

**AN INVESTIGATION OF LAND GRABBING AMIDST RESETTLEMENT
IN POST-CONFLICT AMURU DISTRICT, NORTHERN UGANDA**

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Thesis submitted to the Institute for Social Development, Faculty of Economics and
Management Sciences, University of the Western Cape, in fulfilment of the requirement for the

Doctor of Philosophy (PhD) Degree in Development Studies

3rd September 2014

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Declaration

I declare that this dissertation titled: **An Investigation of Land Grabbing Amidst Resettlement in Post-Conflict Amuru District, Northern Uganda** is my own work and that I have not submitted it, in part or its entirety, to any university for the award of a degree or examination. All sources that I have used or quoted have been acknowledged and indicated in the references.

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Abstract

This dissertation investigates the processes which underpin land grabbing, the diverse land grab types, actors involved and their roles in facilitating the expropriation of community land. It also interrogates the agrarian transformations and socio-economic consequences and the mechanisms employed by the local communities in Amuru district of Northern Uganda to block and resist the expropriation of their land. To achieve these objectives, this study employed a qualitative research design and methodology. The techniques that were used to collect the data are review of secondary data, individual in-depth interviews and focus group discussions.

The study revealed that liberalisation of the Ugandan economy reduced the role of the state and subsequently promoted market approaches to land and agrarian reform. Market-led approaches have facilitated the commoditisation and entry of private investment in land and agriculture in Uganda. The dissertation identifies two distinct categories of land grabs in Amuru district. The first category comprises of two cases. One, large-scale land grabbing for commercial agriculture by the Madhvani Group in Lakang village; and two, large-scale land grabbing for conservation purposes by Lake Albert Safaris Limited in Apaa village. The second category encompasses localised small-scale land grabs between and among local communities of Amuru district. I further disaggregated the localised small-scale land grabs into four broad categories which are 'inter and intra-community' as well as 'inter and intra-family' land grabs, with the former encompassing the broader members of the community, while the latter involves members of related families. The actors who are directly and indirectly involved in land grabbing are domestic and foreign investors, the Ugandan state, Uganda Wildlife Authority, local governments, military personnel, the politically connected and rich peasants in Amuru district.

Whereas land grabbing in Amuru district has resulted in the accumulation of more land, power and capital for domestic and foreign investors as well as local elites, loss of agrarian livelihood systems, rights to land, cultural heritage, identity, spirituality and belonging, incarceration and loss of lives as well as destruction of property have, in turn, disempowered and marginalised the local communities. A wide range of response mechanisms, including open display of nudity by elderly women, seeking legal redress from statutory courts and traditional authorities, questioning the procedure of land acquisition, acceptance and rejection of widow inheritance have been deployed by the local communities to block and resist the expropriation of their land.

Key Words

Compensation

Conflict

Conservation

Land

Land grabbing

Resettlement

Restitution

Uganda



Dedication

This dissertation is dedicated to Peach and Baby Elijah.



Acknowledgement

This dissertation has not been a one man show. Thus, I would like to acknowledge the contribution of several people and organisations that have supported me throughout this academic journey. I thank the German Academic Exchange Service (DAAD) for the fellowship which enabled me to undertake the PhD. Without your generous financial support, I would not have embarked on the PhD. Gratitude goes to Professor Ruth Hall for the supervision, critical and invaluable inputs, short of which this dissertation would not have been completed. I must say that I have grown academically and had a life changing experience. Your guidance has taught me a lot. I cannot fail to acknowledge Professor Charles Ukeje who often spared his invaluable time to comment on my work.

Thanks to all the staff at the Institute for Social Development (ISD) at UWC. I extend my sincere thanks to Julian May, the Director of the ISD, Ina Conradie, the coordinator at the South African-German Centre for Development Research (SA-GER-CDR) and Belinda Du Plessis, the SA-GER-CDR Accounts Assistant, whose support made my stay at the ISD comfortable. A vote of thanks to the Social Science Research Council's Next Generation Social Sciences in Africa Fellowship program funded by the Carnegie Corporation of New York for the doctoral research and completion fellowships without which I would not have had a comfortable stay in Amuru district of northern Uganda and Cape Town South Africa.

Appreciation goes to the research informants in Amuru and Gulu districts for the data which informed this dissertation. Thank you to my colleagues at the ISD and SOG (Coretta Jonah, Alatinga and Mhina) and Mugagga Robert from the South African-German Centre for Transnational Criminal Justice at UWC, for the comments, company, friendship and encouragement even in the hardest moments. You made my stay at the ISD and UWC warm and comfortable. I acknowledge and appreciate the contribution of my colleagues at the Geography Department, Makerere University and Computer Engineering Department, Busitema University. Exceptional thanks go to my dear mother Joyce Nankasa, brothers and sisters. Special thanks go to Justice Faith Mwondha for the links and endless goodies whenever Godi came to Cape Town and to Godi for always accepting to carry the goodies. My dear wife Peach, I thank you for accommodating my long stays at the office, and Baby Elijah, you are the reason I study hard.

