of 1975, was restored.
- Land Management functions were decentralized to the districts. Basically therefore, the Constitution redefined land relationships between the state, titleholders, tenants and the public in general. It changed the situation where the state "owned" the land but could divest it to individuals in form of freehold, Mailo or leasehold grants. The remainder not so divested was deemed to be public land, occupied by individuals at the mercy of the state. In contrast, occupants, including customary, are considered to own the land and may acquire certificates of title in form of registrable interest certificates. Even land, which is unclaimed in customary terms or unalienated in other forms of tenure is vested in the District Land Boards, which holds them in trust for the citizens of Uganda

The Impact of the 1995 Constitution and the 1998 Land Act on Land Tenure

The first major change is that land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the following tenure systems: Customary, Freehold, Mailo and Leasehold. In the Land Act 1998, a certificate of occupancy to be granted to the occupant on application to the registered owner is provided for. But this is envisaged to depend on mutual understanding between the two parties. The certificate is meant to enable the occupant to prove that he/she is bonafide when need arises. In effect, the bonafide occupants are made statutory tenants of the registered owner and are required to pay ground rate to the latter on a mutually agreed upon rate (Ministry of Lands, 1997). According to the Land Act (1998), the occupants who wish to go beyond the more certificate of occupancy are free to apply to the registered owner and the terms and conditions of the interest shall be mutually agreed upon. Despite these legal provisions, the peasants are continuing to suffer as the rich and untouchable politicians usually use their positions to put peasants in a mess.

Land problems are not only in Buganda but are also in other parts of Uganda. The World Bank (2007) household survey in six districts of northern Uganda for instance found a steady rise in the number of land disputes from 12.8% at the time of displacement to 15.5% during displacement, and 16.4% at the start of IDP return with expectation of further increments as the IDP return progressed. Disputes mostly occurred on land that was left behind upon displacement, (65%), inherited land (71%) and land given as a gift (17%), while on the other hand land macquired through purchased had only a dispute prevalence rate of (3%). The most common disputes arose out of illegal occupation of land or cultivation by unknown persons or unauthorized family members or occupation by early returnees or shifting of boundary marks from original positioning (Alao, 2007).

Relatedly, in 2007, Samaritan's Purse – Uganda (SP), an international relief agency, carried out interviews in Otuke County, Lira District found that as IDP return progressed, the numbers of land dispute cases reported also increased, in a 5 months period, an average increase of 45% of reported cases on land disputes was recorded. In Gulu district, returnees from internally displaced people's camps were locked in land disputes over boundaries as original land marks had disappeared and the elders who knew them had died during displacement. Findings from the Joint Survey on Local Council Courts and Legal Aid Services in Uganda conducted in 2002, found that land disputes rank highest (16%) of the disputes reported at the Local Council Courts and this finding closely matches with findings from Criminal Justice Baseline Survey, which indicated that land disputes were mainly related to boundary markings, encroachment (particularly in Kibaale district), eviction of 'bibanja' holders, sale without spouse's consent, demand for access-ways, double selling, arising upon separation and divorce and inheritance matters.

In 2007 a study by Sanginga, Kamugisha and Martin, found that bunds and boundary disputes, affected over 70% of households in Kabale. This was fuelled by excessive fragmentation of very small agricultural land, and the high competition over the use of farmland. Increasing competition for land access also created different types of conflicts related to property rights (43.9%), from competing inheritance claims, illegal sale of land, land grabbing, ownership and access, destruction of terraces, cutting of trees and theft of resources. Other forms of conflicts included bush burning (40%), cutting of trees (43%), and theft of crops, livestock, and farm implements (45%). In 2007 a study²⁴ in Teso found that about 85% of the respondents had experienced threats to tenure security and 59% felt these threats were significant. 23% of the respondents felt that the government, the army and rich people had taken too much interest in their land without clearly declaring their motives or intentions, thus suspicion and tensions.

All this shows the magnitude of the land problem in Uganda. Although the current study was carried out in only one district of Nakaseke in Buganda sub region, its findings can be fully or partly be generalized to other regions of the country since the evictions and grabbing have now erupted in all the regions of Uganda.

