Land Grabbing of Smallholder Farms: A Challenge to Sustainable Rural Livelihoods. A case of Uganda

A MASTERS THESIS IN PEACE AND DEVELOPMENT WORK

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Abstract

This study was inspired first by the continued occurrences of land related conflicts in Uganda especially amongst squatters fighting against landlords, real estate developers, armed forces, foreign investors among others. Secondly, the study was inspired by the wide debate surrounding land grabbing especially in the global south currently in literature. However, the focus of this study is only centered on land grabbing in Uganda. The study was aimed at exploring issues/factors as to why land appropriations by foreign investors in Uganda today is conflict ridden in relation to local communities.

The study employed a method of Structured Focused Comparison of two cases studies that were conflictive in nature when foreign investors had acquired land leases and more so the study applied a deductive logic of inference. In order to apply the stated method, four different variables, hypotheses with respective indicators or operationalizations were formulated after a review of literature. The hypotheses were each tested against empirical cases to ascertain whether they were supportive or unsupportive. Therefore, the outcomes of each tested hypotheses against empirical cases were analysed accordingly to formulate a further understanding and interpretation of respective results.

The major conclusion that was drawn at the end of the study was that land investments by foreign investors in Uganda represent a wider process of Agricultural modernization however it is a case of a failed modernization process because human resources that are at the centre of the process have not been honest and sincere at times. Therefore, failure of the process turned into land grabbing in that smallholders who once used or occupied the transferred land are worse off in terms of livelihood realization than before hence, conflicts between them and foreign investors were treated as a response or reaction against non delivery and failure to live by promises made by the latter during the process of acquiring land from the former.

**Key words:** Land grabbing, Structured Focused Comparison, Land legislature, common goods.
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The last but not the least, I cannot fail to say thank you to the Almighty God for the endless protection and provisions you forward to us daily whenever we seek through prayers.
Author’s Dedication

I dedicate this piece of work to my late brother Kabugo J. Ssentongo who perished in a car accident on 09th January, 2013. May your soul Rest in Eternal Peace.
# List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CBO</td>
<td>Community Based Organization</td>
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<td>CFR(s)</td>
<td>Central Forest Reserve(s)</td>
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<td>FDI</td>
<td>Foreign Direct Investments</td>
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<td>FoEI</td>
<td>Friends of the Earth International</td>
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<td>GoU</td>
<td>Government of Uganda</td>
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<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
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<td>KOPGT</td>
<td>Kalangala Oil Palm Growers’ Trust</td>
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<td>NAPE</td>
<td>National Association of Professional Environmentalists</td>
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<td>National Environment Management Authority</td>
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<td>NFA</td>
<td>National Forestry Authority</td>
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<tr>
<td>NFC</td>
<td>New Forests Company</td>
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<tr>
<td>NGOs</td>
<td>Non Government Organisations</td>
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<tr>
<td>RDC</td>
<td>Resident District Commissioner</td>
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<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
</tr>
<tr>
<td>UGX</td>
<td>Uganda Shillings</td>
</tr>
</tbody>
</table>
# Table of Contents

Abstract ......................................................................................................................................... i
Acknowledgements .......................................................................................................................... ii
Author’s Dedication ........................................................................................................................ iii
List of Acronyms ............................................................................................................................. iv

1.0 Introduction and Problem Statement ......................................................................................... 1
  1.2 Purpose of the study ..................................................................................................................... 4
  1.3 Relevance of the study ............................................................................................................... 4
  1.4 Methodology .............................................................................................................................. 5
  1.5 Ethical considerations ............................................................................................................... 5
  1.6 Limitations of the study ............................................................................................................ 5
  1.7 Delimitations of the study ......................................................................................................... 5
  1.8 Disposition ................................................................................................................................ 6

2.0 Methodology ............................................................................................................................. 7
  2.1 Sources of data .......................................................................................................................... 8
  2.2 Data Analysis and Application of Structured Focused Comparison ........................................... 9

3.0 Literature Review and hypothesis formulation .............................................................................. 11
  3.0.1 What factors make land purchases by foreign investors’ conflict ridden in relation to the local community? .................................................................................................................................................. 11
  3.1 Unclear land legislation and institutionalization of land management ...................................... 11
  3.3 Livelihood and food security .................................................................................................... 15
  3.4 Investments do not benefit the local communities ..................................................................... 18
  3.5 Lack of adequate communication between investors and local communities ....................... 22

4.0 Context of Land in Uganda .......................................................................................................... 26
  4.1 Land Legislation in Uganda .................................................................................................... 26
  4.2 Uganda and the Global Demand of Land ................................................................................... 28

5.0 Findings of the Study/Empirical Cases in Uganda .................................................................... 30
  Case I: Mubende and Kiboga Forest Reserves Evictees versus New Forests Company (NFC) ....... 30
  5.1 Land tenure and legislation ....................................................................................................... 32
  5.2 Common resources and food security ....................................................................................... 33
  5.3 Local communities’ direct benefit ............................................................................................ 34
  5.4 Communication ....................................................................................................................... 35
Case II: Buggala Island Residents Kalangala District versus BIDCO ................................................................. 36

5.5 Land tenure and legislation .............................................................................................................................. 38

5.6 Common resources and food security ....................................................................................................... 39

5.7 Local communities’ direct benefit .............................................................................................................. 41

5.8 Communication ............................................................................................................................................... 42

5.0.1 Other factors of importance casted responsible for the outbreak of land related conflicts in this case .............................................................................................................................................. 42

5.0.2 Destruction and dishonouring of the community sacred places .............................................................. 42

6.0 Analysis and Discussion of Findings ............................................................................................................. 44

Table 1: Results of tested hypotheses against the results from Empirical cases .............................................. 44

6.1 Analysis of results of variable 1 and hypothesis A for both Cases I and II .................................................. 44

6.2 Analysis of results of variable 2 and hypothesis B for both Cases I and II ................................................ 46

6.3 Analysis of results of variable 3 and hypothesis C for both Cases I and II ................................................ 47

6.4 Analysis of results of variable 4 and hypothesis D for both Cases I and II ................................................ 49

6.5 Analysis of other issues of importance but not included in any of the hypotheses .................................. 50

7. Conclusion ......................................................................................................................................................... 52

References .............................................................................................................................................................. 54

APPENDIX I .......................................................................................................................................................... 60

The background of land ownership in Uganda ................................................................................................. 60
1.0 Introduction and Problem Statement

Land grabbing is now a subject matter that has attracted attention of dissimilar parties ranging from media, international development and donor organisations, Non-Governmental Organisations (NGOs), academia and many others. In Uganda in particular issues rotating around large scale land appropriations by varying parties have even influenced music\(^1\) in that, to date some music compositions and shows especially in central Uganda portray the practice as undesirable. The term ‘Land Grabbing’ has been widely defined by different authors and many definitions have been put forward. For example, National Association of Professional Environmentalists (NAPE) and Friends of the Earth International (FoEI) define land grabbing as “large scale land acquisitions, buying or leasing of large pieces of land by domestic and transnational companies, governments and individuals in a non-transparent manner using trickery and manipulation of law” (NAPE & FoEI, 2011, 2012). On the other hand, Borras Jr. et al. (2012) define land grabbing as “capturing control of relatively vast tracks of land and other resources through a variety of mechanisms and forms involving large-scale capital that often shifts resource use to that of extraction whether for international or domestic purposes” (Borras Jr., et al, 2012, p.405).

While defining land grabbing, a clear line must be drawn to distinguish legitimate buying and selling of land. According to IFAD, at some moments the discussion, sale and transfer of land between buyers, owners of land (landlords) or between governments and foreign investors look legal and involve mutual discussion and understanding of a certain degree, but it all turns to be land grabbing because real occupants of land (smallholders, pastoralists and indigenous people) especially in the countryside are not often consulted at any time. The organization adds on that out of the blue, they are evicted by the new owner(s) of land without adequate consultation or compensation (IFAD, 2011, p.3ff).

The list of driving forces that are behind vast land acquisitions is long enough and contains several of them. Top noted among these drivers include, the desire to maintain food security for

\(^1\)Songs such as Ettaka (Land issues) by Buddo Sec. School, Bamutunda Byapa by Fred Sebbale, Akaalo ka Buganda and Kavamawanga by Sir William Kibuuka all condemn the wave and speed in which local communities are evicted and land is allocated to investors to use it with great excludability rights.
countries that are threatened by food insecurity such as Libya, China, Saudi Arabia, Bahrain, Malaysia, Jordan, Qatar etc. especially after the 2008 hike in food prices around the world (DevNet, 2011, p.8). Secondly, the decline in fossil energy stocks has drove rich nations to invest in renewable energy by growing biofuels (oil palms, sugarcanes and Jatropha) in developing countries where there is still more “abundant land” (Scheidel & Sorman, 2012, p.589). The great rise in the ‘green agendas’ that land is grabbed for purposes of planting trees, or reserving forests to maintain the environmental bio-diversity and eco-systems (Fairhead et al., 2012, p.237), and in other instances, some local communities have been driven out from land by private individuals to run natural parks and conservation areas (GRAIN, 2008, p.2). Therefore, there are various players who represent governments, corporations, financial institutions, civil societies, private dealers among others.

Land is a central element to smallholders or to local communities in rural areas of Africa and developing world in general for a reason that, agriculture plays a dominant role in the local, national and regional economies even before, during colonialism and after independence (Nordic Africa Institute, 2007, p.7). Land is a major mean of production and shapes livelihoods of citizens – poor and rich – by providing them with food, water, pasture, meat and fish especially to hunting and fishing communities, honey and fruits from forests among other land supplies. Prosterman et al (2009), reasons that for rural areas and poor families in particular, land is a major player in the political, social and economic aspects of these communities. Authors add that it is land that forms an engine of gaining social status, political voice, income and nutrition to their families on top of providing some forms of economic independence as well as forming the accumulated wealth that is being transferred to the next generation (Prosterman et al, 2009, p.17).

However, irrespective of the above noted values and importance local communities attach to land; today most of the developing world especially in Sub-Saharan Africa (SSA) is faced with a pressing wave of land grabbing. Land grabbers are not only local elites, family members that grab land from orphans, competing land users like pastoralists and crop farmers, but also include outside\(^2\) based investors who represent governments, financial institutions or private corporations.

\(^2\) The use of the term ‘outside’ investors in this study will mean foreign investors or investors from abroad. Therefore, it should not be misunderstood to refer to local investors who buy land in areas where they do not ancestrally belong. Hence, foreign or outside investors will be used interchangeably.
with headquarters abroad (IFAD, 2011, p.3). The rate at which land is switching hands from former users to investors has caused worries because the speed is somewhat tremendous. For example, Borass Jr. et al. notes that between 2005 and 2009, the International Food Policy Research Institute (IFPRI) had already estimated that about 20 million hectares had switched hands in form of land grabs and by 2010 – One year after the estimate of IFPRI – the World Bank report estimated this grabbed land to be at 40 million hectares (Borass Jr. et al, 2011, p. 209). Focusing on Uganda where the focus of this study is directed, smallholder farmers or local communities have been more threatened by land grabbing and according to media reports the problem is showcased as real and in existence\(^3\).

In the face of the above, it should be remembered that Uganda has in the past two decades put in place several land legislations so as specify ownership, guide acquisition and disposal of land, landlord-tenant relationship among others. These include; the 1995 Constitution of the Republic of Uganda, the 1998 Land Act, the 2007 Land Amendment Bill, and the 2010 Land Act all working with reference to the other. Critical to note however is that because of registering reasonable security after the end of Lord’s Resistance Army (LRA) war in northern Uganda has been followed by a number of Foreign Direct Investments (FDIs) by foreign investors around the globe and thus land is eyed more than ever before. Hence, in the recent past, local communities or rural smallholder farmers’ tenancy on land has been shaken by massive foreign investors’ land grabbing according to varying media reports. Central to note further out of the media reports is that the process of land appropriation by foreign investors is now composed of massive violence, resistance and bloodshed coming from local communities. Therefore, the study seeks to contribute to the overall understanding of issues/factors that make land purchases by foreign investors’ conflict ridden in relation to local communities with the aid of case studies drawn from Uganda. The following research problem will guide the study.

- **What issues/factors make land purchases by foreign investors’ conflict ridden in relation to local communities?**

\(^3\) It was reported that many people mostly pastoralists in Buliisa district were evicted by the armed forces following the exploration and discovery of oil in the Albertine valley (Kajoba, The New Vision, December 13, 2010) and in a recent publication (2013), there is great threat of eviction and displacement of Amuru residents off their land following the discovery of minerals on the land they occupy by a Chinese owned and based company (Odong, The New Vision, March 23, 2013).
1.2 Purpose of the study

The study’s overarching goal is to identify the underlying reasons that prompt local communities in rural Uganda to stage opposition – at times violent – against foreign land investors when the latter begin injecting capital in land formally inhabited by or adjacent to rural smallholder farmers.

1.3 Research questions

In order to be able to understand why local communities or smallholders in rural Uganda are in land related conflicts with foreign investors, the following research questions guided this study.

- **Is the current land tenure and legislature unclear or is influenced by local elites?**
- **Are foreign investors threatening smallholders’ food security or is it that land appropriated by foreign investors contains communities’ common resources?**
- **Have foreign investors failed to provide direct benefits to affected local communities?**
- **Are conflicts out of obscure land deals at all phases that local communities are not engaged?**

1.4 Relevance of the study

Land grabbing seems to be a very frequent evil across the global south for a reason that governments and policy makers in this part of the world still view the land productivity levels of local communities in particular smallholders as inadequate especially when compared to other regions of the world. Hence, in the due course governments still call upon potential investors from abroad to invest their capital in land. Therefore, the results of the study that will analyse the roots of conflicts related to land when investors bring in their capital will be very essential in shaping in particular Uganda’s future decisions of policy makers, technocrats, investment authorities, governments and foreign investors themselves. More so, the results of the study will guide land policy makers as background information in designing more policies that can improve or build cordial relationship of both foreign investors and local communities, to contain the spillover of conflicts to new places, and at the end of it all to enable rural transformation through gainful and extensive investment in agricultural land.
1.5 Methodology
This study was conducted as deductive desk study which relied on a method of Structured, Focused Comparison of two case studies from Uganda. The main sources of data to this study were mainly electronic and printed sources especially in media hence included both Ugandan based and non Ugandan based newspapers. The fore mentioned sources were supplemented with other publications from NGOs, CBOs and individual research teams that had interest in the same cases. To apply a method of structured focused comparison, four variables, hypotheses and respective indicators (operationalizations) were formulated out of the available reviewed literature and they were later tested against empirical cases to ascertain whether they are supportive or unsupportive. This was followed by analysis of results of tested hypotheses against empirical cases to create more understanding and meaning out of the results.