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List of Abbreviations

ADB	African Development Bank
APG	Acholi Parliamentary Group
ARLPI	Acholi Religious Leaders Peace Initiative
ASWL	Amuru Sugar Works Limited
CAO	Chief Administrative Officer
CBNRM	Community Based Natural Resource Management
CPA	Comprehensive Peace Agreement
CSOPNU	Civil Society Organisation for Peace in Northern Uganda
EARC	East African Royal Commission
EU	European Union
FAO	Food and Agriculture Organisation
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FIAS	Foreign Investment Advisory Services
FIDA	Federación Internacional de Abogadas
GCAR	Global Campaign for Agrarian Reform
GDP	Gross Domestic Product
GoU	Government of Uganda
GUSCO	Gulu Support the Children Organisation
HURIFO	Human Rights Focus
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced People
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IFI	International Financial Institutions
IMF	International Monetary Fund

IOM	International Organization for Migration
KSW	Kakira Sugar Works
LASL	Lake Albert Safaris Limited
LRA	Lord's Resistance Army
LRD	Land Reform Decree
MISR	Makerere Institute of Social Research
MLAR	Market-led Agrarian Reform
MLHUD	Minister of Lands Housing and Urban Development
MP	Member of Parliament
NAPE	National Association of Professional Environmentalists
NFA	National Forestry Authority
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
NRM	National Resistance Movement
SAP	Structural Adjustment Program
SCOUL	Sugar Corporation of Uganda Limited
TIC	Tanzania Investment Centre
UDHR	Universal Declaration of Human Rights
ULC	Uganda Land Commission
UNCTAD	United Nations Conference on Trade and Development
UNLP	Uganda National Land Policy
UNOCHA	United Nations Officer for the Coordination of Humanitarian Affairs
UPDF	Uganda People's Defence Force
USAID	United States Agency for International Development
USD	United States Dollar
UWA	Uganda Wildlife Authority



CHAPTER 1: INTRODUCTION

Amuru district is like a lab where you find all kinds of land grabs, from small to big ones, from household, family to inter-district and even international ones.

Interview, Chief Administrative Officer¹ (CAO) of Amuru district,
Amuru district headquarters, 11 January 2012.

The quote above epitomises the scale at which land grabbing takes place between and within the local communities of Amuru district. At a global level, discourses on land grabbing have increased particularly in the contemporary period (Cotula et al., 2009; Daniel and Mittal, 2009; World Bank, 2011a). Scholars define land grabbing as the acquisition of extensive tracts of land through outright buying or lease (mainly between 49 and 99 years) by either domestic or foreign individuals and companies or foreign governments through questionable methods and without respecting the rights of existing users (Daniel and Mittal, 2009; Graham et al., 2011). In the context of this research, however, land grabbing is the acquisition of either large-scale or small-scale swathes of land by domestic and foreign investors as well as local elites through exploitation of unequal power relations, manipulation of the country's legal system, corruption, intimidation and coercion as well as fraudulent approaches. Globally, debates on land grabbing show that most of the acquired land is in developing countries, with sub-Saharan Africa being the most affected region (Borras and Franco, 2010b; Oxfam, 2011; FAO, 2012a). The scholarship on land grabbing further questions whether this is a new phenomenon or not (Peluso and Lund, 2011; Benjaminsen and Bryceson, 2012) and if these processes may, or may not, stimulate development in the countries where the land is acquired (Arezki et al., 2011; World Bank, 2011a; Deng, 2011).

Although there is an increase in literature on land grabbing (Makki and Geisler, 2011; Filer, 2012; Lavers, 2012; Grajales, 2013; Ansoms and Hilhorst, 2014), there is still a dearth of empirical studies on land grabbing in post-conflict areas where a multiplicity of intertwined processes take place in a community simultaneously. That is, return and resettlement of Internally Displaced Peoples (IDPs), household and livelihood reconstitution and

¹ The accounting officer at district level is called the Chief Administrative Officer (CAO).

multidimensional types of land grabs. With a focus on three case studies in Amuru district of northern Uganda, this study investigates the processes underpinning land grabbing, the diverse land grab types, actors involved and their roles in facilitating the expropriation of community land. It also interrogates the agrarian transformations and socio-economic consequences and the mechanisms employed by the local communities in Amuru district of northern Uganda to block and resist the expropriation of their land. The first case is land grabbing by the Madhvani Group for large-scale commercial agriculture; second is land grabbing by Lake Albert Safaris for conservation and tourism purposes; and third, are localised small-scale land grabs between and among the local communities of Amuru district.

Compared to other parts of Uganda, land tenure in the northern region was in the colonial and immediate post-independence periods less contentious and not embroiled with challenges akin to those witnessed in the contemporary post-conflict era (Sjögren, 2011). The questions around land in the north of Uganda became contentious in 1996 with the creation of what was known as ‘protected villages’, places that were thereafter gazetted as IDP camps (Gersony 1997; Atkinson, 2010a; Olara, 2009; Civil Society Organisation for Peace in Northern Uganda (CSOPNU), 2006). The position of the Government of Uganda (GoU) in 1996 was that all villages be emptied of the entire population for protection purposes and to reduce the number of civilian casualties caught up in crossfire between the Uganda Peoples Defence Forces (UPDF) and the Lord’s Resistance Army (LRA) rebels (Acholi Religious Leaders Peace Initiative (ARLPI), 2001; CSOPNU, 2004, 2006). According to the GoU, creation of IDP camps was also intended to cut off rebel supplies. That is, reduce the amount of food available to the LRA and block reinforcement of LRA ranks that were continuously reinforced through abduction of young men and women (Olara, 2009). The unoccupied countryside would consequently give room for open confrontation between the UPDF and LRA rebels. Although the GoU instructed all the people to move to ‘protected the villages’, some communities were reluctant to leave their homes.