The Role of politicians in the land question

Politics as many people say, is a dirty game. Because of this, many politicians use their positions to buy land which is already occupied by people and then evict them. Other politicians especially those with links to the top army officers and top leaders in the country use their positions to connive with officials in the land ministry to forge land titles. It is therefore not un common to find one piece of land having several land titles. Others even forge signatures of transfer and transfer others' land into their names and then forcefully possess that land. In African politics which is characterized by dictatorship, all this is possible and is happening (Mabikke, 2021).

In Kampala district of Uganda, the Nakawa-Naguru land saga has been a source of contention since 2007, when, with the influence of powerful politicians, the land was parcelled out to developer, Opec Prime Properties Ltd, to build a satellite city. Eleven years later, in 2018, Cabinet cancelled the agreement with Opec Prime Properties for failing to meet its obligations. The government seized the land through the Uganda Land Commission (ULC). After the repossession, ULC agreed to reallocate the land to new developers. On October 20th 2019, Museveni wrote to then-Lands, Housing and Urban Development Minister Betty Amongi, directing that land be given to Internal Medicine of Uganda PC. According to another presidential directive, internal Medicine of Virginia PC has been allotted 15 acres, while Uganda Heart Institute has been given 10 acres. However, by 2022, no development had been made on the land, something which raises many questions on that land deal.

Politics and the Issue of the “Lost Counties”

In the 19th century after the capture of Kabalega, the king of Bunyoro, six of the most historic and favourite counties of Bunyoro-Kitara were handed over to Buganda as a punishment against Bunyoro for her resistance against colonial rule and as a reward to Buganda for her alliance with the forces of colonialism. The transference of Bunyoro’s territories to Buganda was finally ratified by Buganda Agreement of 1900. The Agreement was signed between the British Government and Buganda Kingdom. Clause 9 of the agreement provides that for purposes of native administration, Buganda Kingdom should be divided into 20 counties including the six counties of Bunyoro, namely Bugangaizi, Buyaga, Buwekula, Rugonjo (Isingo/Ssinga), Buruli and Bugerere. When these lands were being transferred, they were distributed among the different religious sects. The protestant sect was given an area of county south of Buruli, while the Catholics were given an extensive district west of Ssinga.

After 1900, the Baganda elite received land titles to most the land in the “lost counties”, in form of mailo land which is the present Kibaale District. There were several popular uprisings during the period of Baganda rule (1900-1964), but after a post-colonial referendum in 1964 the Banyoro got back political power in the two disputed “lost counties”. However, only political and administrative powers were transferred; formal ownership of land never reverted, until today approximately 60% of arable land is in the legal possession of Baganda absentee landlords and the central government. As compromise solution to mailo tenants, especially in Kibaale, a Land Fund was created by the 1998 Land Act, to acquire the registrable interests from the Baganda landlords for the tenants. One of the major objectives of the fund, according to the latest comprehensive national land policy document, is to redress the historical injustices and inequities in the ownership. The Land Fund is under the Uganda Land Commission (ULC), but political indecisiveness remains to whether the acquired mailo land is going managed directly from Uganda Land Commission (ULC) or redistributed via Kibaale District Land Board. The 1998 Land Act does not specify the arrangements, but the government’s decentralization approach would suggest the latter arrangement. The original purpose of the Land Fund was that all tenants in Uganda would acquire the registrable interests on the land they had tenure rights to, the political purpose has however become to buy registered mailo from the Baganda absentee landlords in Kibaale. The implication of the lost counties issue is that the politics of that time was used whereby the then British administrators favoured Buganda and gave them Bunyoro’s land in appreciation of what Buganda had done for the British; they allied with the British to fight the king of Bunyoro. Even today, the people or individuals with links to the top leaders are at times rewarded with other people’s land.