1.6 Ethical considerations
Because this study was not field-based, the only ethical consideration I respected highly was the endeavor to recognize the pieces of work done by earlier researchers on the subject matter that I was too writing about. This was done by referencing them whenever I used their pieces of work to recognize and add value on their earlier efforts.

1.7 Limitations of the study
The research was conducted as a desk study without a field attachment to conduct interviews thus relied entirely on secondary sources of data such as printed and unprinted documents, texts, books, journal articles, Newspapers etc. in the library, on internet and websites of different organisations and media houses. Relying on such sources has got its own weaknesses because it was difficult to assess whether authors were not subjective in writing and analysing the material I was drawing from and getting use of. With that uncertainty, the study lacks first hand local communities’ and foreign investors’ opinions and points of view about land that has split them apart which can only be obtained from the field.

1.8 Delimitations of the study
The study was in the first place delimited to Uganda alone even though when I was reading other published materials on land issues the problem of land grabbing is common incidence in other African states not far away geographically from Uganda. Secondly, the study centred at only
land related conflicts that involved local communities or smallholders in rural Uganda and foreign investors although there are other notable land related conflicts that involve national land grabbers especially elites and armed forces with the same local smallholders. Lastly, I delimited this study to only two cases i.e. the case of Mubende and Kiboga Forest Reserves Evictees versus New Forests Company (NFC) (I named Case I) and Buggala Island Residents Kalangala District versus BIDCO (named Case II). Therefore, other cases where foreign investors have conflicted with local communities are not part of this study.

1.9 Disposition

The study is composed of seven chapters. It proceeds with Chapter I that presents the introduction, the problem that prompted the study with the research question, relevance of the study, the brief overview of the methodology that I employed, as well as the limitations and delimitations of the study. Chapter II is focused on the Methodology employed during the study’s research and writing. Chapter III presents the review of literature that was in particular answering the overall research question of what issues/factors make land purchases by outside investors’ conflict ridden in relation to local communities and it also includes derived variables, formulated hypotheses and respective indicators. Chapter IV discusses land issues in the context of Uganda and it points out two major issues i.e. Legislation of land in Uganda and land demand in Uganda in global context because they were believed to be important in the understanding of Uganda’s land related matters as of now. Chapter V presents the empirical data or results of the study. Chapter VI Presents the analysis of results and lastly the study ends with chapter VII which presents the conclusion.

NB. The study ends with the list of references and an appendix that has a detailed background of land ownership legislature in Uganda right from colonial time to present.
2.0 Methodology

In this chapter, I do present the methods that were used in the collection and analysing of data in this study.

This study was conducted as a qualitative and deductive desk study which applied a method of Structured, Focused Comparison of two cases that were under investigation. The study was on one hand designed to be qualitative because from my opinion, qualitative data was much needed to respond to my research question and hypotheses formulated in chapter 3 below. Though it is true that quantitative data can generate figures that can portray for instance how many people where dispossessed from land, the number of hectares appropriated, and the number of active players in land deals etc. cannot go ahead and explain why conflicts are visible among foreign investors and local communities. This necessitated the study to apply a qualitative approach.

The method of Structured, Focused Comparison is traced in the writings of Alexander George, John S, Mill, Smelser, Bennett among others. The method employed uses two key terms ‘Structured’ and ‘Focused’. Regarding the notion of “Structured”, it implies that “the researcher writes general questions that reflect the research objective and that these questions are asked to each case under study to guide and standardize data collection” (George and Bennett, 2005, p.67). On the other hand, “Focused” implies “dealing with only those aspects of cases that are deemed relevant in terms of research objectives” (Ohlson, 1998, p.4). On one hand, this study was structured in a way that, the same questions regarding what factors/issues make land purchases by foreign investors’ conflict ridden in relation to local communities was posed to both cases studied with the view of obtaining standard data. On the other hand, it was focused because it dealt only with some aspects of cases that were deemed relevant to the study or that were in line with the research objective but not all information and details about the cases.

As observed in the chapter of findings, there is a detailed chronological description of each case’s history or what George and Bennett (2005) refer to as “Soaking and poking” which is done before the presentation of factors casted as responsible for causing land related conflicts between local communities and foreign investors. The rationale for doing so is explained by Creswell (2007) and George and Bennett (2005) that, it allows a researcher and subsequent readers who have no prior knowledge about the cases to draw clear differences among cases on
top of helping very much in understanding the complexity of each case under exploration (Creswell, 2007, p.75, George and Bennett, 2005, p.89).

2.1 Sources of data

*Below in the proceeding paragraphs, the sources of empirical data that the study employed are elaborated.*

The main sources of empirical data to this study were mainly electronic and printed sources. These included reports published especially in media and in particular newspapers both international and Ugandan based. The Ugandan based newspapers that provided information during the process of collecting empirical data include specifically The New Vision (a Ugandan government newspaper), The Daily Monitor, The Independent, and an additional use of none Uganda based newspapers that reported on the same cases most notably The Guardian and The New York Times. Newspapers were selected to provide data in this study because, they repeatedly and frequently published on land related battles or conflicts between foreign investors who had appropriated land and local communities. A total of two cases were considered i.e. Mubende and Kiboga Forest Reserves Evictees versus New Forests Company (NFC) (and I named it Case I) and Buggala Island Residents Kalangala District versus BIDCO (named Case II). I limited the cases to only two because as put forward by Ohlson (1998), the number of cases selected by the researcher must be manageable (Ohlson, 1998, p.40), hence, based on the limited sources of data which are secondary in nature, I believed that two cases were easy to manage than having more of them with shallow data. These two cases were considered for this study because, 1) they received reasonable publications or reports in both local and international media on top of attracting a number NGO and CBOs reports. 2) They were selected based on the idea from George and Bennett (2005) who argues that cases are selected because of their ability to be connected to one another during comparison (George and Bennett, 2005, p.83). These cases are considered connected to one another because they both have similar players i.e. the cases portray land related conflict relationship between the foreign investors, local communities or smallholders, and national government of Uganda.

To supplement data collected from newspapers, I used a couple of other secondary field based research studies that were carried out and published by individuals and organisations – mostly NGOs and Community Based Organisations (CBOs) – such as NAPE, Friends of the Earth
International (FoEI), Kalangala District NGO Forum and Oxfam International. These were used because they carried out and later published reports surrounding these particular land conflicts between local communities and foreign investors after the former had appropriated land. They were too used because as a known phenomenon, NGOs and CBOs carry out and update their information at least at an annual basis hence I regarded them reliable for that matter. All the above sources of empirical data were accessed through constant searching into the online archives and websites of the media houses, CBOs and NGOs using keyword searching i.e. feeding in the cases that I was investigating into their archives and in the due course more related options and searches were obtained.

However, as noted by both George and Bennett (2005) and Ohlson (1998), there is always a difficulty in judging the reliability, objectivity and truthfulness of secondary sources because, some often take sides or work as advocates of certain groups of people (George and Bennett, 2005, pp. 99ff, Ohlson, 1998, p.5). Therefore, this illustration had prompted me to make further efforts to interview and collect more data from other key contact persons who might have more background knowledge about these particular land conflicts though they were all rendered futile. The details that included names, telephone contacts and at times e-mail address of these key contact persons were visible in the appendix of Oxfam report 2011b, however when I used them, none of the emails was replied and with telephone calls, receivers declined giving any details about the conflicts for reasons that some matters are in courts of law like in Case I.

2.2 Data Analysis and Application of Structured Focused Comparison

In order to develop deeper understanding of empirical data and apply the method of Structured focused comparison, I outlined variables, formulated hypotheses named A, B, C, and D with respective indicators\(^4\) or operationalization that were based on to prove whether the hypothesis was supportive or unsupportive when tested against empirical cases. The hypotheses were formulated out of the existing literature about land and land related issues. As seen in chapter 3

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\(^4\) According to Ohlson, “an indicator is a statement about what we can expect to find if the statement is true” he adds that the more the indicators support the proposition, the more it can be considered valid (Ohlson, 1998, p.45).
below during the review of available literature⁵, I compiled four different arguments that labored to give an explanation as to why land appropriations by foreign investors become conflict ridden in relation to local communities. These include a) unclear land legislation and institutionalization of land management, b) livelihood and food security c) investments do not benefit the local communities and d) lack of adequate communication between investors and local communities. Each hypothesis was tested against empirical cases based on the outlined indicator (operationalization) to prove whether it was supportive or unsupportive. Different degrees of correspondences were assigned to represent the level of validity embedded in each hypothesis. Correspondences such as “Low” was used to represent that the hypothesis was supportive to a lesser extent with regards to empirical cases, “Medium” was used to represent the middle stand of the hypothesis and lastly, “High” was used to present that to a greater extent the hypothesis was supportive when tested against empirical cases. The outcomes of all tested hypotheses against empirical cases were later summarized in a table (Table 1) followed by analysis in chapter 6.

During the analysis, a comparison of the results of each case was done according to the respective results of each tested hypothesis so as to trace the similarities and differences among cases. The analysis of results went further to explain why different Cases considered for this study had differing or similar results of tested hypothesis.

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⁵ During the review of available literature, not all that is written on land was reviewed but rather some research materials published in the last ten years i.e. 2003-2013 was more considered. Literature in the mentioned period was considered more in this study because, I tried to dodge old literature and at the same time, because the topic of land grabbing gained more strength and attention in the first decade of this century, literature in this period seemed more useful than that of 1990’s and below.
3.0 Literature Review and hypothesis formulation

Prior studies that have been conducted by academia, NGOs, CBOs, and scholars around the world do provide a very rich insight in answering of research questions. According to Creswell, literature review help researchers in looking at what has been studied and published so far around the topic as well as to understand the study in wider context (Creswell, 2009, p.25). Henceforth, below I review some literature available in varying documents that answered the question under investigation.

3.0.1 What factors make land purchases by foreign investors’ conflict ridden in relation to the local community?

In the proceeding paragraphs, different answers that are being advanced from various publications and researches related to land especially regarding reasons why land purchases that involve foreign investors have ended up in conflicts with the local communities. In summary they include; unclear land legislation and institutionalization of land management, livelihood and food security threat; investments not benefiting the local communities and lack of adequate communication between investors and the local communities. Here below are broadly expanded in the above listed respective order.

3.1 Unclear land legislation and institutionalization of land management

In an attempt to trace the genesis of land legislation uncertainties, some researchers with interest in land issues– in particular land conflicts between investors in land and the local communities – have moved a further step to analyse the colonial land policies that were left in the formally colonized states. Moyo (2003), Obeng-Odoom & Elhadary (2012), and Peters (2004) express that the current land policies, laws and Acts are in some visible ways still affected by the colonial masters’ land tenure which they criticize from the background that, it had other motives that were private such as boosting cash crop production in the agricultural sector or it was designed to keep and maintain migrant labour to work on big established plantations but not exactly designed to guide authentic land tenure security after independence (Moyo, 2003, p.11, Obeng-Odoom & Elhadary, 2012, p.62, Peters, 2004, p.272).

However, this cannot be a generalized phenomenon everywhere in all formerly colonized territories because; after independence, some states – Uganda in particular – moved a further step
and formulated other land related legislations (See for example the Land Reform Decree in Uganda in 1975, the 1995 Constitution of the Republic of Uganda, The 1998 Land Act etc.). Amidst this already noted formulation of laws, faults have been cited widely out of them and these weaknesses have been casted to be responsible for the subsequent land related conflicts in particular conflicts between foreign investors and the local communities. Among these weaknesses include.

1) The existence of more than one tenure system on the same piece of land for example customary land tenure, public land tenure and individual land tenure which is believed to be the first source of confusion. In such scenarios, governments because they are stronger as compared to other land actors are noted to use the authority they have to sell, lease or give out this doubted land in terms of ownership to outside investors. Such transfers of land make investors without delay to conflict with the local inhabitants who claim to be the owners of land though lack titles to prove ownership (Deininger & Castagnini, 2004, p.5, Amanor, 2012, p.734, Owaraga, 2012, p.4).

2) According to Moyo (2003), the land legislations in some areas failed to be as clear as possible about the purposes and co-existence of several land administrative bodies they created. For example as he maintains, bodies ranging from ministries, central government, local governments, regional land committees, big parastatals to land courts which were created are believed to overlap one another because some of these commissions can reverse without consultation the decision made prior by a sister committee(s) (Moyo, 2003, p.20). It is argued further that different legislative commissions resulted into the emergence of Bureaucrats (Local elites such as local business men and women, highly ranking politicians, lawyers and relatives of those in power etc.) in the land management decisions and they are believed to have more land rights, voice and influence regarding land than the local smallholders when compared (Peters, 2004, pp.270-71, 291-301; Galaty, 2012, p.6, Mbabazi et al, 2013, p.22, Manji, 2006, pp.79-85). A noted problem with the above cited examples of elites and the land related conflicts that emerge later as argued by several authors is that these elites often give away, sell or lease out the land they consider “Unused”, “Marginal”, “Idle”, or “Underutilised” to foreign investors to develop it as they deem fit with total disregard of villagers who have strong value attached to the same land (Amanor, 2012, p.735, Peters, 2004, p.292). For example as put forward by Contula &
Vermuelen (2012) and Graham et al (2010), conflicts emerge sooner than later between local communities and foreign investors because; the above quoted lands even though can be not physically occupied at the present time it is appropriated, it is owned under customary land tenure (Contula & Vermuelen, 2012, Graham et al, 2010, p.24). In addition, this land is said to be used for varying purposes that range from shifting cultivation, hunting, grazing, fruit gathering, and natural resource conservation, medicine to harvesting (Boserup, 1965, pp.8ff, White et al, 2012, p.632) hence, very central in livelihood realization of community members and open fights with foreign investors to maintain their reach to such land.