Mass movement of the local communities to IDP camps came with the 24 hour ultimatum issued by the UPDF on 4th of October 2002. The declaration indicated that the entire population in the seven districts that make up the Acholi sub-region, that is, Amuru, Nwoya, Gulu, Agago, Kitgum, Pader and Lamwo, must leave their homes for the IDP camps (Atkinson, 2010a; Olara, 2009; CSOPNU, 2006). According to the declaration, the GoU indicated that whoever remained

in the villages would be considered to be, either, a rebel or a rebel collaborator and/or informer, thus risk being killed. Although the ultimatum which officially declared the creation of protected villages came to the fore in 2002, the ARLPI (2001) and Human Rights Focus (HURIFO) (2002) indicate that the UPDF had already forced most communities to leave their homes long before. The UPDF fired artillery and mortar bombs in villages to scare the communities to vacate their homes, incidents which culminated in the death of many people, destruction of property and final IDP camp creation (HURIFO, 2002).

In the midst of the conflict and after the local communities of northern Uganda were forced to move to IDP camps, commercial agricultural farming businesses were established on people's abandoned fields by the army and 'investors' took advantage of encampment to identify fertile land for investment (ARLPI, 2001). The CSOPNU (2004:16) explicitly notes that "[army] officers responsible for ... the war ... [spent much of] their time in farming". In 1998, senior army personnel created agricultural farming groups within the encamped communities at Pabbo sub-county of Amuru district and the labour provided by the farming groups was central in the establishment of private farms (CSOPNU, 2004). The private agricultural farming projects were created on community land without consultation and consent of the local communities. The Acholi Religious Leaders' Peace Initiative (ARLPI) study on the plight of people in IDP camps indicates that the communities "resented very much the fact that soon after the forced removals of people from the countryside, Maj. Gen Salim Saleh started some kind of commercial farming business in Kilak country [Amuru district], engaging people in this enterprise under conditions tantamount to exploitation, since people were given money to engage into farming but had to repay double the amount after the harvest" (ARLPI, 2001: 10).

The produce from farming activities was sold to specific companies owned by military personnel and at pre-determined prices which were often lower than the on-going market rates. The income from farming activities was very little and thus not commensurate with the labour input, time invested and utilised land (ARLPI, 2001; CSOPNU, 2004). The circumstances which surrounded the displacement processes, government orchestrated plans to use community land for mechanised farming (CSOPNU, 2004:16) and the subsequent establishment of private commercial farming activities on people's abandoned fields during the time of active conflict

were not only a great concern but raised suspicions of the government's intentions in creating IDP camps (ARLPI, 2001; Kligerman, 2009).

The concerns of the displaced communities about IDP camp creation were compounded by three projects which targeted the utilisation of community land for commercial farming activities. First, the 1999 proposal by Divinity Union Limited, a company owned by a Major General in the Uganda People's Defence Force (UPDF) argued for the need to transform "northern Uganda into the breadbasket of [East and] Central Africa" through the utilisation of the 'vast, and highly fertile lands ... for large-scale grain production' (CSOPNU, 2004: 16, also see ARLPI, 2001:10; Chinsinga and Chasukwa, 2012). The proposal further suggested that several districts in northern Uganda should be converted into a 'grain belt' through large-scale mechanised farming activities (Rugadya, 2009:17).

Second, the 2003 proposal from the GoU titled Security and Production Programme (SPP) aimed at improving the security situation in northern Uganda while enhancing agricultural production and/or food security (Rugadya, 2009:17; CSOPNU, 2004:26). The elite section within the UPDF implemented the SPP pilot project in parts of Gulu district and present-day Amuru district. But the local communities in these districts were not involved in the design of the projects and implementation (CSOPNU, 2004).

The third project initiated by the Uganda Wildlife Authority (UWA) aimed at gazetting Lipan Controlled Hunting Area in northern Uganda into a national game park.² This undertaking meant that local communities that utilised the Controlled Hunting Area for hunting and grazing would no longer have access to the land given that it would be enclosed for wildlife conservation. Utilisation of community land for individual commercial agricultural activities and government orchestrated investment plans made the repossession of land by returning IDPs difficult. Large-scale land acquisition projects fronted particularly by the well-connected personnel in government and high ranking army officers in the UPDF kindled land grabbing debates in northern Uganda.

² Refer to the statement to the Parliament of the Republic of Uganda by Hon. Okello Okello, then Member of Parliament for Chwa County and chairperson of Acholi Parliamentary Group (APG). URL: http://www.upcparty.net/memboard/acholi_statement.htm [accessed October 05 2013].