In Uganda today, the District Land Boards (DLB) are independent of any person or authority. They cannot be controlled, directed, used or influenced. DLBs are independent of the Uganda Land Commission. This independence gives them the powers to do any of the following: acquire by purchase or otherwise, rights or interests in land and easements; erect, alter, enlarge, improve or demolish any building or other erections on any land held by it; sell, lease or otherwise deal with the land held by the Board; and do and perform all such other acts, matters and things as may be necessary for or incidental to the exercise of those powers and the performance of the above functions (Rural Poverty Portal Uganda Radio Network, 2011).

These land boards however abuse their powers and cause land related conflicts. Even Prime Minister Rt. Hon. Robinah Nabbanja has blamed district land boards in the country for increased land conflicts. Nabbanja said that some rich people processing and acquiring land titles on land where there are tenants is being orchestrated by the district land boards who issue land offers. According to Nabbanja, the Land Board members connive with land grabbers to conduct illegal and brutal evictions in the district (Office of the Prime Minister, July 6, 2022).

Land-related problems are not only in Uganda but are also in other countries, such as Zimbabwe. In these problems, politics has a hand. Historically, the foundation for the controversial land dispute in Zimbabwean society was laid at the beginning of European settlement of the region, which had long been the scene of mass movements by various Bantu peoples. In the sixteenth century, Portuguese explorers had attempted to open up Zimbabwe for trading purposes, but the country was not permanently settled by European immigrants until three hundred years later. During the early nineteenth century, the Shona were conquered by the Northern Ndebele (also known as the *Matabele*), which began the process of commodifying Zimbabwe's land. Although the Ndebele elite were uninterested in cultivation, land ownership was considered one major source of an individual's wealth and power—the others being cattle and slaves. Ndebele monarchs acquired large swaths of land for themselves accordingly.

Land hunger was at the centre of the Rhodesian Bush War, and was addressed at Lancaster House, which sought to concede equitable redistribution to the landless without damaging the white farmers' vital contribution to Zimbabwe's economy. At independence from the United Kingdom in 1980, the Zimbabwean authorities were empowered to initiate the necessary reforms; as long as land was bought and sold on a willing basis, the British government would finance half the cost. In the late 1990s, Prime Minister Tony Blair terminated this arrangement when funds available from Margaret Thatcher's administration were exhausted, repudiating all commitments to land reform. Zimbabwe responded by embarking on a "fast track" redistribution campaign, forcibly confiscating white farms without compensation.

Politically-related problems mainly came with the whites' coming. The first white colonists to settle in modern-day Zimbabwe arrived during the 19th century, primarily from the Cape Colony (modern-day South Africa), less than a century after the Ndebele invasions. This reflected a larger trend of permanent European settlement in the milder, drier regions of Southern Africa as opposed to the tropical and sub-tropical climates further north. In 1889 Cecil Rhodes and the British South Africa Company (BSAC) introduced the earliest white settlers to Zimbabwe as prospectors, seeking concessions from the Ndebele for mineral rights. Collectively known as the *Pioneer Column*, the settlers established the city of Salisbury, now Harare. Rhodes hoped to discover gold and establish a mining colony, but the original intention had to be modified as neither the costs nor the returns on the overhead capital matched the original projections. Local gold deposits failed to yield the massive returns which the BSAC had promised its investors, and the military costs of the expedition had caused a deficit. An interim solution was the granting of land to the settlers in the hopes that they would develop productive farms and generate enough income to justify the colony's continued administrative costs. The region was demarcated as *Southern Rhodesia* after 1898.

Between 1890 and 1896, the BSAC granted an area encompassing 16 million acres—about one sixth the area of Southern Rhodesia—to European immigrants. By 1913 this had been extended to 21.5 million acres. However, these concessions were strictly regulated, and land was only offered to those individuals able to prove they had the necessary capital to develop it. Exceptions were made during the Ndebele and Shona insurrections against the BSAC in the mid-1890s, when land was promised to any European men willing to take up arms in defence of the colony, irrespective of their financial status. The settlers of the Pioneer Column were granted tracts of 3,150 acres apiece, with an option to purchase more land from the BSAC's holdings at relatively low prices (up to fifteen times cheaper than comparable land on the market in South Africa).