3) Land related conflicts between foreign investors in land and the local communities with specific reference to land legislature, it is also interpreted by some writers on matters related to land that; it is because of either the isolation or sidelining of the traditional land management authorities during the process of putting in place the laws or out of the unclear guidelines in the land legislature itself that can clarify the power boundaries of traditional leaders with regards to land in the areas of their jurisdiction. The traditional land authorities who include among others the elders of the society, paramount chiefs, families, tribes, lineage heads who had several duties such as collecting tithe from land users, maintaining and settling land disputes, distribution of land, guided migrations, sale, inheritances of land on top of ensuring that each and every member of the community had an assured access to land for cultivation and wood (Elhadary & Obeng-Odoo, 2012, p.61, Peters, 2004, p.274, NAI, 2007, p.32, Odendaal, 2011, p.5).

In addition to the above, the eventual institutionalization of the formal land rights by the governments where such land management structures existed or are scanty present even up to date as argued by Fortin & Richardson (2013), and Deininger & Castagnini (2004), was an imposition of the ‘modern or formal’ land ownership structure to the ‘traditional’ way of owning land – customary tenure (Fortin & Richardson, 2013, p.148, Deininger & Castagnini, 2004, p.4). Hence, because governments have “tools of power and enforcement” and can be influenced by the “institutional shopping” that some investors apply to conquer land away from the traditional authorities (Deininger & Castagnini, 2004, pp.3-4), local communities bearing true allegiance to

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6Deininger & Castagnini (2004) coined the term “institutional shopping” to refer to a variety of channels formal and informal that investors apply to acquire land at any cost from the local communities (P.4)
the traditional land authorities with support of civil society groups⁷ are said to have staged vehement opposition to the projects of investors. This is because; as noted by Deininger & Castagnini (2004), some activities that are carried out on land by foreign investors cannot traditionally co-exist with activities the bonafide or indigenous claimants of land do at the same time for example the co-existence of herders and agriculturalists (Deininger & Castagnini, 2004, p.4) because animals are well known for destroying crops. To Künnemann & Suárez (2013) and Smillie & Brownell (2007), the failure to respect the traditional claimants and authorities has resulted into conflicts between foreign investors and local communities because indigenous communities have ancestral values in land such as burial grounds, sacred sites, worship areas, hunting and fishing grounds that they stand at all cost to guard from demolition even when they do not own land formally or legally as demanded by the laws (Künnemann and Suárez, 2013, p.128, Smillie & Brownell, 2007 p.12).

From the above arguments put across by varying authors, the following forms a summary of key issues in land legislative documents and institutions that possibly result into land related conflicts between foreign investors and the local communities when investors appropriate land.

- **Some laws were said to have failed to become clear on the tenure systems that today circumstances are visible where one piece of land has several land tenure systems running at the same time.**

- **The land laws formulated after independence were noted to have created a number of land administrative bodies, committees, commissions and bureaucrats (personnel) to manage land matters but as argued they have ended up overlapping one another and at times causing confusion**

- **The launch of the current land legislature in some areas was noted to have sidelined and later isolated the traditional land management authorities who had managed land and issues related to land for centuries which has resulted into opposition from populations loyal to the traditional land committees.**

From the above arguments, I now formulate the following variable, hypothesis (A) and a respective indicator.

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⁷Such examples of the civil society groups that have come out to fight on the side of local communities to resist land acquisition by foreign investors in Uganda include for example the Acholi Land Forum and the Acholi Parliamentary Forum and they are key in the vehement resistance against Madhavani Group to acquire land in Acholi region of Uganda (Owaraga, 2012)
Variable 1: Land Tenure and legislation

**Hypothesis A:**

*The more the land tenure and legislation remains unclear, or influenced by local elites, the more likely that land related conflicts between foreign investors and local communities’ breakout.*

**Indicator:** To validate the above hypothesis, land tenure and legislation of any piece of land was considered unclear in this study when its ownership was not vivid or certain i.e. when there was a visible doubt of where it belonged specifically with regards to the four constitutionally recognized land tenure systems in Uganda.

More so, land tenure and legislation was considered as influenced by local elites basing on whether they dominated land deals with foreign investors without the full knowledge of local communities, whether they at one moment described some pieces of land as underutilized or unused or whether they retained the mandate to define the legality of occupants on some pieces of land.

### 3.2 Livelihood and food security

Across the developing world, smallholders’ subsistence land use patterns and productivity have been for long criticized as insufficient, ineffective and unsustainable in nature to boost and cope up with the growing food demand worldwide (Künnemann and Suárez, 2013, p.130, Manji, 2006, p.35) and does not enable transformation from “peasant-based culture to modern based society” (Owaraga, 2012, p.3). Therefore, the emergence of large scale investors and corporations in the field of agriculture were seen as a viable and reliable option to cover up the gaps in production. Notable results of large scale land appropriation by foreign investors in the developing world is the increased acreage of land under extensive farming and the quantity of food produced as compared to the past years (Graham et al, 2010, p.22). However, the foreign investors’ appropriation of big chucks of land with the assistance of landlords and host governments’ agents has been somewhat apportioned responsible for contributing to food insecurity threat in the local communities made up mostly by subsistence smallholders. The reasons to account for this argument stems from varying research reports and publications which do evidence that; albeit food is produced in very large quantities, on large scale and in different varieties when foreign investors have assumed land, it is not aimed at local or host country populations’ consumption but rather for export to food insecure but well to do countries.
financially. To make this already established food insecurity grievance worse, it has been too noted that some crops grown by the foreign investors such as Jatropha, Oil palm, Sugar canes, Rubber, cocoa etc. are “Flex Crops”\(^8\) and do not directly contribute to local communities’ food basket. To varying authors, they are aimed at being used to produce biofuels, ethanol, animal feeds, and green agendas (Ongu, 2013, Graham et al, 2010, p.7, Borras Jr. et al, 2012, pp.404-405 Sindayigaya, 2012, p.4, White et al, p.628, Shepard, 2011, pp.31-32, Smillie & Brownell, 2007, p.12).

Hence forth, the susceptibility to food insecurity is argued to have kept most of the societies that have registered massive land appropriations by foreign investors dependant on food aid and other attempts to cope up with food shortages, local communities are noted to have altered their food customs that to date, they have resorted to eating foodstuffs that are not staple and culturally appropriate to them but rather from areas outside their localities or from markets (Graham et al, 2010, p.8). This has formed resentment and a strong ground of mobilisation among the local communities to oppose the projects of foreign investors because without assurance of getting adequate food when land is leased or purchased means at some moment losing life itself.

With regards to livelihoods that local communities derive from owning ‘common goods,’ which is a common phenomenon with societies owning land under customary tenure, conflicts that emergence from local communities almost immediately after the foreign investors have appropriated land are believed to have some straight relationship with the latter’s seizing or enclosing of communities’ common resources mainly water and grazing land (Odendaal, 2011, p.3). As argued by Graham (2010), the protection that host governments give to outside investors in the process of acquiring land has resulted into grabbing of land with accompanied community resources in particular water and pasture from pastoral tribes and other indigenous communities of smallholders (Graham et al, 2010, p.23). The way this is achieved is through erecting ‘enclosures’ (Odendaal, 2011, pp.3-4) that according to Peters (2004) can be physical or legal on the land formally owned by the communities with the visible endeavor of limiting access of other would be interested users (Peters, 2004, pp.302-303). In particular, land that has access to water

\(^8\)Borras Jr. et al coined the term “Flex Crops” to refer to crops that can be used for varying purposes and can easily be interchanged with a lot of flexibility for example corn, oil palms, sugar cane etc. which can be food at one moment, some can be used for animal feed, or they can be converted into energy (Borras Jr. et al, 2012)
is believed to be eyed most by outside investors because, as cited from Graham et al (2010) and Sindayigaya (2012), some crops that investors grow such as Jatropha requires more water intake so as to yield the best results at the onset of the harvesting season (Graham et al, 2010, p.23, Sindayigaya, 2012, p.4)

The reasons why these resource based conflicts between the local communities and the outside investors are kept alive for long is because; a) they result into deprivation of resources from the general community to one big owner leading to the creation of classes which include the class of resource endowed outside investors and the resource less indigenous communities (Moyo, 2003, p.13), b) it forces some categories of people mainly the nomadic and semi-nomadic pastoralists to reduce on their herds or flocks of animals because of limited access to water and pasture deteriorating more their livelihood and social prestige as cattle is a major asset to them (Graham et al, 2010, p,31) and c) the extensive use of pesticides, herbicides, fertilizers and other industrial farm chemicals is cited to have resulted into pollution of the soils that in some instances where such chemicals were used, even the yields of the indigenous crops have reduced drastically in case they are not re-applied. Above all, chemicals have not spared the water sources such as springs wells, rivers, lakes and shallow wells that serve local communities with their daily water needs and several aquatic foods (Sindayigaya, 2012, p.13, Owaraga, 2012, p.4, see also Graham et al, 2010, p.27). Therefore, the concepts “control grabbing” and “enclave model” by Borras Jr. et al (2012) and White et al (2012) respectively can best round up and define this nature of community goods appropriations. In both concepts above, authors used them to refer to the outright grabbing of land with all its associated resources so as to derive benefit from such control (Borras Jr. et al, 2012, p.404, White et al, 2012, p.634).

To summarize the above section (3.3), the following were cited as possible causes of land related conflicts between foreign investors and the local communities.

- **Investors grow food for export to international markets or to their home countries therefore do not contribute to local food markets. And in some instances the local food production and security is threatened by the growth of non food crops on big pieces of land for other purposes other than food.**

- **Investors were noted to seize local communities’ ‘Common goods’ especially water and grazing land by erecting enclosures on land that contains communal resources hardening livelihood realization of mostly indigenous communities**
• The extensive use of Agro-chemicals in the agricultural investments of the outside investors was noted to affect livelihood and economic activities of adjacent communities in terms of pollution.

Therefore from the above arguments, I have generated the following variable, hypothesis (B) and indicator.

**Variable 2: Common resources and food security**

**Hypothesis B:**

*The more the land appropriated contains resources that almost everyone draws some form of satisfaction, or when investments threaten smallholders’ food security, the more likely the outbreak of land related conflicts.*

**Indicator:** The validity of the above hypothesis was based on whether land appropriated by foreign investors contained communal “common good” that were enjoyed exclusively by communities in the past, it also focused further on whether common goods’ access by local communities was uphold or not by foreign investors in case they were available after the land deal.

With food security, the testing of the hypothesis was based on whether acquisition of land by foreign investors had a direct negative effect on smallholders’ subsistence food production, acreage of land under food crops or whether the land deal altered the formally existing food markets that communities relied upon for food supply.

**3.3 Investments do not benefit the local communities**

Before the launch of development projects by foreign investors, locally formulated laws often demand full compensation of the tenants who were occupying and using land. This is demanded so that losses or inconveniences caused are recovered and the dispossessed relocate to other areas with a lot of ease and satisfaction (Benjaminsen et al, 2011, p.23, Tumusiime, 2012, p.2).

However, as noted earlier, some legal frameworks that regulate land related matters today were inherited from the colonial powers at independence and to some authors these old legal frameworks are still a little bit central in the overall land decisions governments undertake to rid of public or unregistered land to private entities. At times, this is done without the consideration of smallholders who cultivate such land to reap livelihood and without compensation for they are
considered or defined as encroachers on the public land (Künemann and Suárez, 2013, p.131, Gerstter, 2011, pp.6-7, Tumusiime, 2012, p.3).

However, it should not be concluded that all local communities or smallholders are not compensated when they are evicted from land be it private or public but rather the subsequent conflicts that occur between the local communities and the foreign investors after the former has appropriated land is attached to the weaknesses in compensation procedures and schemes. Among these weaknesses in compensation that later burst into conflicts between local communities and foreign investors include. Firstly, the compensation schemes are viewed as too low to enable the dispossessed smallholders buy alternative land especially in peri-urban areas (Zoomers, 2010, p.438). The low compensation according to Mbabazi et al (2013) and Byamugisha (2013) is because the evaluation systems are outdated and cannot apply accurately to the current market prices (Mbabazi et al, 2013, pp.10-11, Byamugisha, 2013, p.26). Secondly, in some instances where the ownership tenure is not concrete or definite – mainly under customary tenure, compensation is only limited to improvements made on land like the current crops in gardens or what Tumusiime (2012) refers to as “standing crops”, trees planted and houses in cases where they were permanent but not for the land itself (Zoomers, 2010, p.438, Tumisiime, 2012, p.2, Byamugisha, 2013, p.25ff). Sometimes, occupants on such indefinite land are not compensated because it is interpreted that land was taken in the interest of the public or nationals for example to establish public health facilities, boost economic growth etc. (Obeng-Odoom & Elhadary, 2012, p.68, Corson and MacDonald, 2012, p.273, see also Tumisiime, 2012, p.2).

Thirdly, conflicts come up from among the local smallholders against outside investors because in some common instances what is compensated does not go direct to their pockets but rather to the general public especially land contracts that demand investors to develop infrastructure like roads, ports, airstrips etc. (Makutsa, 2010, p.9). Lastly, compensation schemes are seen as inappropriate because at times the focus is limited and cap tied to the instantly affected communities but does not extend to look far ahead to cater for the adjacent communities who almost suffer the same losses especially when foreign investors are contracted with land to establish big infrastructures (Künemann and Suárez, 2013, pp.125-130) like Hydro- Electric Power (HEP) generation which ends up impacting on them when the courses of water flow are
reversed. Therefore, the outcome of failure to fully refund such categories of local communities has resulted into the said belligerent relationship as they stand in the ways of foreign investors to sabotage the pace of investments.