As the north became relatively peaceful from 2006 onwards following the reduction in rebel attacks (Atkinson, 2009b), the estimated 1.8 million IDPs out of the two million people displaced at the height of the conflict started to return to their original villages to re-establish the shattered homesteads and economically rebuild their lives after years of conflict (OCHA, 2008; OCHA, 2011). By 2008, northern Uganda was progressively transitioning from a period of active conflict to a post-conflict situation. Statistical data on the return processes in Acholiland suggests that a significant number of IDPs have already returned to their pre-conflict homes: over 80% (IDMC and NRC, 2010; Salborn, 2010), more than 90% (Mercy Corps, 2011:3), nearly 92% (OCHA, 2011:3), and the most recent figures put the return rate at 98 percent (GoU, 2012:3).

Although estimates show that most IDPs have returned, the return processes have been gradual and significantly varied in that some IDPs moved to 'new' settlement areas in the north by choice or due to failure to trace their actual pre-war areas. There are IDPs that first stayed in the camps from where they based to reconstitute the destroyed households in their original villages (HURIFO, 2008). Meanwhile others opted to move to the gazetted transit centres that were closer to 'home' from where they based to rebuild the destroyed households (Bjorkhaug et al., 2007; HURIFO, 2008). Other IDPs migrated to other parts of the country, for instance Acholi Quarters on the outskirts of Kampala City and Mpumudde in Jinja Town and other towns of the country where they live as urban IDPs (Refstie, 2008; Refstie et al., 2010). The extremely vulnerable individuals including the elderly and youths born in camps continue to live in transit sites and former IDP sites as they search for alternative places for settlement (OCHA, 2011).

The IDPs that have returned to their pre-conflict villages continue to experience hardships in repossessing their pre-conflict land and related property. This is because, first, earlier returnees took advantage and capitalised on the absence of their neighbours to encroach, settle and/or extend their land boundaries (Mercy Corps, 2011). Second, difficulties experienced in return and resettlement have been compounded by an emerging problem of land grabbing. The incidences and impacts of land grabbing in post-conflict northern Uganda are increasing and are causing problems not only to the returning communities but for local governments as well (Atkinson, 2009a; Mabikke, 2011). Although disaggregated data on land grabbing in the northern region is not available, country-wide statistical data shows that land grabbing is intensifying in Uganda

(FIAN 2012; Matsiko, 2012a; Land Matrix, 2013) with Amuru district being the most affected (World Bank, 2011; Mabikke, 2011).

1.1. Research problem

A return to relative peace and normalcy after active conflict marks the beginning of short, medium and long-term processes of resettlement, recovery and reconstruction of households and revitalisation of disrupted livelihood systems and social networks (World Bank, 1998; Kreimer, 2000; Forman, 2002; Hamre and Sullivan, 2002). The resettlement and reconstitution processes also entail addressing past injustices as “those who suffered the loss of material, territorial basis of identity and livelihood ... demand that past wrongs be set right (Fay and James, 2010:43). The levels of success of these processes however depend on the ease with which land and related property that was abandoned by those who were forced to flee, or forced into IDP camps, at the height of the conflict is reclaimed and repossessed (Williams, 2007; FAO et al., 2007; Leckie, 2000b). Restitution and compensation are “key elements of any successful” return and resettlement process given that returning IDPs repossess the central means of production, land, and related property (Leckie, 2000a:4).

In Amuru district of post-conflict northern Uganda, however, restitution and compensation have not been considered as options for the local communities that were forced to abandon their land and related property. Instead, the processes of return, resettlement and reconstitution of socio-economic structures on which households and communities were anchored prior to the conflict have been characterised by multiple sets of problems which continue to make it difficult for the local communities to successfully settle in their pre-conflict villages. Reclaiming and repossession of land is still a problem to some households in Amuru district (OCHA, 2011). Moreover, on-going conflicts and/or disputes over land within the local communities are not only constraining production for the returnee communities but also obstructing recovery at household and community levels (Mercy Corps, 2011; Mabikke, 2011). In addition, the growing interests from local and foreign agribusiness enterprises to acquire community land for agriculture and conservation in Amuru district have further complicated the processes of return, resettlement and reconstruction (Ahikire, et al., 2012; Gelsdorf et al., 2012). It is therefore important to have a nuanced understanding of the ways in which these complex processes are unfolding in diverse ways, interacting and reinforcing one another in a fluid post-conflict context where rehabilitation

is incomplete and reconstruction still underway, and also interrogate the consequences arising from this interplay.

1.2. Research objective

The research objective of this dissertation is to investigate the contemporary interlocking processes underpinning land grabbing, the diverse land grab types, actors involved and their roles in facilitating the expropriation of community land, examine the agrarian transformation and socio-economic consequences as well as mechanisms employed by the local communities of Amuru district to block and resist expropriation of their land.

1.3. Specific research objectives guiding the study

1. To investigate the mechanisms and processes underpinning land grabbing during resettlement of the local communities in Amuru district. The intention is to disentangle the processes that have facilitated land grabbing in Amuru district.
2. To examine the diverse types of land grabs, actors involved and their roles in facilitating the expropriation of community land in Amuru district.
3. To explore the agrarian transformations and socio-economic consequences of land grabbing on the local communities of Amuru district.
4. To unpack the mechanisms employed by local communities in Amuru district to block and resist the expropriation of their land.