Researchers have tended to consider land scarcity as a possible causal factor in the Rwandan genocide (Uvin 1998). During the 1994 genocide, the political elite tried to incite ordinary peasants by insisting that lands held by Tutsi families would be redistributed once they had been killed. This became one of the rationales to justify the killing (Straus 2006). In other words, land in Rwanda was politicized in the civil war and used as a tool for demagogic mobilization. Historical analysis is necessary to understand such a phenomenon. This is especially true in the case of Rwanda because it has experienced two waves of serious conflict in its recent history: turmoil around independence (the social revolution); and the civil war and genocide of the 1990s. Consequences of the former conflict strongly influenced the latter.

In Burundi, since its independence in 1962, Burundi has experienced several phases of ethnic conflicts and massacres between ethnic Hutus and ethnic Tutsis. Two of the worst massacres occurred in 1972 and 1993, causing more than 800 000 Burundians to flee the country and become refugees in Tanzania, the Democratic Republic of the Congo (DRC), Rwanda and other neighbouring countries. Several hundred thousand people were displaced inside Burundi's borders. The civil war following the clashes in 1993 lasted more than a decade; the Arusha Peace and Reconciliation Agreement in 2000 led to its resolution and a transitional government between 2001 and 2005. Since then – and notably since the 2005 elections – the government has faced different post-conflict transition

challenges, including the repatriation and reintegration of returning refugees, who make up about one-sixth of Burundi's population.

The massacre of Hutu in 1972 led by the Tutsi-dominated military caused an outflow of around 150,000 Hutu refugees, particularly from southern regions to Tanzania (Lemarchand, 1994). During the harsh civil war in the 1990s triggered by the assassination of the president Ndadaye, several hundred thousands of Tutsi were obliged to flee from their home village, due to brutal persecution and killing by Hutu. After the conclusion of peace agreement in 2000, the majority of Hutu refugees came back to Burundi. The massive refugee returns caused a tremendous numbers of land conflicts in both of the two countries, although their features were quite different. In Burundi, disputes over land have tended to break out between returnees and secondary occupants, who had acquired land rights after the departure owners (Kohlhagen, 2011). The returnees, who came back to their original places following the conclusion of the peace agreement, have constantly found secondary occupants there. The disputes have however been mainly dealt with by the special organization, namely National Commission for Lands and other Goods (CNTB), which was established in 2006 for mediating disputes over land and properties caused by political violence since independence. Taking into consideration difficulties caused by the land scarcity as well as rights of the secondary occupants, the CNTB has given instructions for the conflict parties to divide the disputed lands between the parties. This measure can be regarded as a partial restitution.

METHODOLOGY

The study employed a cross-sectional historical design with a purely qualitative approach. The study was carried out in Nakaseke district, one of the districts in Buganda sub region. Nakaseke is a district in Uganda. It has seven sub counties, 36 parishes and 387 villages. The study targeted the tenants (people with untitled land in the district), land lords, Local Council (L.C) officials of different levels (L.C 1, L.C 3 and L.C 5), the District Land Board officials, and politicians in the district of Nakaseke, religious leaders and the police officers. Although both male and female respondents were targeted, emphasis was on males because in rural areas, it is mainly men who own land. The police officers were involved because as supposedly keepers of law and order in the area, when land wrangles erupt, they are usually called or informed to come in, so they know a lot about land related wrangles in the area. The L.C officials were involved because they are involved in planning for their areas and they are aware of the land related wrangles in their respective areas. The district land board officials were involved because the Public Land in the district is under their jurisdiction and they are the ones, following the stipulated laws, who give out land to the prospective investors and other developers. Based on media reports, at times they do their work unprofessionally and in other instances they take bribes, hence leading to illegal land evictions (Daily Monitor, 13 January, 2021). Since the study was purely qualitative, only oral interviews, focused group discussions and documentary review was used to collect data from 70 respondents. They were picked from four Sub Counties where the problem of land grabbing and evictions mainly exists. A sample of 70 respondents was chosen from four sub counties of Kapeeka, Kasangombe, Ngoma and Wakyato in the district.