In the above scenario, compensation can be considered as pre-investment benefit that the local communities claim that they are entitled to receive coming directly from the major parties that might be involved in the land deal but especially foreign investors. At this point, I turn the focus to during or after-investment benefits’ gaps that several researchers have so far noted to be responsible for the conflicts that occur between local communities and foreign investors who have acquired land.

According to Gerstter et al (2011), foreign investors’ plans always portray and promise how the investments they are going to undertake on land will provide a win-win contract between them, the local communities and governments of host states. Top list of the most highly promised and expected benefits that the local communities dispossessed and those who live in close proximity who can in one way or the other be affected all rotate around the creation of more off farm jobs, development of infrastructures, technological transfers, and widening of the existing markets among others (Gerstter et al, 2011, p.12).

However, it is noted further that conflicts emerge between local communities and the outside investors because, the acquisition or appropriation of land by investors has in some instances not resulted into development of land but rather, the gaining of ownership is noted to have helped the very investors to achieve other hidden and self-centered goals. For example attainment of collateral security that later enables them to reap loans from financial institutions or keeping land for commercial or speculative purposes that in the end make the locally evicted communities benefit nothing or little from the guarantees made prior (Graham et al, 2010, p.7, Gerstter et al, 2011, p.12, Mbabazi et al, 2013, p.13, Peters, 2004, p.298).

Focusing more at employment – one of the major promises to the smallholders, it is observed that, jobs created by foreign investors after they have assumed land have a lot left to be desired. Numerous flaws have been made out of these jobs created for example the seasonality nature of jobs that recruits attain mostly in the agricultural pick seasons of planting, weeding or during harvesting, most jobs are informal and therefore designed for the unskilled workers, the recruits
are in most cases awarded ‘peanuts’ as remuneration. To some female employees, they are noted to be harassed or at times exploited sexually, and the registered failure by the employers to improve the working conditions for it is noted that the safety or protection gears from dangerous chemicals used on farms is often inadequate. Furthermore, the highly paying permanent jobs are pointed out to be enjoyed by the skilled but proportionately cheap migrant labour that outside investors outsource (Mbabazi et al, 2013, p.26, Shepard, 2011, pp.31-32, Sindayigaya, 2012, p.13, Ongu, 2013, Zoomers, 2010, p.438, Smillie & Brownell, 2007, p.12, Graham et al, 2010, p.28). In addition, the installation of mechanized farming by some foreign investors has led to fewer jobs than expected by the local populace and further conflictive relationship among smallholders and the outside based investors. This can transform and back up the argument advanced by White et al (2012) and Peters (2004) that, instead of absorbing more labour force into the production process, it is rather downsized due to technology transfer that foreign investors apply on the established developments (White et al, 2012, p.624, Peters, 2004, p.281).

In summary, the above section provides the following as potential reasons that can possibly explain the emergence of land related conflicts between foreign investors and the local communities.

- **Some land pieces given, sold or leased to foreign investors do not fetch or demand compensation to smallholders because the land is at times considered public owned, unregistered or its interpreted that land was acquired in the interest of the public**

- **In instances where compensation was carried out, it was criticized for being low for it is based on outdated evaluation systems or it was condemned at times for being limited to only developments put on land but not for land itself especially in areas under customary land tenure.**

- **Compensation is at times directed to improving infrastructure in the country where land is acquired but not to be received individually by the dispossessed local communities or at times does not reach adjacent communities who suffer reasonable costs.**

- **In instances where jobs are created, conflicts were noted to emerge because jobs are often of poor quality in terms of compensation with at times poor working conditions or at times limited by the outsourcing of cheap labour and use of mechanization by investors.**

From the above arguments, I have generated the following variable, hypothesis (C) and a respective indicator.
Variable 3: Local communities’ direct benefit

Hypothesis C:

The more the foreign investors fail to provide direct benefits to local communities, the more likely that land related conflicts emerge.

Indicator:  In order to validate the above hypothesis, direct benefits to local communities specifically referred to gains that accrued to individual persons or families but exactly communal collective benefits that can be even enjoyed by even other communities not directly affected by the land deal. Therefore, the validity judgment centred on whether affected families were fully compensated by foreign investors for the loss of land rights, and again it focused on whether local communities were availed with assured, fairly enumerating on farm or off farm jobs by investors after the launch of development projects or not.

3.4 Lack of adequate communication between investors and local communities

In the search of reasons that are at play to explain why land appropriations by the foreign investors have become conflict ridden in relation to local communities, several researchers about land have advanced arguments that in some common moments it is because of the failure to have regular communication between investors and local communities where the former appropriates land. Analytically, this communication can be divided into two broad sects i.e. pre-communication of the land deal proceedings before land is appropriated and the post communication between the local communities and the investors after the land has been acquired and investments have commenced.

Beginning with the first sect, governments, landlords and investors are noted to be none considerate and at times less concerned to engage, consult and attain local communities’ consensus before the land deals are completed. This is why such land deals have been branded as secret, obscure or opaque land deals which consider the sellers and buyers without the local level knowledge (Gerstter et al, 2011, p.14, Sindayigaya, 2012, p.14, Mbabazi et al, 2013, p.14).

The charge for the outbreak of conflicts between local communities and foreign investors after the land has been acquired in great obscurity is noted to be shared proportionately by the active participants mainly governments of host states and foreign investors themselves. For foreign investors, they are blamed for not trying to understand exhaustively legal procedures through
legal experts in the host states to establish whether the deals are lawful or not (Gerstter et al, 2011, p.14) making the first communication crack. Furthermore, in circumstances where foreign investors have acquired legal experts, conflicts that erupt between them and local communities as explained by Mbabazi et al (2013) are out of the reluctance that the investors demonstrate to thoroughly monitor and oversee the work done by the personnel they assign responsibility. To polish this argument, the same authors note that at times, the appointed personnel centers and utilizes the illiteracy and ignorance of the smallholders by turning the signed papers that indicate for example that the communities attended a meeting with them into consent forms indicating that communities have accepted the land transfer and even compensation has been received (Mbabazi et al, 2013, pp.7-11) which end up catalyzing the hostile relationship. Hence, the cause of such conflicts in this particular section can be that there is no direct line of communication between the investors and the local communities but rather their communication is through “brokers” who have not fully delivered as expected and grievances of especially smallholders have not been rectified.

For governments on the other hand, they are blamed for using their “powers of exclusion” such as the police and other armed forces that just discard almost all smallholders after the deal is done with their favourite developer of land (White et al, 2012, p.633). In such scenarios, host communities are noted to oppose even investment projects they would have supported and be part of because the overall terms and conditions that are going to guide the investments are secret as local communities are not always formally represented (Contula & Vermeulen, 2011, p.44). Therefore, thinking out of suspicion especially being uncertain of the direct beneficiaries of land and other assets at the elapse of the land contract, is noted to be at the center of spurring the local communities to block the progress of investments made by foreign investors. As cited from White et al (2012), at the expiry of the land leases, land and other infrastructure on the land is a common incidence that it does not return back to those who we evicted on land or their descendants but rather to the government or its agents who use the facilities for their own benefit (White et al, 2012, p.635). Consequently, with this lack of communication going direct to the smallholders, coupled with High financial costs involved in court litigation without forgetting institutional bureaucracy surrounding courts (Obeng-Odoom & Elhadary, 2012, p.66, Mbabazi et al, 2013, p.17, Tumusiime, 2012, p.2) is believed to have taken over local communities to resist
or to intentionally sabotage the projects that outside investors establish on land something that has kept conflicts between local communities and foreign investors alive.

Lastly, by looking at the post-land deal and during investment process none communication between local communities and foreign investors as the second sect of none communication, land related conflicts after investments have commenced are argued to be connected to ways foreign investors isolate or detach themselves away from the local communities. This in the end does not foster exchange of knowledge and skills, risk sharing among others with even the most adjacent local communities (Gerstter et al, 2011, p.16). In addition according to Amanor, instead of the outside investors having strong ties, communication and complex relationship with the local communities of smallholders who have lost land, they prefer dealing and maintaining co-existence with other big corporations and companies that are trans-national in nature. To explain this, he argues that; the locals cannot maintain the international quality controls, standards, Grades, technology and skill updates apart from the few who he referred to as “highly competitive smallholders” (Amanor, 2012, pp.735-736). In such a case, it is observed that because the investors live apart from the local communities, they have failed to forge relationship, friendship or brotherhood with one another so it seems that even the annoying but simple to solve problems or mistakes remain unresolved and consequently burst into open conflicts.

From the above section, the following summarizes key arguments that have been cited to possibly result into land related conflicts between local communities and foreign investors.

- The secrecy or obscurity of the land deals that the local communities are not involved in the signing of the land transfers and in other instances use of armed forces or “powers of exclusion” is employed to enforce eviction.

- Investors were noted to be less mindful to involve legal experts in the countries they appropriate land so as to establish whether the deals are lawful or not. And in situations where they have done so, they are criticized for not supervising the work done to see to it that smallholders receive communication and are involved.

- And lastly, in instances where land deals were successful, conflicts were cited from the failure by the foreign investors to exchange skills, knowledge, risk sharing etc. for they detach themselves from local communities and prefer communication with big investors elsewhere than smallholders.
Therefore from the above arguments, I formulated the following variable, hypothesis (D) and a respective indicator.

**Variable 4: Communication**

**Hypothesis D:**

*The more the land deals becomes obscure at all phases, the more likely the emergence of land related conflicts.*

**Indicator:** To validate the above hypothesis, the degree of obscurity or secrecy was based on the extent to which local communities were involved in the land transfer deals as active negotiators, in addition, it was also based on whether there were reported incidences that some smallholders were evicted by surprise, whether there were ultimatums issued to occupants to vacate land and lastly on whether there were reported deployment of armed forces to enforce local communities comply with eviction orders or not.
4.0 Context of Land in Uganda

This chapter looks at two pertinent issues that I have considered relevant in the understanding of how land is regulated in Uganda and at the same time it briefly glances at how land in Uganda can be considered a globally demanded property.

4.1 Land Legislation in Uganda

This section looks briefly at some of the major land legislations that have been drafted and passed by the government of Uganda with the view of creating tenure security and clarification on land ownership related matters.

Briefly, according to Platteau (1996), land tenure rules have been for long considered problematic in sub-Saharan Africa and as he records, this formed one of the reasons why some world institutions like the World Bank had earlier distanced itself from intervening in land reform matters (Platteau, 1996, p.1). At independence in 1962, Uganda was among the few countries on the African continent along with Kenya and Zimbabwe that had history of formally recognized land tenure and individual titling of land (ibid, p.38).

The year 1995 can be taken as a turning point in the history of formal land ownership in Uganda because almost all recent land legislations, Acts and policies borrow and always refer to the provisions in the 1995 constitution of the Republic of Uganda. According to the constitution, land belongs to the citizens of Uganda and there are only four recognized forms of land tenure namely: - Customary land –referring to traditional system of owning land by the community, clans, families or individuals. Mailo land –referring to land created by the 1900 Buganda agreement and it is land that was given to the Buganda chiefs in and outside Buganda. Freehold – referring to land with unlimited ownership and the owner has power to it pass to another person and lastly, Leasehold – referring to land owned based on an agreement with the owner of land who allows another person to take possession and use of land to the exclusion of anyone else for a specified or limited time (Article 237, (1&2)).

The 1995 Constitution however maintained some of the provisions that were contained in the 1975 Land Decree (to be elaborated more in the appendix) for example; it remained clear in Section Three of the same article that “the government or local government may acquire land in
“the public interest”. The smallholders’ land tenancy security is protected by this constitution from the ground that; it is clearly noted that ‘persons who were Lawful⁹ and Bonafide¹⁰ occupants of the Mailo land, freehold and leasehold land before the October 8, 1995 – when the constitution began operating – have rights of occupancy and their ownership shall not be interrupted or disturbed by registered owners (Article 237, (6) C).

Shortly in 1998, there was enactment of the 1998 Land Act (Cap 227) and according to some authors it was seen as one way of decentralizing land administration and management so as to strengthen the security of tenure to tenants (Mugambwa, 2007). The 1998 Land Act brought some clarity on how a tenant can change from one form of land tenure to another legally. For example, changing from customary ownership to leasehold, the procedures for obtaining a customary land ownership certificate or a communal land certificate, gave provisions that sought to improve the situation of women with regard to land ownership. It also outlined a number of created committees and formal organs to manage land registration process, clarified on how tenants can obtain certificates of occupancy from landlords, put in place procedures of resolving land related conflicts. And above all, the procedures of how non-citizens¹¹ of Uganda (Foreigners) can acquire land were too elaborated together with other dos and don’ts that have missed this mention (The 1998 Land Act).

Critical to note here about the 1998 Land Act is the establishment of the legally accepted and expected annual ground rent to be paid by a tenant to the landlord. The rent was fixed to a maximum of 1000 Uganda shillings (UGX) per year irrespective of the area and location of land (The Land Act 1998). According to Sserunjogi of The New Vision while quoting the same Act,

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⁹According to the 1995 Constitution of the Republic of Uganda, (Article 237, (6) C) A Lawful occupant is a person who before the coming into force of the constitution had stayed on and used the land with the permission of the owner or a person staying on the land, which he or she has bought or a customary tenant staying on the land without having been compensated by the owner.