1.4. Specific research questions guiding the study

1. Which mechanisms and processes underpin land grabbing during resettlement of the local communities in Amuru district?
2. What are the diverse land grab types, actors involved and their roles in facilitating the expropriation of community land in Amuru district?
3. What are the agrarian transformations and socio-economic consequences of land grabbing on the local communities of Amuru district?
4. Which mechanisms are employed by local communities in Amuru district to block and resist the expropriation of their land?

1.5. Existing research and research gap

While land grabbing in Uganda in general and the northern region in particular escalates and is receiving substantial attention from researchers (Mabikke, 2011) and local print and electronic

media sources (Sserunjogi, 2013; Walubiri, 2012; Matsiko, 2012b), limited detailed research has been undertaken on this phenomenon with a specific focus on the post-conflict northern area. This does not seem to suggest that there has not been any inquiry conducted on land grabbing in Uganda. But the concerns here are twofold. The first is that limited empirical research has been undertaken on land grabbing in the northern region (see Mabikke, 2011). But even the few studies that have been conducted in the north focus on land conflicts and disputes *within* communities with no attention accorded to external interest groups which lay claims on land that belongs to returnees and land grabs between and among the local communities (Kligerman, 2009; Rugadya, 2009; World Bank, 2009a).

Local electronic and print media sources have been useful in providing information on planned and acquired lands. The captivating and ‘eye-catching’ narratives on large-scale land acquisitions in Uganda have revealed the contentious nature of land grabs, targeted lands, persons behind the land transactions and at times revealed how the interested parties acquired the lands in question. For instance, the New Vision reported that land evictions continued in several parts of Uganda despite the president’s directive that evictions should stop (Mayanja, 2013). Meanwhile, the Daily Monitor pointed out that military and Police officers were deployed as the UWA started evictions in Apaa village of Amuru district (Okudi, et al. 2012) and that the Speaker of the Parliament of the Republic of Uganda stopped the eviction processes in Apaa village of Amuru district (Lawino and Okudi, 2012). However, although media sources have been informative on the trend, actors involved and the forms of resistance to land grabbing, media reports are rarely based on detailed empirical research and have sometimes been inaccurate. In addition, the media rarely exposes the embedded details and captures only land deals which involve large tracts of land thereby ignoring the ‘localised small-scale ones’ in spite of their prevalence (see Hall et al, 2011:203). The media also targets land deals that involve prominent government bureaucrats because this is what makes news.

Secondly, much of the research on land grabbing in Uganda has been devoted to other parts of the country as opposed to the north despite the increase in incidences and impacts of land grabbing. For example FIAN (2012) and Matsiko (2012a) write about the 2002 land grabbing case in Mubende district where Neumann Kaffee Group (NKG) from Hamburg Germany under a local subsidiary Kaweri Coffee Plantation Limited acquired a 99 year lease over 2,512 hectares

of agricultural land from the Uganda Investment Authority (UIA) to establish a Robusta coffee plantation. During land acquisition, NKG with assistance from the police and military evicted 401 households with 2,041 people (many of them at gun point), property was destroyed, and five people died as a result of the eviction (The Observer, 2009; Vidal, 2012; Kiggundu, 2013). The majority of the evicted people were not compensated (Makochekanwa, 2012), and even the minority who received alternative land complained that alternative land pieces were not commensurate in value and fertility to compared the previous land (The Observer, 2009). Moreover, some of the plots were allocated to more than one household (Graham et al., 2011). Failure to engage the local communities, violation of land rights, inadequate salaries and wages (1.25 USD per day) paid to a few community members that managed to get employment on the NKG plantation and loss of livelihood support systems are also highlighted (European Parliament, 2012; Makochekanwa, 2012). The evicted communities sought legal redress but their efforts did not yield any results due to government bureaucracies and corruption in courts (FIAN, 2012; The Observer, 2009).

In a different case, the National Forestry Authority (NFA) in 2005 granted a licence to a United Kingdom-based New Forests Company Uganda Limited (NFC) to establish a timber plantation in Luwunga in Kiboga district and Namwasa in Mubende district, mid-western Uganda, as part of the global initiative to mitigate the effects of climate change and greenhouse emissions (Matsiko, 2012a; Grainger and Geary, 2011). During the processes of securing the land, NFC promised to provide jobs, build schools, latrines and establish health facilities in these areas. Based on these promises, NFC was thus able to acquire the land, benefitted from the carbon credits for carbon offsetting and in 2008 the Uganda Investment Authority (UIA) named NFC as the investor of the year (Grainger and Geary, 2011). However, establishment of the plantation came with numerous costs as over 22,400 people (15,000 people from 9,383 hectares in Luwunga Kiboga district and 7,400 people from 8,958 hectares in Namwasa Mubende district) lost their rights to land, livelihoods were disrupted and houses as well as households were destroyed (Grainger and Geary, 2011).