FINDINGS

Background of Land Question in Nakaseke district according to the oral informants

The respondents were first asked to describe the background to land-related problems in Nakaseke district. A focus group discussion with eight adult residents of Kito Village was held and they narrated that land problems in Nakaseke district have their origin in the National Resistance Army (NRA) bush war of 1980-1986. The oral informants reported that prior to the war, the area was known for agricultural activities like growing of coffee, bananas, maize, beans, ground nuts, cassava, sweet potatoes, as well as animal rearing. During the NRA bush war, Nakaseke, which at that time was known as Luweero district, was the centre of the then NRA rebel activities. Since the rebels were operating in that area, the then government soldiers of Apollo Milton Obote blacklisted the people of Luweero as rebel collaborators. Because of this, a large number of government soldiers was sent in the area to check the rebel activities. In the process, thousands of local people were killed on suspicion that they were collaborating with the NRA rebels, people's house were razed down and plantations were set ablaze so that the rebels could fail to get where to hide. In a form of retaliation, many orphaned young boys decided to join the rebels

to fight the perceived oppressive regime of Apollo Milton Obote. Some others like the girls and the aged migrated to other parts of Uganda for the safety of their lives, so Nakaseke-Luweero area remained like a desert.

By the end of the five year bush war in 1986, Luweero district was full of skulls of the dead, many plantations and houses were no longer in existence. Some of the people who had landtitles were either dead or had lost the titles in the raids. The surviving Bibanja holders could no longer locate where they used to stay, or if they located it, could not properly tell where their bibanja started and ended because of the overgrown bushes. Out of fear and panic, other survivors did not go back to Luweero-Nakaseke.

As a consequence, some of those who returned back to the land gave themselves huge pieces which later they sold cheaply. It was reported that by the year 2015, an acre of land in Nakaseke was as cheap as sh. 500,000. This made some foreseeing businessmen and politicians in Kampala and other areas to buy large chunks of land there and used Bukalasa Land Office to process land titles either as Private Mailo Land or Freehold land. It is these new landlords who are evicting people (bibanja holders).

In other instances, a land lord with many tenants on his land threatens to evict them. After thorough negotiations with him/her, he/she tells tenants that they buy each acre at about ten millions or else he/she takes three quarters of the untitled land (bibanja) they have, they remain with a quarter so that he/she gives them titles for that land. It was reported that somebody who had like ten acres can remain with about three or four acres and the rest are taken by the landlord and sold to other buyers.

In Kito Sub County, the residents reported that there are land grabbers who changed the land Block number of Kivumu village from 312 to 314 and the people are being evicted. In Kikandwa village which is found in Semuto Sub County, evictions are going on. In Ngoma Sub County, land conflicts between Balaalo (herdsmen) and other people are rampant. Some Bibanja holders are silently killed and their land is grabbed. It is rumored that there are mineral prospects in the area and because of this, many powerful people in government have bought land there and are evicting people.

The role politicians have played in the land question in Nakaseke district, Buganda sub region

It was reported that powerful politicians and business men in the country take advantage of their positions to buy land occupied by people and then evict them. It was reported that sometimes these politicians get prior knowledge of the developments which the government is planning to make in a certain area. They therefore rush to buy land there either from the District land Board or from the aged landlords amidst threats. In some instances, they connive with the land officials to produce several land titles on the same land, or to forge signatures of transfer, indicating that the original landlord transferred his/her land in their names, hence making it appear as if they are the true owners of the land, and the original land owner holds a fake title. After getting the titles, the next move is to evict tenants. At Nabiika village, one powerful businessman allegedly from Kampala bought over 400 acres and has all along been evicting people.

The availability of sand in different villages like Luvunvu, Kyampisi, Butayunja, Kikwata, Kitaweera, and Butemula have caused some politicians to buy land in these areas, evict tenants to mine the sand and sell it to the builders in Nakaseke, Luweero, Wakiso and Kampala.