¹⁰A Bonafide occupant is a person who has stayed on and used the land, or improved the land for not less than twelve years without being unchallenged, disturbed or asked to leave by the owner. It also applies to a person who has been settled on the land by Government or its agent (ibid, The 1998 Land Act)

¹¹The 1998 Land Act aimed at enabling smallholders on unregistered lands to formalize their tenancy by applying through the created land committees so as to get tenancy certificates as groups or as individuals, aimed too at safeguarding the land rights of women because for long, customary laws had inhibited them from owning land or even to inherit it from deceased relatives. It also as well as to lay a formal framework on how foreigners were to acquire land.
the annual ground rent was kept as *nominal in nature*\(^{12}\) because peasants cannot afford commercial rent (Sserunjogi, 2013). However, the 1998 Land Act further instructs that the annual ground rent payable by a tenant is liable to revision by the responsible minister after five years but not going beyond 1000UGX (ibid). However, by 2000, the alleged lack of funds introverted and even blocked the establishment of several bodies and organs such as the land tribunals at districts, sub-counties, and urban areas that the Act had proposed (Rugadya, 2009, p.2). Hence, all the efforts made by the legislative arm government to create tenure security to smallholders in Ugandans through legislature were somewhat rendered futile.

4.2 Uganda and the Global Demand of Land

*This section puts demand of land in Uganda in a global context whereby it portrays a situation in which international development plans, conventions, agreements and ‘pressures’ outside the country end up being implemented in Uganda for several reasons and in different ways.*

By observing the future land use patterns and demand projections carried out by Food and Agricultural Organization (FAO) a United Nations agency, developing regions of sub-Saharan Africa and Latin America are at more risk of experiencing furious land conflicts. This is because, the expansion of the arable land is expected to stand at 120 million hectares in the aforementioned regions and on the other hand, a 50 million decline of the same land in the developed countries by 2050 (FAO, 2013, UNDP, 2012, p.1). This communicates that land demand will intensify further in the developing world among which Uganda lies because even the local land demand does not decline but rather soars to higher levels due to population growth, infrastructure development, wildlife conservation, industrialization, urbanization among others.

Apart from increase in arable land alone, previous studies that have been published so far designate that every year, the demand for non-agricultural land in developing regions and Uganda in particular is increasing. This is attributed to increased investments in ‘Global planetary Health’ or ‘green agendas’ (DevNet, 2011, p.10, Fairhead et al. 2012, pp.239ff), timber, paper, textiles, biofuels and other renewable energies that require large pieces of land (Scheidel & Sorman, 2012, pp.588ff, Oxfam, 2011a, p.7). Uganda to which this study is focused is a signatory of several environmental protocols and conventions such as the 1992 Rio de

\(^{12}\) The Oxford dictionary defines the word “nominal” as something very small far below the real value or something not necessarily corresponding exactly to the real value.
Janeiro Earth Summit\textsuperscript{13}; the nation is also a signatory of Kyoto Protocol\textsuperscript{14} since March 2002 among other global environmental commitments. Being an active member of such world conventions or protocols can be said to have necessitated and legitimized the coming up of several foreign land investors investing in environmental health as well as dealing in a profitable business of selling carbon-credits to international buyers abroad. The help given to foreign investors by Uganda’s government agencies such as National Environment Management Authority (NEMA) and National Forestry Authority (NFA) cannot be under estimated (Oxfam, 2011) especially in process of acquiring land. As a result, it is visible in Uganda today that large plantations of monoculture tree species have been established in different areas of the country (Oxfam, 2011, Fairhead et al. 2012, pp.239ff). The outcomes of these varying investments are mixed for example, they have resulted into land related conflicts between foreign investors and local communities because the former claim that this is land grabbing away from them without consent or at times without fair compensation. Hence, it is now uncertain whether FDI must come with land related costs that affect smallholders directly or it is because the process of acquiring land has been mismanaged by responsible authorities.

\textsuperscript{13} Ministry of Environment 2002
\textsuperscript{14} The Kyoto Protocol for example in Article 2 a (ii) demands “protection and enhancement of sinks and reservoirs of greenhouse gases [……..] Promotion of sustainable forest management, afforestation and re-forestation” to member states which are part of this protocol
5.0 Findings of the Study/Empirical Cases in Uganda

Before the presentation of results, it is worth defining the term “conflict” because it forms the dependent variable of this study. According to Ohlson (1998, p.32), “conflict is a social situation in which at least two or more parties at the same time try to acquire the same set material or immaterial resources, of which is not enough to satisfy all parties simultaneously”. Hence, in this study conflict is characterized of both latent and manifest conflict relationship between foreign investors and local smallholder communities with features such as confrontations, resistance, violence, legal suits, malicious damage and enforcement. As noted in the Methodological chapter (2.1), a total of two cases were put into consideration namely; the case study of Mubende and Kiboga Forest Reserves evictees versus New Forests Company (Case I) and Buggala Island Residents-Kalangala District versus BIDCO (Case II). They are presented below after brief overview of each of the case’s history and major parties involved (soaking and poking) as so to generate a proper dissimilarity of one case from the other.

Case I: Mubende and Kiboga Forest Reserves Evictees versus New Forests Company (NFC)

This is the first case that I considered relevant for this study because it is among the highly conflicted land deals between local communities and foreign investors and also attracted attention of many different media houses both in Uganda and abroad who wrote about the land indifferences in a way that can be considered inclusive. Apart from media, other bodies especially NGOs most notably Oxfam and Friend of the Earth International (FoEI), had other reports that were published about the overall land deadlock that locked up the two geographically neighboring districts of Kiboga and Mubende all located in central Uganda.

NFC is based in United Kingdom and has a number of forest plantations in Africa in countries of Mozambique, Tanzania, Rwanda, and Uganda. The company’s businesses ranges from selling of carbon credits (Kron, 2011), running sawmills, board factories, distribution of timber and treating of mainly electric poles. The NFC is said to have investors ranging from the World Bank’s private investment arm, European Investment Bank (EIB) and the Hong Kong and Shangai Banking Corporation (HSBC) (Kron, 2011, Oxfam, 2011a, p.15, Serwajja, 2012, pp.6-

15 www.newforests.net
7). The local communities on the other hand located in areas of Namwasa and Luwunga Central Forest Reserves (CFRs) were reported to be mainly subsistence farmers who depended on their farms for survival and income by growing a range of crops such as matooke, cassava, sweet potatoes, irish potatoes etc. while others kept some domestic animals and poultry on a small scale at the same time (Logler, 2011). Settlers in the CFRs according to reports had varying histories of settlement in areas they were evicted from. For example, according to Vidal of the United Kingdom based newspaper – The Guardian, some evictees claimed to have received land they were dispossessed from by the government of the late President – Idi Amin – in 1970’s because their families had fought in the Second World War while in Egypt or Burma on the side of Britain while others claimed to have bought land legally (Vidal, The Guardian, September 22, 2011, see also Oxfam 2011a, p.16). In addition, according to Logler 2011, other residents claimed to have inherited land from their parents while others claimed to have been gifted with land by earlier occupants in the years of 1980’s (Logler, 2011).

**History of land deal**

As reported, NFC begun negotiations with the Government of Uganda in 2004 to secure rights to use land in the CFRs of Namwasa and Luwunga located in Mubende and Kiboga district respectively in central Uganda (Logler, 2011). In 2005, a Ugandan government body known as National Forestry Authority (NFA\(^{16}\) granted a 50 year lease over these forest plantation areas to NFC to plant trees. In addition, after the successful grant of the land lease to NFC, the NFA is noted to have authorized the eviction of over 20,000 local residents and this followed in February 2010 in Mubende district (Namwasa Central Forest Reserve) covering 8,958 hectares of land. In Kiboga district, the process was between 2006 and July 2010 where all those who occupied the Luwunga CFR covering 9,383 hectares of land were evicted (Gyezaho, The Daily Monitor, September 24, 2011, Oxfam, 2011a, p.15, Oxfam, 2011b, p.3). The eviction is reported to have been effected by the use of police and army who at some moments were reported to have used force to make residents vacate land so as tree planting could commence (ibid).

The aftermath of the above noted leasing of land and eviction ‘encroachers’ or ‘trespassers’ as referred to mostly in various reports bred battles and conflicts between investors especially NFC

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\(^{16}\) NFA was established in 2003 by the National Forestry and Tree Planting Act and it’s responsible for management and development of CFRs among other duties (Logler, 2011).
employees and the victims of forceful eviction. These conflicts are reported to have manifested in various forms for instance, three different lawsuits against NFC, NFA and Attorney General were filled in the high court by some facets of the evictees in 2009 whereby two cases were filled by victims of dispossesson in Namwasa CFR and one from residents who had been evicted from Luwunga CFR (SGS\textsuperscript{17}, 2011). It’s further noted that the court issued interim orders halting any further eviction of residents found in the affected areas until matters were resolved in the same court of law (\textit{ibid}, Oxfam, 2011b, Logler, 2011). Other conflicts were manifested in attacks on NFC employees, burning down houses of residents who had resisted relocation and destruction of developments\textsuperscript{18} that NFC had established on land that former local communities occupied.

On May 25\textsuperscript{th} 2009, SGS certified Namwasa CFR on behalf of the Forest Stewardship Council (FSC) because it had complied with the partial certification requirements set and hence NFC qualified to sell its carbon-credits to global markets under the Clean Development Mechanisms (CDM) (SGS, 2011, Logler, 2011). To date as part of corporate social responsibility, NFC is noted to have engaged in the rehabilitation of schools surrounding the CFRs, construction of staff quarters to some schools, stocking of libraries with books and some computers, water sources among others\textsuperscript{19}.

Hence, in the proceeding paragraphs below, I now present the factors that have been claimed to be responsible for the outburst of land related conflicts when land in both CFRs was leased to a foreign investor (NFC) and local communities. They are presented in relation to each variable that I formulated in chapter 3.

### 5.1 Land tenure and legislation

Land conflicts between local communities and NFC with regards to this variable in this case is reported to have rotated more on how the population that settled in the CFRs moved on the land and with whose authorization. The problem ranged that settlers claimed to have stayed on land

\textsuperscript{17} Société Générale de Surveillance (SGS) is a multinational company with headquarters in Geneva Switzerland and offers services such as inspection, verification, testing, and certification of quality, weight and quantity of goods put on market on requirements set standards by governments or standardization bodies (\texttt{www.sgs.com})

\textsuperscript{18} It was at one moment reported that one of the tree plantation in Luwunga CFR was set ablaze by suspected evictees when one of the daily newspaper was quoting E. Greenland - the manager of the reserve (Ndyasiima, The Daily Monitor, February 15, 2011).

\textsuperscript{19} \texttt{www.newforests.net}
for long for example, some are reported in the Oxfam report to have been on land since 1970’s when the then government of Amin awarded them land because they had fought in the Second World War in Egypt or Burma but lacked legal documents to certify their occupancy (Oxfam, 2011b, p.3). In addition, the land tenure and legality of local communities is noted to have been intensified by the fact that; for long, all areas in the CFRs of both Namwasa and Luwunga had functioning local councils\(^{20}\) from the village levels up to the district, government aided schools and health centres, churches, gardens and among others (ibid, Ndyasiima, 2010). At the end of it all, as put forward by Oxfam 2011b, some local communities considered themselves living on land as customary tenants, some as bonafide occupants because they had spent a minimum 12 years required under the 1995 constitution of the Republic of Uganda for tenants to fall in this category while others are noted to have considered their tenure as lawful because they had stayed on land with authority from government agents\(^{21}\) of that time. However, NFA dismissed all the tenure claims that victims provided claiming that all land in the CFRs was created long time ago by colonial masters, they had not been de-gazetted and no one was expected to occupy and use it in the manner smallholders had done. Therefore, occupants were branded ‘encroachers’ of protected forestry land by NFA and “kicking them out was justified” (Oxfam, 2011b, p.2ff, Butagira, The Daily Monitor, January 10, 2012)

5.2 Common resources and food security

To begin with, it was noted by both The Daily Monitor and The Independent that; following the acquisition of the land lease by NFC from NFA, the community schools and one health centre that were initially established by communities and later taken over by government in Luwunga CFR were demolished by NFC after the land lease. The reportedly demolished schools included Kambugu and Seeta Primary Schools all located in Kibiga Sub-County Kiboga district (Ndyasiima, 2010, Habati, 2011). In an equally related development, Oxfam report further demolition of another community primary school in the name of Bright Future that was located in Namwasa CFR in Mubende district which structures, desks and chairs are reported to have

\(^{20}\) Among the legally recognized Local Councils (LCs) with legally elected respective leaders or chairpersons in the CFR included for instance the LCs of Seeta, Kabukokwa, Sirimula, Kabatwa A & B, Kambugu, Kayindiindyi etc. (Ndyasiima, 2010) were represented at both sub-county and district level.

\(^{21}\) A reflection to understand the meaning of terms bonafide and lawful occupant can be made in chapter 4 (footnotes 9 and 10)
been dismantled and later set on fire by the police (Oxfam, 2011b, p.7). Returning back to Luwunga CFR, a community health centre in the name of Seeta Health Centre in Luwunga CFR is reported to have been not spared during the process of demolition by NFC employees (Ndyasiima, 2010, Vidal, 2011).

With regards to food security, conflicts between local communities and NFC are too reported to have been brewed by the failure to allow smallholders harvest their matured crops and to relocate or sell off their livestock. This is because, it is reported that NFC employees butchered animals that belonged to the smallholders accompanied by cutting down crops (Logler, 2011). Crops mainly banana and cassava plantations that evictees had planted on the land they occupied was cut down in Luwung CFR by the alleged security officers, police and causal labourers that were brought by the company to do the work of eviction (ibid, Oxfam 2011a, p.16, Vidal, 2011, Oxfam, 2011b, p.6, Bahati, The Independent, November 03, 2011). According to Logler 2011, the uncontrolled cutting down of crops that belonged to the local communities left them food insecure and vulnerable to food shortage than before because some were left landless. Therefore, this section designate that the clash between smallholders and NFC was as a result of destroying especially the social service centres of communities mainly schools and a healthy centre and the intended cutting down of the already grown food plantations that smallholders had planted on the land.