A separate inquiry titled '*Land, Life and Justice*' synthesized the implications of the palm oil plantation on the environment, livelihoods, land rights and food sovereignty in Kalangala district (NAPE and Friends of the Earth International, 2012; Piacenza, 2012). The palm oil project that

was established in 1998 by the Government of Uganda with support from the United Nations International Fund for Agricultural Development (IFAD) and the World Bank aims at increasing the supply of cooking oil in the country (NAPE and Friends of the Earth International, 2012). But despite the promises to provide employment to the rural unemployed youths and stimulate development on Kalangala archipelago, the project has been criticized by the 20,000 people that live on the island for lack of consultation and top-down implementation approach (Piacenza, 2012). Besides, the out growers have been compelled to sell their land to the company after failure to pay for fertilizers and other farm inputs that were supplied to them on credit. Small holder farmers have been displaced from their ancestral land, many have lost livelihoods and their land was enclosed in the process of expanding the plantation (NAPE and Friends of the Earth International, 2012).

The above literature has revealed that detailed studies on land grabbing have been conducted in other parts of Uganda with little on the northern region in general and none on Amuru district in particular. It is important therefore to explore the contemporary dynamics at play and also understand the short and long-term problems caused by “dispossession, exclusion and adverse incorporation that local communities face” (White et al., 2012:620). Therefore, with Amuru district as the case study area, and while focusing on two large-scale land grabs which involve the Madhvani Group and Lake Albert Safaris Limited and localised small-scale land grabs initiated ‘from below’, this study fills the existing research gap by investigating the processes which underpin land grabbing, specific types of land grabs, actors involved and their roles in facilitating the expropriation of community land. It also interrogates the agrarian transformations and socio-economic consequences as well as mechanisms employed by the local communities to block and resist the expropriation of their land.

1.6. Justification and significance of the study

Land and related resources are important to the Ugandan economy given that approximately 90% of the peoples therein depend on it for livelihood and survival (OCHA, 2011:3; UBoS, 2002). More than 85 percent of the people in Acholiland depend on land as the primary factor of production (IOM, UNDP and NRC, 2010). Given that most people in Uganda depend on land,

conflicts are likely to arise when their land tenure³ rights and security are under threat. Land tenure issues, including insecurity, are deeply embedded in the causes of conflicts, play a major role in their accentuation and are central in the politics of dispossession as well as repossession in post-conflict situations (Hetz and Myers, 2007). According to Huggins and Ochieng (2005), repossession of land by returning IDPs and/or refugees is a sensitive matter given its embedded role in household rebuilding processes and reconstitution of destroyed livelihood systems amidst lack of alternatives to survival means. Conflicts are likely to continue if IDPs and refugees encounter difficulties reclaiming and repossessing their land and related property as seen in countries in the great lakes region such as Rwanda, Burundi and the Democratic Republic of Congo (Huggins and Clover, 2005; Van Acker, 2005; Hintjens, 2006).

Contestations over land which continued after the conflict in Burundi and post 1994 genocide in Rwanda denote the contentiousness of land tenure in the return and resettlement of IDPs and/or refugees (Huggins and Clover, 2005; USAID, 2005). In the case of Burundi, recurrent expropriation of 'vacant' lands left behind by the fleeing local peoples in the 1990s and the politics which surrounded its repossession were instrumental in the resurgence of hostility (Kamungi et al., 2005). An estimated 90 percent of IDPs and refugees that returned to the country from Tanzania following the signing of the peace agreement in 2000 found it difficult to repossess their land upon return as the elite within the ruling government and military personnel had occupied it in their absence. Meanwhile, Lastarria-Cornhiel (2005) argue that the encumbrances encountered by returning IDPs and refugees during the repossession of land after the 1994 genocide in Rwanda were responsible for the continuation of violence.

The foregoing discussion shows that there is a broad body of literature which focuses on how land tenure insecurity kindles conflicts and the relationship between politics and power in obstructing the repossession of land and related property by IDPs and refugees in post-conflict areas (see also Laurel, 2004; Heimerl, 2005; Huggins and Clover, 2005). The literature has also exposed the importance of studying land tenure contestations in conflict and post-conflict areas. In the case of Amuru district in post-conflict northern Uganda, however, multifaceted processes are underway, including problems of repossession of land, increase in contestations over land

³ The term land tenure is used here to mean the social relations that are buttressed around land which determine who can use what parcel of land and how. In other words, the social relations determine who is permitted or excluded from the use of the land.

between and among local communities (Rugadya, 2009; Mercy Corps, 2011) and an escalation in land grabbing between the local communities and investors (Mabikke, 2011). By interrogating the processes which underpin land grabbing, the diverse types of land grabs, actors involved, agrarian transformations and socio-economic consequences as well as mechanisms employed by the local communities to block and resist the expropriation of their land, this dissertation builds on existing literature on post-conflict land tenure contestation and contributes to the contemporary land grabbing discourses and national politics around investment with a specific focus on Amuru district.

1.7. Scope of the study

This section maps the ‘boundaries’ of the study and it is divided in two parts. The first part describes the geographical area where the research was conducted (geographical scope), and justifies why that specific area was selected. Meanwhile, the second part specifies the time frame of the study.