One resident of Nalumunye village lamented, *“Our parents died during the bush war which brought Museveni to power. That Mzee is from the West, he did not start the war from there but brought it here which caused Obote to massacre our people. Surprisingly, he has decided to pay us by making us landless; it is his people, the untouchables who are evicting us... imagine they evict people with the help of the army and sometimes their land is guarded by the army using the UPDF guns, being paid salary by Uganda government... is this regime any better than that of Obote?”*

The implication of this statement is that some Ugandans feel that they are being sidelined as if it is government's deliberate move to make people of particular regions poor.

Some politicians have however played a positive role in Nakaseke district land question. Many residents appreciated the efforts of the Nakaseke South Member of Parliament Paulson Ssemakula Luttamaguzi and said that he has spent most of the time during his tenure in Parliament fighting land grabbers from evicting tenants mainly in the villages of Balatira, Lukumbi, Nandeya, Kabira, Muzimbo, Mannywa, Ziramba, Kansiri, Luzingu, Mizimbo,

Kasambya-Lukese and Nasenda, Kifamba, Muzimbo, Nkozi, Kasimbi, Kabogwe and Nkumale. The residents said that Hon. Luttaguzi has on many occasions organized peaceful settlement of these land wrangles between the landlords and the tenants by citing the law (which does not allow evicting tenants). They also reported that he usually urges tenants to pay nominal rent (Busuulu) to the landlords, otherwise the landlords can use that as an excuse to evict them. He also offers legal services to residents and save them from eviction

DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

Discussion

The respondents of the study reported that many politicians from other parts of the country have bought land in Nakaseke since the land has been, until recently, very cheap yet Nakaseke is just 42 kilometres from Kampala, the capital of Uganda. They have used their influence to get land titles some times in a fraudulent way. The new landlords are mainly the ones evicting people. Although the Area members of Parliament for Nakaseke North Constituency and Nakaseke South Constituency have attempted to fight for the rights of the tenants, their fight has not yet proved to be a full success story. The oral informers attributed this to the new landlords being from one particular part of Uganda and are hence too powerful to be fought verbally and legally. The informants referred to the new landlords as the “owners of Uganda”. Whatever implications such utterances have, the researchers believe that these land issues need not be taken lightly.

This relates to the claims of Mabikke (2021) who holds that in Buliisa district pastoralists fraudulently acquired title deeds of over 1,000 hectares of communally owned land with the aid of some government officials. This created tension between the pastoralists and local Bagungu tribes; there were several clashes between opposing tribes over the hitherto communally owned land. The pastoralists started migrating into the area around 2006. The entire land in dispute including that without title deeds measuring around 8 square miles around block 2, where U.K.-based Tullow Oil PLC (TLW.LN), the operator of the block, is preparing to develop the Kasemene oil field in the fourth quarter of 2011. Based on a court ruling that the pastoralists were occupying the land illegally, the Ugandan army evicted hundreds of immigrant families from communally owned land in the oil-rich Buliisa district in a bid to diffuse the tensions with the locals. However the motive of using the army in this eviction remains suspicious to the local community in this oil-rich region of Uganda. Relatedly, in June 2004, the State Minister for disaster preparedness and refugees warned politicians against illegally grabbing refugee settlement land. She said there was mass encroachment of refugee settlements in Oruchinga, Nakivaale and Rwam-wanja in western Uganda. And more cases implicating government officials involved in land grabbing are on increase in the Ugandan media and political discussions (Mabikke, 2021). If Mabikke (2021)’s allegations are true, it implies that Uganda has many political-related mafias whose aim is to enrich themselves, their families and probably tribe mates. There is no evidence to suggest that the oral informants of Nakaseke district first read Mabikke (2021)’s work for them to make similar allegations. Should the international community come in to save Uganda?

The findings of the current study appear similar to what has happened in many African countries. For example in Kenya, the post-colonial era mainly saw the “elite capture” of property rights. The land that had been occupied by white settlers, particularly the British, were acquired by the post-colonial regime of Jomo Kenyatta (1963-1978) and eventually sold to national elites who gained control of the property ownership structure (Kanyinga 1998; Okoth-Ogendo 1989). The trend was continued under Daniel arap Moi’s regime (1978-2002), known for distributing public lands for political purposes (Greiner 2013; Klopp 2001). Land regimes therefore became connected to post-colonial national politics in Kenya, with successive governments becoming reluctant to transform land regimes in a manner that would address irregular land allocations over the years. This is because land rights have become instruments of structuring political relationships, connecting elite “landlords” in various regions to the central state (Greiner 2013; Onoma 2010).