5.3 Local communities’ direct benefit

In the first place, conflicts between NFC and local communities were reported to have stemmed from the failure to compensate the former for the loss of land with all the associated property. For example, out of the estimated 1,489 (Oxfam 2011c) families that were registered in Namwasa CFR, only 31 families were eligible for compensation by the Uganda’s Ministry of Water and Environment because they were able to “demonstrate residence on the land since before 1992” and none of the affected families was legible for compensation in Luwung CFR (Oxfam, 2011a, p.15, see also Gyezaho, 2011 and Bahati, 2011). To add on, even the above noted 31 families\(^\text{22}\) were reported to have not been instantly compensated and as a result they

\(^{22}\) These 31 families qualified for compensation because they have some supporting documents that indicated how they settled on land and the kind of land tenure that was guiding them unlike the remaining families that had no single backing document.
forcefully remained on land covering 20 ha in Namwasa CFR as NFA and the responsible ministry was working out measures to relocate these families (SGS, 2011). In addition, although its noted that NFC was willing to compensate smallholders for losses suffered, its alleged further that it was barred by NFA from compensating any of the local residents who were dispossessed because the Ugandan laws does not allow encroachment on forest designated lands (SGS, 2011). In Luwunga CFR, emergence of conflicts is also cited from the NFC’s failure to honour the memorandum of understanding reached at between Kiboga District Local Government and NFC earlier before forced evictions in August 2008 that included awarding the historic residents an alternative 2 square miles piece of land for five years (Ndyasiima, The Daily Monitor, March 8, 2010). Oxfam validate this claim by commenting that, in the above stated year, the district officials reached a memorandum of understanding with the representatives of NFC that historic residents of the land in question would be availed with 2 square miles alternative land for a period of five years however, it was reportedly noted that NFC did not comply to the memorandum following the acquisition of land (Oxfam, 2011b, p.5)

Looking at other benefits after the launch of investments, it is not disputed that NFC created a number of jobs that included those of professionals and the unskilled. However, some reports designate that jobs created by NFC to benefit especially the local unskilled and evicted community members are not consistent in nature that they are attained causally and above all, it is reported further that some smallholders were manipulated in the way that the wages promised at the end of the month is not what they receive after they have worked23 (Kron, 2011, Logler, 2011).

5.4 Communication

Media has it that, consultation, communication and information delivery vis-à-vis land transfer from local communities to NFC was insufficient and inadequate. For example, Francis Longoli who was among the victims of forced eviction was quoted in The Guardian claiming that they were not properly consulted, not compensated and were not given alternative land for resettlement (Vidal, 2011). The land deal is reported to have involved mostly NFA and NFC representative though after registering some forms of communities’ resistance, local leaders

23 Kron (2011) notes in the Guardian Newspaper that Mr. Tushabe after he was evicted took a company job and was promised more than 100 US dollars each month but received only about 30 at the end of the month which was lower compared to what he earned before when he owned land.
especially chairpersons of Local councils, Ministers and Resident District Commissioners (RDCs) were reportedly involved to see how matters were to be handled. Communication is also argued to have been received by some local communities in form of ultimatums that a meeting which involved among others the Minister for Internal Affairs, Minister for Water and Environment, Minister for Lands and Mubende district RDC at Mubende district headquarters gave occupants between 12th and 28th February-2010 to vacant the land (Oxfam 2011b, pp.6-9, Kron, 2011). None communication with smallholders was enforced by the cited use of armed forces both government and private to evict encroachers from land. Reports indicate that the deployed forces enforced evictions and at the same time regulated those who wanted to go back on the land they had forcefully abandoned to search for valuable properties they had left behind. Hence, as reported, anybody who attempted to go back risked being attacked by the force guarding the premises (Vidal, 2011). With a field based evidence, Oxfam polishes the above claim by quoting Christine who lived in the Village of Kayindiyindi in Luwunga CFR- Kiboga district for 20 years and was dispossessed from land with a family of six, abandoned the home which was later strictly shielded not to allow any of them pass by and pick anything neither from the house nor from the garden (Oxfam, 2011a, p.15). Hence, the armed forces formed pillars that stopped local communities from not only accessing abandoned property, but also not to have direct contact or communication with directors of NFC.

**Case II: Buggala Island Residents Kalangala District versus BIDCO**

This is the second case (Case II) that has been considered in the study because it is composed of several land related conflicts that emerged between the local communities living on Buggala Island located in Lake Victoria in the district of Kalangala and BIDCO.

BIBCO Uganda Limited is noted to have come into existence after the Government of Uganda (GoU) launched the Vegetable Oil Development Project (VODP) in 1998. The oil palm project located in Kalangala district is a joint venture between the GoU, Wilmar Group of Malaysia, Josovina Commodities of Singapore, and BIDCO oil refineries of Kenya supported by both IFAD and World Bank24 (FoEI, 2012, p.10, Serwajja, 2012, pp.6ff, Piacenza, 2012, p.3). The project is a public-private partnership and it is considered a single largest FDI in Uganda.

\[\text{24} \text{www.bul.co.ug}\]
approximated to be equivalent to $150 millions\textsuperscript{25}. The company’s industrial complex however is not located in Kalangala district but rather in Jinja district in eastern Uganda for reasons that Jinja being an old industrial town in Uganda had already established sewage plants than Kalangala\textsuperscript{26}. The company produces a range of products such as fats, oils, soaps, margarines, baking powder in different brands and sizes and it is considered a largest manufacturer of such products in East and Central Africa (FoEI, 2012, p.10). In the district, oil palm growing is noted to have led to growth and development transport systems especially water transport and road networks within Lake Victoria, improvement in the health service delivery, boost in tourism, extension of piped water among other related general benefits (Kalangala District NGO Forum, 2009, p.10).

The local communities in Kalangala district and in particular Buggala Island according to Piacenza (2012, p.7) were more engaged in fishing activities than agriculture and hence fishing was a major source of income and livelihood before the launch of oil palm project. However, other activities such as trade in hard wood timber harvested in the tropical rain forests located within Lake Victoria islands, growing of food crops such as cassava, sweet potatoes and banana on small scale and rearing of animals like cows, goats, poultry among others apart from sheep which are a taboo in the whole district and it is traditionally strictly prohibited from being brought to any of the islands including any of its products were also carried out by some smallholders (Ministry of Finance, Planning and Economic Development, 2000, pp.3ff).

As discovered, Kalangala Oil Palm Project as an aim of planting 10,000 hectares (ha) of oil palms on one of the 84 islands forming Kalangala district known as Buggala in Lake Victoria (Babyestiza, The New Vision, October 17, 2009). Of the 10,000 ha of land, its noted that about 3,000 ha was public land leased for 99 years to the company by the GoU obtained by degazetting some forest lands (Piacenza, 2012), 3,500 ha was purchased from individual Mailo land owners by the government on behalf of the company and the remaining 3,500 ha was to be from smallholders and outgrowers (Kalangala District NGO Forum, 2009, pp 3-4). Out of the 10,000 ha, BIDCO was allocated with 6,500 ha to plant and manage oil palm trees and the remaining 3,500 ha was planned to be under the outgrowers’ scheme with funds coming from

\textsuperscript{25} ibid
\textsuperscript{26} ibid
GoU, BIDCO and IFAD (Tenywa, The New Vision, April 18, 2013, Piacenza, 2012 p.19). In 2006, the Kalangala Oil Palm Growers Trust (KOPGT) was formed to work as an umbrella organization for farmers especially outgrowers who had been contracted to grow and later sell oil palms to BIDCO (Babyestiza, 2009). As a result of oil palm growing activities and expansion of acreage under extensive oil palm trees, land related conflicts were noted to have emerged from among local communities against BIBCO representing foreign investors in this case.

Therefore, in the paragraphs below, I present the factors that have been claimed answerable for the eruption of land related conflicts between BIDCO and local communities located on Bugaga Island. They have been filtered out of what has been reported in media, publications of NGO, CBOs most notably the Kalangala District NGO Forum as well as individual research reports. More so, they are presented in relation to each variable that I formulated in chapter 3.

### 5.5 Land tenure and legislation

In Kalangala district, according to Piacenza (2012) and Kalangala District NGO Forum (2009) reports, Mailo land was a dominant form of land tenure followed by public land tenure. However, as the reports indicate, land in the district has been for long not highly valued like land in other parts of Uganda due to dense forest cover which made it difficult to clear for agricultural activities, limited infrastructure, combined with a dense population of monkeys and other wild animals that made crop growing difficult (Piacenza, 2012, p.7). With regard to Mailo land, landlords are noted to have been absentee for long time living in mainland places of Masaka or Kampala districts with little or no close contact with their “Bibanja” tenants.

In addition, it is argued that at the launch of the oil palm project on the island, the GoU played a central role in the acquisition of land especially the 6,500 ha meant to be used by BIDCO. To proceed with the process, it is noted that the Land Task Force was established in 2001 which secured land first by de-gazetting some forest land and secondly by buying land directly from Mailo absentee landlords on a noted willing seller-willing buyer principle (ibid, p.9). Land equivalent to about 3,000 ha is cited to have been purchased from 38 landlords of whom 5

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27 A piece of land occupied by the tenant especially on Mailo land tenure is locally referred to as “Kibanja” in Luganda therefore “Bibanja” is a plural form of this land where full tenancy and recognition always come alongside with paying annual land rent (Busuulu) to the landlord.
landlords are argued to have owned about 48 percent of the cited land (ibid, p.13). Conflicts are noted to have emerged between local communities and BIDCO for reasons related to land tenure that, in some places because some landlords had been absent for long or were deceased, failure to surface or to allocate them by the land task force made their land to be considered public and hence leased to BIDCO so as to plant oil palms on it (Piacenza, 2012, p.9). Resistance against the investor is noted to have emerged from landlords and descendants of the deceased landlords who surfaced later and wanted to block the latter’s activities for none compensation for the loss of land.

Secondly, the noted absentee status of some landlords for long and their limited association with tenants owning bibanja on their land is argued to have resulted into further land related conflicts because landlords are alleged to have been unwilling to recognize their bibanja tenants who had occupied, used and developed land in different ways (ibid). Furthermore, failure by landlords to recognize bibanja tenants is noted to have made tenants illegal squatters not legible for compensation for the loss of land access rights and property something which is argued to have sparked some forms of resistance from the former bibanja tenants against BIDCO activities as they regarded their tenure as either lawful or bonafide (ibid, p.15, Kalangala District NGO Forum, 2009, p.14ff). In circumstances where the bibanja tenants land legitimacy was recognized by landlords, conflicts related to land purchase procedures are cited to have emerged that; neither the landlords nor the land task force considered abiding by the laws especially that demands sitting tenants of the land in question to have the first opportunity of buying land and above that, it is alleged that there was no guarantee awarded to tenants for a fair compensation from BIDCO (ibid, 13).

5.6 Common resources and food security

To begin with the report from the New Vision, it noted that BIDCO seized land that harboured some of the communal resources and in particular mines of sand and the rocky areas that used to supply communities with local stone and sand needs. Most remarkably noted is the sand mine in Mukoye which was turned into an oil palm plantation after applying fertilizers on this land that used to be considered barren and only used for mining sand (Babyestiza, 2009). In addition, it is noted further that BIDCO seized more sand mines in an area known as Bukuzzindu where indigenous communities used to get sand during construction (Kalangala District NGO Forum,
Consequently, it is reported that the local communities surrounding grabbed areas reacted to this deprivation erected by BIDCO by intentionally digging big sand ditches alongside roads constructed by BIDCO so as to create hazard to BIDCO vehicles and employees (NAPE, 2012, p.18).

In addition to denied access to communal resources, it is cited further that in some areas local communities on Buggala Island were on several occasions deprived of access to community wells whereas other wells were polluted by fertilizers that are extensively used by BIDCO. To authenticate this claim, NAPE and Kalangala District NGO Forum write that; in Kulungulu and Kibaale-Jovu villages, the paths to the community wells were blocked by BIDCO during the preparation of land for Project activities and community efforts to seek a peaceful district intervention in the matter were rendered futile (NAPE, 2012, p.18, Kalangala District NGO Forum, 2009, p. 16). Conflicts between local communities and BIDCO are also noted to have emerged from BIDCO’s restrictions that barred the latter from accessing felled trees in plantations to use them as firewood – yet wood are the main source of household cooking fuel in Uganda – or to cut timber or burn charcoal out of it (Babyestiza, 2009). And to make matters worse, the same paper argues further that; it was common for the wood denied from the local communities by BIDCO would in the end rot and decay while in the gardens (ibid).

With regards to food security and livelihood, it is argued that following the launch of oil palm growing on the island, land under extensive food crop production reduced when compared with the past records and this is noted to have affected women more than men (FoEI, 2012, p.13). Piacenza 2012, argues that women have been more affected by the declining land allocations for food crops because it is often considered a women responsibility to produce food for the entire family traditionally (Piacenza, 2012, p.5). In addition, it is noted that outgrowers who received direct funding from BIDCO or farmers who received farm inputs such as fertilizers; seedlings etc. were prohibited by the company from intercropping food crops with oil palm trees which is argued to have rendered outgrowers susceptible to food insecurity (Kalangala District NGO Forum, 2009, pp.20ff). Furthermore, it is argued by the same organisation that food prices have since increased due to reduced local production of food crops and increased population of people who have migrated to the island to especially reap jobs from BIDCO project activities. Today, it is argued that supplementary food items are now imported to the island from mainland districts.
than before when mainland districts were importing food from the island (ibid, see also FoEI, 2012, p.13).

5.7 Local communities’ direct benefit

Conflicts related to land between BIDCO and local communities are also cited in the failure by BIDCO to reach out and benefit some categories of people on the island. For example, the noted plan by BIDCO to benefit and transform local communities by engaging them as outgrowers is argued to have benefited some sections of the population especially the landed class of residents. To this note, Piacenza 2012, writes that for any individual to benefit from BIDCO through registering with KOPGT, he or she had to demonstrate legitimate status on land with either a land title or certificate of occupancy issued to him/her by the landlord together with other relevant authorities. This is alleged to have excluded many bibanja tenants who found it hard to process all required documents irrespective of living in close proximity with the company (Piacenza, 2012, p.13).