1.7.1. Geographical scope

The Acholi sub-region of northern Uganda is comprised of seven districts which are Agago, Gulu, Kitgum, Nwoya, Pader, Lamwo and Amuru. The seven districts were affected by the LRA conflict and reports show that land grabbing is on the increase in these districts (Matsiko, 2012a, 2012b; Mabikke, 2011). This research is however limited to Amuru district due to the prevalence of land grabbing in the district. The 2011 World Bank study noted that 85% of the peoples in Acholi and Langi sub-regions continue to experience land tenure insecurity and went on to indicate that the “most frequent site of large scale [land grabbing and] conflict[s] is ... Amuru district” (World Bank, 2011b:87; see also Mercy Corps, 2011:4). The research is specifically limited to two large-scale land grabs initiated ‘from above’ in Amuru district, — with the first case involving the Madhvani Group vis-à-vis the local communities of Lakang village and the second case encompasses Lake Albert Safaris Limited (LASL) against the local communities of Apaa village — and localised small-scale land grabs that involve local elites and the returning local communities.

1.7.2. Time frame

The LRA conflict in the Acholi sub-region of northern Uganda started in 1986 when the ruling National Resistance Movement (NRM)⁴ government took over power after a five year guerrilla war in central Uganda (Branch, 2007b; Atkinson, 2010a). But the land grabbing concerns became more pronounced in 2002 following the 24 hour ultimatum issued by the Uganda People's Defence Force (UPDF).⁵ The ultimatum decreed that all communities of northern Uganda must leave their homes for the 'protected villages', areas which subsequently became home to more than 2 million people for more than two decades (HURIFO, 2002, 2008; Mabikke, 2011). From 2006 the displaced communities started to return to their pre-conflict villages and most of them have actually returned home (Mabikke, 2011). For these reasons, the field-based part of this study, chapters 6, 7 and 8, focused on the period between 2012 and 2013.

Contemporary land issues in Uganda in general and the northern region in particular are rooted in the country's colonial history and post-independence governance politics. This underlying history is explored in two chapters of the thesis. Chapter 2 focuses on the political history of Uganda. It shows that the policies of the colonial government resulted in the formation of the LRA. Second, colonial policies shaped land ownership in Uganda. Chapter 3 examines the changes in land tenure in Uganda from before colonialism to 2013. The two chapters therefore provide an entry-point into understanding the key issues discussed and contextualise the arguments made in the empirical chapters of the dissertation.

1.8. Compensation and restitution of land and related property in post-conflict areas

Repossession of land, housing and related property remains a central issue of concern in post-conflict areas (Leckie, 2000a, Jansen, 2006; Williams, 2007). There is large and increasing literature on transitional justice which highlights the right of IDPs and refugees to return to their original pre-conflict homes in cases of displacement during the time of active conflict and how to deal with multiple claims to land, housing and other property (Leckie, 2000b; Heimerl, 2005; Smit, 2006; Von Carlowitz, 2005). After cessation of hostilities and a return to near normalcy, IDPs and refugees rush back to reclaim their pre-war property. In due course, however, conflicts centred on repossession of abandoned land, housing and other property (for instance in Rwanda,

⁴ In 1986, the ruling National Resistance Movement was known as the National Resistance Army (NRA).

⁵ The national army of Uganda was before 1995 called the National Resistance Army (NRA). But following the enactment of Constitution of the Republic of Uganda in 1995, the NRA was renamed the Uganda People's Defence Force (UPDF).

Burundi, DRC and Côte d'Ivoire) frequently arise between the returning communities and the peoples that utilise the land and occupy houses during the time of active conflict (McCallin, 2012; Ballard, 2012). Given that most contestations in post-conflict areas revolve around loss of land and abandonment of houses during war and the inability to repossess such property in the post-conflict period (Leckie, 2000a; Huggins and Clover, 2005 and McCallin, 2012), restitution and compensation thus become plausible solutions. This is a multifaceted task in that restitution and compensation can on the one hand rekindle the conflict and encourage retribution in case the underlying issues are not appropriately addressed while on the other hand contribute to peace and stability when cautiously handled (Ballard, 2012).

Restitution refers to the “equitable remedy (or a form of restorative justice) by which individuals or groups of persons that suffer loss or injury are returned as far as possible to their original pre-loss or pre-injury position” (FAO et al., 2007:24). In relation to land, restitution entails return of land to the legitimate and original rightful pre-war owners. Under specific circumstances where the abandoned land and other property cannot be repossessed by the owners because it is occupied by “secondary occupants” who are unwilling to leave or unable to settle elsewhere (Anderson, 2011:304; Ballard, 2012:3), the restitution process entails (monetary) compensation of families and households that owned such resources prior to the conflict.

The rights of refugees and IDPs to restitution and compensation for land and related property abandoned during conflict periods were reaffirmed in 2005 with the adoption of the United Nations (UN) *Principles on Housing and Property Restitution for Refugees and Displaced Persons* commonly known as the Pinheiro Principles (FAO et al., 2007; Von Carlowitz, 2005; Anderson, 2011). These are the first international principles which specifically focus on property of displaced communities and they indicate that refugees and IDPs have the right to reclaim and repossess the property lost and abandoned during the conflict (Anderson, 2011; McCallin, 2012). Principle 2.1 states: “All refugees and internally displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal” (FAO et al., 2007:24).