The findings of the current study relate to what was existing in Kenya in the early 2000. In the year 2003, the government of Kenya instituted a Commission of Inquiry into the Illegal/Irregular Allocation of Public Land, which came to be known as the “Ndungu Commission” after the name of its Chair, Paul Ndungu. The Commission was formulated to inquire into the extra-legal allocation of public lands and lands reserved for public purpose to private individuals and corporate entities, and to provide recommendations to the Government for the restoration of those lands to their original purpose or other appropriate solutions. The Commission found out among other things that there was widespread abuse of presidential discretion with regard to unalienated urban land, with ‘in many instances’ (both) Presidents Jomo Kenyatta and Daniel arap Moi making grants to land to individuals without any

consideration to the public interest, for political reasons, and without proper pursuit of legal procedures, whilst there was also extensive illegal allocation by both former presidents of alienated land (viz, land which they did not have legal power to allocate). Also, various Commissioners of Lands had made direct grants of government land without any authority from the President. Forged letters and documents were used to allocate land in numerous instances, with many records at the Ministry of Lands and Settlements having been deliberately destroyed. Often, land was sold by grantees without any adherence to the conditions laid down by letters of allotment, and many illegal titles to public land were transferred to third parties, often State Corporations, for massive sums of money. In summary, the Commission found that the powers vested in the President had been grossly abused by both former Presidents and successive Commissioners of Lands and their deputies over the years. The implication of this is that Africans' problems are almost the same.

Conclusions

As per the findings of the study, the researcher concludes that the 1900 Buganda Agreement which distributed Buganda's land among a few people like the Kabaka (King), the royal family, the chiefs, the religious groups, as well as the Crown government, has a bearing on the land-related problems in Nakaseke district. This is because, some of the land is of Mailo land type (permanent possession of some individual and the Kabaka) yet other pieces of land are under the government (District land Board). A few people and organizations hold land titles for Mailo land, freehold and lease hold but the majority of the people do not have land titles; they are squatters (bibanja holders) on the land belonging to a few people and organizations. As a result, some of those with land titles use threats and intimidation to evict tenants. Although the 1995 constitution, the Supreme law of Uganda gives protection to the squatters on their Bibanjas, this is usually ignored by the land lords since they are rich and hence bribe courts of law to pass/make judgments in their favour and hence evict tenants. Other landlords use the police and security agencies to intimidate and evict tenants.

Recommendations

It is the duty of the police and other security agencies to protect people and their property and ensure that law and order is maintained in the country, not to be used to intimidate peasants on land. The Police Act and UPDF Act should be revised to stipulate tougher punishments to those who involve themselves directly or indirectly in evicting tenants. To ensure implementation of the law, the President should sack at will anybody perceived not to be performing his/her duty of disciplining security operatives. In addition, since politicians, powerful businessmen and landlords usually bribe courts of law to make judgments in their favour, and since they hire powerful lawyers who confuse tenants, the law should be amended so that land complaints are handled by local courts only (L.C 1) without judges, magistrates and lawyers coming in. The local courts should be mandated to pass judgement when all the nine members of the L.C 1 court are around. If atleast three quarters of the L.C 1 court members agree on a particular side, that side/party will be the winner of the case. Since the National Resistance Movement (NRM) government came to power in 1986, many rebel groups like the Democratic Army (UPDA), the Uganda People's Army (UPA), Alice Auma's Holy Spirit Movement (HSM), Lord's Resistance Army (LRA), the Rwenzururu movement, People's Redemption Army (PRA), the Allied Democratic Forces (ADF) etcetera came up. Such rebel groups came into being because of particular groups of people being dissatisfied with the government. The government should deter such rebel activities through satisfying people. Peasants' problems must be worked on for them to be safe on their land.

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