Secondly, land related conflicts with regards to this variable are argued to have emanated from a registered failure by the local communities to reap decent jobs from the company as they were promised and expected during the launch of the oil palm project (Piacenza, 2012, p.16, Kalangala District NGO Forum, 2009, p.17). Piacenza (2012) evidences that, the company attracted workers from many different parts of the country especially northern Uganda which by the time of her study had 90 percent of the workforce employed. The explanation for this is that, the northerners employed were too poor due to the effects of Lord’s Resistance Army (LRA) war hence cheap and at the same time, the harsh working conditions coupled with low pay did not entice local population to take up the company’s work (Piacenza, 2012, p.16, Kalangala District NGO Forum, 2009, p.18, FoEI, 2012, p.12). At the end of all this, it is finally concluded that some local communities on Buggala island seem to have seen little or no meaningful economic value coming from BIDCO and hence, they have opted to remain traditionally as fishermen, transporters of goods and people in canoes and boats, subsistence farmers, or forest products’ dealers something that conflicted with BIDCO’s target and goals especially meeting the required land acreage and productivity.
5.8 Communication

By building on the Daily Monitor newspaper, it was observed that some individuals’ especially rural smallholder farmers received little or no information regarding the land transfers to BIDCO. This is because some dwellers on the island are quoted to have risen up from bed early morning when bulldozers or caterpillars were clearing land that contained their gardens so that oil palms can be planted (Lanyero, The Daily Monitor, May 6, 2012, Piacenza, 2012, p.15). The consultation and communication process according to NAPE and FoEI was poor and insufficient because most of the smallholders on the island either lived on Mailo land with absentee landlords or on Public land hence, they were not having formal land rights (Papers) regarding the land they occupied. As a consequence of the above, the public land is said to have been leased to BIDCO by the GoU without consulting tenants living on this land. For the case of Mailo land tenants, further reports show that their landlords lived on mainland Masaka or in Kampala districts with little communication and interaction with one another hence, they entered into land transfer agreements with BIDCO with little or no knowledge and consent of tenants (FoEI, 2012, p.11, NAPE, 2011, p.17). Therefore, the failure to thoroughly engage, consult and inform the local communities about the land deals in this case is posted to have been central in sparking off land battles as they tried to resist BIDCO’s land appropriation.

5.9 Other factors of importance casted responsible for the outbreak of land related conflicts in this case

5.9.1 Destruction and dishonouring of the community sacred places

Conflicts between the foreign investors – BIDCO and the local communities over land purchases and leases by the former were linked to the intentional destruction of some highly valued sacred places by the community. Among the sacred places that were devastated include forests, traditional lakes, ancestral burial grounds, caves which were regarded as central to the spiritual life of Buggala Island populace. In the report of Kalangala District NGO Forum, it is distinctly noted that the traditional lake in the name of Mulabana was filled with soil deliberately by BIDCO in the quest for creating more land for oil palm plantation (Kalangala District NGO Forum, 2009, p.21, Lanyero, 2012). Most importantly argued further about the sacred places that were cracked down, include Luugggo forest located in Bujjumba Sub-county which was very much important to Buganda Kingdom for the reason that, for centuries a stick well-known as
‘Ddamula’ used in the enthroning of the Kingdom’s Prime Minister (Katikiro) had to be got from this forest and it was no more. This is noted to have spurred a big battle and opposition from the Buganda kingdom loyalists on the Island and Kalangala district in general toward the course of action the company undertook (Kalangala District NGO Forum, 2009, p.21, FoEI, 2012, p.5).

In summary, land related conflicts between local communities and foreign investors have been noted to be as a result of first, unclear land tenure and legislation whereby at some moments the tenure system and legitimacy on land was doubted by either the government agencies or by landlords owning land titles of the land in question. Secondly, conflicts where connected to the intentional grabbing of common goods owned by the local communities by foreign investor so that they could use them exclusively and in other instances they were in both cases linked to the fact that activities of foreign investors where threatening the local communities’ food sovereignty or sustainability. Thirdly, land related conflicts between the two parties were linked to the failure by foreign investors to benefit the local communities in that, at certain occasions some sections of smallhold families dispossessed were not compensated for they were considered illegal encroachers or squatters on land. In addition, there was a noted argument that investments put across by the foreign investors failed at times to provide a reliable and decent livelihood alternative through gainful employment after land loss. Fourthly, conflicts between the two parties were associated to the failure to communicate land deals with the local communities or it can be termed as obscurity of land deals in that communication of land transfer deals in both cases was reportedly cited to have concentrated among “top class citizens” such as the landed class, leaders of local governments, political appointees such as the RDCs and concerned ministries. In Case II however, there is a special insight that conflicts were extended further and linked to the destruction and dishonouring of local communities’ sacred places especially traditional forests and lakes, ancestral burial grounds, caves etc. by BIDCO which is noted to have demolished them down and later planted oil palms on such areas which were earlier respected by various members of the community on Buggala Island.
6.0 Analysis and Discussion of Findings

In this chapter, I present the discussion or analysis of the findings so that further understanding is generated out of it. As discussed in the methodological chapter, it will begin with the summarized results of all tested hypothesis against empirical cases from A-D in a tabular form and after all, further discussion will follow.

Table 1: Results of tested hypotheses against the results from Empirical cases

<table>
<thead>
<tr>
<th>Hypothesis</th>
<th>Case I: Mubende and Kiboga Forest Reserves Evictees versus New Forests Company (NFC)</th>
<th>Case II: Buggala Island Residents Kalangala District versus BIDCO</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The more the land tenure and legislation remains unclear, or influenced by local elites, the more likely that land related conflicts between foreign investors and local communities’ breakout.</td>
<td>HIGH</td>
<td>MEDIUM</td>
</tr>
<tr>
<td>B. The more the land appropriated contains resources that almost everyone draws some form of satisfaction, or when investments threaten smallholders' food security, the more likely the outbreak of land related conflicts</td>
<td>HIGH</td>
<td>HIGH</td>
</tr>
<tr>
<td>C. The more the foreign investors fail to provide direct benefits to local communities, the more likely that land related conflicts emerge</td>
<td>HIGH</td>
<td>LOW</td>
</tr>
<tr>
<td>D. The more the land deals becomes obscure at all phases, the more likely the emergence of land related conflicts</td>
<td>HIGH</td>
<td>MEDIUM</td>
</tr>
</tbody>
</table>

In the above table, the results of tested hypotheses are provided for both Cases I and II. In brief, the correspondence “High” reflects that the hypothesis is true to a greater extent; “Low” reflects that the hypothesis is true to a small extent and “Medium” represents the middle stand of the proposition. Below, analysis respective result of each tested hypothesis is provided.

6.1 Analysis of results of hypothesis A for both Cases I and II

Looking at the results of tested hypothesis A against empirical cases I and II in table 1, dissimilar results are obtained whereby Case I tested High and Case II tested Medium. The explanation that can account for results in Case I is that the nature of land tenure was very weak in that local
communities or smallholders were ‘betting’ their tenure as either customary, bonafide or lawful occupants. Smallholders claimed to have lived and improved the land for a reasonable period time but most of them lacked legal or official documentation to certify their claims apart from the handful 31 families (see for instance Oxfam 2011a, Vidal, 2011). Therefore, I make an analysis that the legislature might have been silent or unclear about how to deal with citizens who have for long stayed and improved public land when the government has developed interest to re-use, sell or lease it out to developers. In addition, because some smallholders claimed to have lived on the land since 1970’s and their legality was dismissed by NFA for they were considered encroachers on public land makes the land legislature somewhat unclear especially when it comes to the definition of “bonafide occupants” who are defined as persons who have stayed on and used the land, or improved the land for not less than 12 years without being challenged, disturbed or asked to leave by the owner. The definition extends to include persons who have been settled on land by Government or its agents (The 1995 constitution of the Republic of Uganda, The 1998 Land Act).

Embarking on Case II, results of tested hypothesis A corresponded Medium because land tenure legitimacy was not concrete especially among bibanja tenants but was somewhat clear among Mailo land landlords something that made it easier to distinguish private titled land and public owned land. I have arrived at this judgment for a reason that there were no reported incidences in sources of data I accessed that one piece of land had several land titles and claimants at the same time apart from reported incidences that failure for some absentee landlords to surface in time prompted the land task force that was responsible for buying land from mailo landlords to declare their land as public which was not a lawful step (Piacenza, 2012, p.9). This was later reported to have resulted into land related conflicts later.

Lastly, findings of both empirical cases when observed critically seem to portray some forms of indifferent thinking especially within local elites that the productivity of land smallholders occupied was not sounding hence opted for a more viable land use option through leasing land to foreign investors. For instance, smallholders’ activities of growing subsistence crops on land gazetted for forestry conservation might have been considered a threat to the environment that NFA wanted to replace the degraded land with forest cover through leasing land to NFC. In Case II, because local communities were said to have been more engaged in fishing with little
attention to agriculture, the GoU might have looked at the land use on the island of Buggala as unsustainable, idle, inadequate or underutilized that a decision to lease it to BIDCO was justified to put land into more productive agricultural activities. The above scenarios demonstrate how elites might have been at the centre of influencing land negotiations and transfers from local communities to foreign investors.

6.2 Analysis of results of hypothesis B for both Cases I and II

For both Cases, results of tested hypothesis B were supportive because they all corresponded High. To begin with, it was evidently portrayed that in both Cases communities had in place communal goods enjoyed without exclusion but they were later seized or enclosed by foreign investors after appropriating land. In Case I, centres where local communities sourced some basic social services such as education and medical care were reportedly dismantled by NFC without creating immediate alternatives that could be used by the local communities (Oxfam, 2011b, Ndyasiima, 2010). In Case II, a number common goods were also reportedly appropriated by BIDCO through erecting several enclosures such as blocking paths to community wells, banning communities from accessing formally forested land to get wood, planting oil palms on formally communal sand mines, polluting water sources by fertilizers or agro-chemicals used on BIDCO oil palm projects among others (Tenywa, 2013, Kalangala District NGO Forum, 2009).

To me, this can portray a situation that respective communities might have reacted against foreign investors in both cases because some deprivations that communities were exposed to are at times not easy to substitute for example accessing communal water sources and wood. I have based this argument on a ground that, in the developing world like Uganda, rural areas are often not having running piped water that they depend on communal wells and streams for water security and at the same time, wood in form of charcoal and firewood form the main source of cooking fuel in the countryside hence, hardly do without them.

Looking at food security, in both Cases I and II there is a similarity that all respective investors were growing items that were not contributing to the local communities’ food baskets. The investment made by foreign investors are directed for instance to the production of timber, carbon-credits, electric poles etc. in Case I and for Case II, though cooking oil and other margarines produced out of oil palms grown by BIDCO can be food, they require industrial processing before they turn into food hence they do not directly contribute to food like other
crops grown locally in rural smallhold communities. Nevertheless, local communities in affected areas in both Cases I and II were exposed to food insecurity in varying degrees. For Case I, I can refer to the rate at which local communities were exposed to food insecurity by NFC as “immediate” while smallholders in Case II were exposed to food insecurity in a manner that I can call “gradual” by BIDCO. For Case I, I have referred to the situation as immediate because local communities’ food plantations (standing crops) were reportedly cut down by the NFC employees while animals were butchered (Logler, 2011, Oxfam, 2011b) which mean to me that in no time, food supply to the affected communities was not in place. On the other hand, for Case II, I referred to the situation as gradual in nature because, the expansion of oil palm fields by outgrowers was reported to have impacted negatively on the acreage of land each household allocated to food crops than before. In addition, stopping locally supported farmers from intercropping oil palms with food crops (Kalangala District NGO Forum, 2009) can be treated as another big blow with regard to food security at household or family level.

An additional understanding I can draw out of the food insecurity threats that local communities were exposed to by foreign land investors is the argument advanced in Case II that women were more affected by food insecurity than their male counterparts (Piacenza, 2012, FoEI, 2012). To me, this depicts a picture that rural local communities or smallholders are not a unique group of people but rather different facets of individuals who are affected in varying degrees and hence conflicts can be kick started by the most affected group(s). For instance, in this very case women were hit hard because of the gender division of labour in the society of Buggala that food production is considered a women’s family role than men yet land they were working on was reducing as palm oil plantations were expanding.

6.3 Analysis of results of hypothesis C for both Cases I and II

For both Cases, results of tested hypothesis C were supportive in Case I and Unsupportive for Case II because they corresponded High and Low respectively. Results of tested hypothesis C corresponded High in Case I because most of the affected local communities in the CFR of Namwasa and Luwunga were not considered for any form of compensation because they are described by NFA as encroachers or tress passers on forest land apart from only 31 families that were singled out. In addition, other temporary benefits such as providing 2 square miles alternative land for a period of five years to historic residents in Luwunga CFR was reportedly
not honoured by NFC after appropriating land although the memorandum of understanding was reached at between Kiboga District Local Government and NFC in August 2008 (Ndyasiima, 2010). I see this in an angle that local smallholders who had developed land for years and in varying ways were not prepared to lose everything without any form of reimbursement going to them to cover up some costs because some developments such as physical structures are immovable during relocation yet they are very valuable economically and socially. More so, the results of tested hypothesis C against empirical Case I might have corresponded High because, smallholders who took up company jobs with NFC were, poorly remunerated in that wages received by employees after taking up jobs were below what was promised before taking up jobs (Kron, 2011) hence, livelihood realization might have been even harder than when they were subsistence farmers without monthly paying jobs.

For Case II, results of tested hypothesis C corresponded Low because local communities were at least considered in the initial planning phase of the oil palm growing project by both the GoU and BIDCO that out of the 10,000 ha of land planned, 3,500 ha were allocated to outgrowers living on the island of Buggala with finance from IFAD and GoU. Therefore, I can comment that smallholders were at the heart of the initial plan. However, the observable problem that might have hampered some sections of smallholders from benefiting I can note is the existence of the landed class (absentee landlords) who had powers to first recognize their bibanja tenants as legal and later issue certificate(s) of occupancy which certificate(s) enabled smallholders to acquire direct support from IFAD and GoU through KOPGT (Piacenza, 2012). Hence, in my opinion I see that smallholders who were declared illegal squatters on land owned by absentee landlords were locked out of the benefit circle and there was no reported immediate plan of action by either the government or BIDCO to bring them on board without land legality. To add on, though there was a noted influx of job seekers especially from war torn northern Uganda who were recruited by BIDCO for work more than natives on the Island (Piacenza, 2012), this hypothesis (C) might have corresponded Low with regard to empirical Case II because, local communities on Buggala Island might have benefited indirectly in the influx of migrants on the island. For instance, migrants might have boosted market to locally produced goods especially fish as fishing was a reported historic economic activity on the island before the launch of oil palm growing project. At this point, I can say that local communities in Case II benefited relatively more from the land deal to foreign investors than their counterparts in Case I when compared.
This is because, locals in Case II apart from being considered in the initial investment plan they were left somewhat with other avenues of daily survival say becoming fishermen, engaging in water transport using canoes and boats on Lake Victoria, doing petty businesses such as selling food, mongering fish, selling vegetables etc. because more market was created by the influx of migrants while their counterparts in Case I remained without a clear avenue of daily survival as land was everything to their livelihood to both produce food and to domesticate animals.

6.4 Analysis of results of hypothesis D for both Cases I and II

In both Cases I and II, hypothesis D corresponded differently when tested against respective empirical cases i.e. the hypothesis tested *High* for Case I and *Medium* for Case II. Both Cases posses a similarity in communication approach that communication of land transfer deals was designed to mostly involve “top class” citizens in the affected areas such as district leaders, officials from ministries, RDCs and other groups of elites without a strong hand of local smallholder representation. However, in Case II unlike in Case I absentee landlords who had *Mailo* land titles were also part of the overall communication and discussion of land deals because they were direct beneficiaries who were paid by the land task force to free land to BIDCO (Piacenza, 2012). The secrecy in land deals in both cases can also explain why some reports about these cases quote some affected smallholders who were shocked to see caterpillars early morning preparing their former gardens to pave way for investments (See for example Lanyero, 2012, Vidal, 2012, Piacenza, 2012).

Hypothesis D might have corresponded *High* when tested against empirical Case I because communication between smallholders and NFC was further enforced by use of an ultimatum i.e. between 12th and 28th February-2010 for the former to vacate land and those who failed to comply with the order were attacked on Sunday 28th February the last day set for the ultimatum (Oxfam 2011b, Kron, 2011). In addition, communication coming from local communities toward NFC to explain their grievances and land claims was blocked deliberately by use of the reported armed forces. To that note, I can say that communication process model in Case I was not designed to be a two way model in nature in that locals were not given an opening to have a fair hearing with regards to their land rights. The issuing of a noted ultimatum and deployment of armed forces can at this point help to explain why Case I unlike Case II registered some forms of manifest conflict situations in that both parties at several occasions fought physical battles.
against one another. For Case II on the other hand, results of hypothesis D corresponded *Medium* when tested against empirical Case II because, even though prior communication of the land deal did not involve local communities or smallholders directly like in Case I, they received an avenue of communication in 2006 when they launched KOPGT as an umbrella organization for outgrowers and they were later funded by both IFAD and GoU. Additionally, smallholders were not issued ultimatums by any party to vacate land in the project area; they were not forcefully or violently evicted by use of armed forces such as police, the army or private security forces like their counterparts in Case I hence, I can say that in Case II there was some form of peaceful or diplomatic dispossession of smallholders off the land by BIDCO.

### 6.5 Analysis of other issues of importance but not included in any of the hypotheses

Land related conflicts between BIDCO and local communities in Case II were connected by some reports to the intentional cracking down of several sacred places owned by the communities by the former. Sacred places such as forests, traditional lakes, ancestral burial grounds, and caves etc. which were reportedly destroyed formed part of local communities’ social and spiritual life. For example, Kalangala district locally known as Ssese is among the 18 counties forming the boundaries of the current Buganda kingdom since 1900 under the leadership of Kweba as the county chief. The county as noted by Kalangala District NGO Forum (2009) hosted the one and only Luuggo forest from where for centuries a stick well-known as ‘*Ddamula*’ used in the enthroning of the Kingdom’s Prime Minister had to be got but it was put down when the company was clearing land to plant oil palms. This can explain why Buganda kingdom royalists who might have been supportive to the company activities could have fallen apart with the BIDCO as they opposed the destruction of a highly valued forest to their kingdom. Additionally, when I call my earlier studies of Christian Religious Education (CRE), examined at Uganda National Examinations Board (UNEB) at both Ordinary and Advanced levels as Paper I (P223/1) and Paper IV (P245/4) respectively in the sub-theme of “Unending Life”, there is a High value pegged to sacred places by African societies. For instance, the ancestral burial grounds are accorded respect in areas of Buganda where Kalangala district lies because of the common belief among the traditional African societies that “the dead are not dead”. Common justifications to re-affirm this belief are carried on in everyday life and veneration of dead relatives through acts like digging around their graveyards, organizing last funeral rites, swearing in the names of the dead especially those who had lived for so long etc. is a common practice.
especially in rural ancestral homes so as to honour the deceased. Hence, these sacred places are at times not carrying economic value with them because they are not used for tourism or for any other income generating activity but they are in some places at the centre of families’ social bond. From that background, I believe that Buggala Island being part of Buganda with a number of historical families these different culturally distinctive sacred places prompted them to oppose the activities of BIDCO which later led to the outbreak of land related clashes because investors being foreign might have seen no value and importance in some sacred sites hence putting them down to create more land was deemed justifiable.
7. Conclusion

In this study, the occurrence of land related conflicts between local communities and foreign investors when the latter have purchased or leased land at certain moments look solvable, and easy to contain, if all parties in the land deals become open at all levels to each other to avoid secrecy, follow legal procedures and later live by pledges they made to each other as the investments in land proceed. Local communities are not vehemently against any changes in the modes of production but rather they can gradually change if promises are uphold at a reasonable extent. The major weakness I have observed within the legal frameworks regulating land in Uganda could be that more efforts are directed towards formulation of good land related legislative measures but implementation efforts is somewhat lacking. I have based this conclusion on the ground that there are legal frameworks that regulate and demand full compensation, consent of occupants before land deals, consultation etc. but as observed in the presentation of findings in Chapter 5 they are often skipped and not considered which makes them to sound rhetorical at the end. Further observation and conclusion I have drawn and can further polish why local communities are at war with foreign investors basing on both the results of empirical cases and analysis made is the issue that some sections or sub-sections within the land legal frameworks seem to override and disempower other laws, articles and sections. For example, the government prerogative or power to take, allocate, lease or sell land in the interest of the public was at the centre in both cases. Therefore, at the end of it all, the government of Uganda can be painted as an avenue that foreign land grabbers use for their selfish ends when they have not delivered as expected.

Lastly, when I lift the analysis to another level of abstraction, acceptance of foreign investors by governments in the developing world can be treated as a move to uplift the low productivity of land that smallholders have been working on for centuries or some for decades to higher levels of productivity taking place in other regions of the world. Therefore, this process can be considered a transitional period in agricultural land to increase output per hectare or I can call it a process of agricultural modernization that policy makers are struggling to get rid of traditional methods of production in favour of modern, improved or scientific means of production. However, the implementing human resource for example local elites who work within the system to drive agricultural transition to a desired destiny have been at times not sincere, honest or trustworthy.
that they have manipulated and used smallholders in the countryside and as a result that have retarded or withered the process of modernization. Hence, I can say that the above represent a sign of a failed modernization process in land and agriculture. More so, I can comment further that the failure of this agricultural modernization process after land has been transferred from smallholders to investors in form of land leases has become land grabbing at the end because smallholders have become worse off than before when they compare the situation and standard of living they enjoyed when they had full land access rights. With that in mind, I now conclude that local communities or smallholders are prompted to act against activities of foreign investors so as to resist or reverse land dispossession which represents the current conflict relationship between the two parties.
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APPENDIX I

The background of land ownership in Uganda

The following gives a summarized account of historical land legislation laws, policies, Acts and a Land Decree of 1975 that Uganda has had for the past century. They altogether try to show the relationship of landlords and tenants with regards to land and how the security of land tenure to smallholders has been evolving right way from the colonial time up to the last decade of the past century.

The 1900 Buganda Agreement

It cannot be disputed that the 1900 Buganda Agreement signed by the Buganda representatives and Sir Harry Johnstone on behalf of Britain marked the genesis of owning land formally in Uganda. The agreement according to Mamdani granted freehold miles of land to about 1,000 chiefs and private land holders (Mamdani, 1976, p.120, See also K.A. Jackson Jr., 1974, p.729). By the time of concluding the process in 1909, it is believed that about 3,700 title holders were registered and as Mamdani adds on this argument, by 1926 the title holders had multiplied to around 10,000 caused by land sales and inheritance (ibid). At this point, it should be noted that land that was outside Buganda or not urban at this time was considered either Crown Land owned by the protectorate government or Customary owned by clans, families, chiefdoms and among others (Mugambwa, 2007, p.40). More still on this land outside Buganda, the same author notes, the governor of the protectorate had powers from the Crown Land Ordinance of 1903 to allocate, give or lease this land without seeking consent from the customary occupants of this land though they had to be re-located after they were fully compensated (ibid).

Resuming back on the 1900 Buganda agreement, the tenants who occupied the land that was distributed out to them had to pay annual land rent (Busulu) to the landlord. However, Mamdani argues that, because of the increased growing of cash crops during the early decades of the past century especially cotton in Uganda, tenants were supposed to pay a tithe (Nvujjo) on the quantity of cotton they grew to the landlords. This decision is being noted to have been reached at by the landlord chiefs that formed the legislative body or Buganda Lukiiko at that time (Mamdani, 1976, pp.120ff). By 1925, the share of nvujjo going to landlords had increased dramatically and the tenants’ zeal to grow more cash crops most notably cotton had gone down because the amount of acreage under cotton had reduced dramatically something that is noted to
have created insecurity on tenure among tenants. This is because, by this time, security of tenure to a tenant depended on how productive and enterprising the tenant was in the agricultural field (ibid). As a response from the protectorate government, the Busulu and Nvujjo Law was passed in 1928 to bar or limit on the rate of busulu and nvujjo that the landlord could levy from the tenants (Ministry of Land, Housing and Urban Development, 2011. P.7). The same law too provided “complete hereditary security of tenure to the tenant so long as he continued the effective cultivation of his land” (ibid). Therefore, this marked the first and ever formal and legally accepted relationship between the tenant and the landlord in the land history of Uganda.

After the 1900 Buganda agreement through 1920’s, similar land agreements and settlement plans were being drafted for other parts of the Uganda for example for Busoga, Ankole, Bunyoro, Toro, Kigezi and among others (See for example Mamdani, 1976). At independence in 1962, Uganda was among the few countries on the African continent along with Kenya and Zimbabwe that had history of formally recognized land tenure and individual titling of land (Platteau, 1996, p.38). Shortly after independence, the Public Land Act of 1962 is argued to have renamed the Crown Land to Public Land. Important to note here is that, unlike before independence where consent from the authorities had to be thought before occupying this land, the Act is noted to have granted the indigenous Ugandans the freedom and right to occupy any un-alienated public land without prior consent (Mugambwa, 2007, p.43). Therefore, this Act had granted Ugandans rights to live and cultivate any land that had no occupant actively using it. The 1962 Land Act was shortly followed by the 1969 Land Act that according to Mugambwa prohibited the government from granting land owned under customary tenure to any other interested party without the consent of the occupants (ibid). The aim of this act was pointing at securing land tenure of indigenous communities that occupied land but had no formal documents to ascertain the ownership.

The 1975 Land Decree
In 1975, the military regime under Idi Amin Dada enacted a Land Reform Decree that reserved all the past land legislations, tenure systems and Acts. The decree is argued to have declared all land in Uganda public land and vested to the Uganda Land commission (Mugambwa, 2007, p.44). Some authors who have written about this decree at times refer to it as the 1975 nationalization of land in Uganda (see for example, Chelimo, 2011, p.1, Pedersen et al, 2012,
The decree removed the protection of the customary landowners (smallholder farmers) that had been enacted in 1969 though as some authors note; in case of any eviction, the government had the legal obligation to compensate the “improvements or developments” that had been made on the land (Mugambwa, 2007, p.44, Pedersen et al, 2012, p.12). In this sense, compensation was not because a tenant had lost land but because a tenant had lost the improvements on the leased or given out land.

The Land Decree is further noted to have outlawed any occupation of public land by declaring it illegal. The only freedom that the decree is argued to have provided to the customary landowners was the right to sell or donate land to another person. However, Caution should be taken on this note that; selling or donating land to someone did not mean that the landowner was transferring the land title to another but rather it was restricted to selling only improvements that have been made on the land. Anybody convicted of making an agreement of customary land transfer involving a title was guilty of the offence and Mugambwa writes that the sentence was a two year prison term (Mugambwa, 2007, p.44).

The background intention of the land decree is noted to have been making land more productive by allocating it to only those willing and able to use it effectively and security of tenure depended on productivity. Hence, Mugambwa had this to say that; “the decree was to make security of land tenure dependent upon land use” (ibid). After the era of Amin, there was no other land legislation policy was enacted hurriedly to replace this decree. This is because the governments that succeed this era were locked up in political turmoil when the rebels of National Resistance Army (NRA) that brought current regime in Power (National Resistance Movement) in 1986 were fighting a bush war. It was not until 1995 that the new constitution was drafted and Uganda again attained new land legislation. Apart from the 1995 constitution, other lands Acts and bills have been tabled to parliament and a number of them have been passed to from Acts and Bills. These include the 1998 Land Act (Cap, 227), the 2007 Land Amendment Bill, the 2009 Amendment Bill, the 2010 Land Act among others. Therefore, to my observation, the proceeding land Acts and Bills have come in place because of the unanswered land questions and at the same time to respond to land related conflicts in both urban and countryside localities.