These principles have been applied in restitution and compensation processes elsewhere, for instance in Bosnia and Herzegovina. According to Anderson (2011), most IDPs and refugees in

both countries were able to repossess their property and those who did not received just compensation. The restitution process in Bosnia and Herzegovina has been “the most comprehensive and systematized post-conflict restitution effort ever implemented” (Ballard, 2012:13) and it set a “precedent in the history of international peace building” (Williams, 2007: 443). A similar level of success was recorded in Kosovo as approximately 30,000 claimants of land and related property were either compensated or repossessed their property in about three years (Smit, 2006:63).

Although restitution and compensation are human rights (Solomon, 2009; IDMC and NRC 2010a), IDPs and refugees in post-conflict areas in Africa are often denied access to their land and related property (McCallin, 2012). Denial of access to land and related property emanates from lack of political will to compensate or undertake restitution programs (McCallin, 2012). For instance, a reconciliatory approach that emphasised compromise and property sharing rather than restitution was adopted in Burundi and Rwanda because, the government argued, some of the returning communities had been displaced for a very long time (McCallin, 2012). The long periods of displacement and multiple exchanges of land that took place over the years “made restitution practically impossible” (McCallin, 2012:10).

In sub-Saharan Africa, the Great Lakes Region comprising eleven countries from Eastern and Central Africa and an area that has been characterised by successive waves of conflicts developed the *Protocol on the Property Rights of Returning Persons* in 2006. Article 4(1) of this Protocol points out that countries in the Great Lakes Region are committed to assisting IDPs and refugees “to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement”.⁶ In a situation where the returning communities are not able to repossess the pre-war property, article 8(1) further indicates that individual countries shall “undertake the responsibility for compensating the loss of the property of internally displaced persons and refugees in situations where they are directly responsible for such loss”.⁷

⁶International conference on the Great Lakes Region: Protocol on the Property Rights of Returning Persons, November 30, 2006. This protocol is part of the boarder agreement centred on Security, Stability and Development of the Great Lakes Region and it was ratified by 11 member states. It came into force in June 2008.

⁷ Ibid

Although restitution and compensation programs have in the past focused on conflict and post-conflict areas, more specific policies and frameworks have been developed to address land tenure and property ownership issues in stable areas. In 2009, the African Union (AU), United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) developed a framework to strengthen land rights, enhance productivity and secure livelihoods on the African continent (AU, UNECA, AfDB, 2009). Commitment to addressing these issues in the midst of increased land grabbing is also contained in the final declaration adopted by the Pan-African Parliament, East African Legislative Assembly, ECOWAS parliament, CEMAC parliament and the parliament of Rwanda in Kigali Rwanda in 2013.⁸

The Food and Agriculture Organisation (FAO) further adopted *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* in 2012 with specific attention to restitution and compensation in non-conflict and/or stable areas (FAO, 2012b). These voluntary guidelines explicitly recommend that countries should consider restitution for the loss of legitimate tenure rights to land, fisheries, forests and other natural resources (FAO, 2012b; Seufert and Suarez, 2012; Seufert, 2013). With reference to land, the FAO further argues that: “Where possible, the original parcels or holdings should be returned to those who suffered the loss, or their heirs, by resolution of the competent national authorities. [In a situation] Where the original parcel or holding cannot be returned, States should provide prompt and just compensation in the form of money and/or alternative parcels or holdings, ensuring equitable treatment of all affected people” (FAO, 2012b:25). It is also recommended that restitution concerns of indigenous peoples be handled within the context of national laws and that policies should be engendered to cater for practical and strategic needs of both men and women (FAO, 2012b).

In 2010, the FAO, IFAD, UNCTAD and the World Bank developed *Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources* (RAI) to regulate investment processes (FAO, IFAD, UNCTAD, World Bank, 2010). These principles are a reaction to the increase in large-scale land acquisition and subsequent loss of land by local communities arising from direct and indirect mechanisms which underpin local and foreign investment (Margulis et al., 2013; Phoebe, 2013). For developing countries and their peoples to

⁸ See the Final Declaration at http://www.iisd.org/pdf/2013/concept_note_malabo_en.pdf (Accessed April 13 2014).

benefit from large-scale land transfers and investments mainly in the agricultural sector, it is important for the investors to respect the rights of existing users of land and water resources, protect and improve the livelihoods, respect their socio-cultural aspects and protect the environment (FAO, IFAD, UNCTAD, World Bank, 2010).

However, the FAO's Voluntary Guidelines and World Bank's Principles for Responsible Agricultural Investment (RAI) have come under criticism from scholarship (GCAR, 2010; De Schutter, 2011). The Voluntary Guidelines merely advise investors to be responsible, for instance, through engaging existing land users and respecting their rights while investing in developing countries but they do not aim at stopping land grabbing (Borras et al., 2013; Borras and Franco, 2010a). The very fact that the guidelines are 'voluntary' means that they "do not establish ... legally binding obligations" (Seufert, 2013:182), which also implies that investors are at liberty to comply or ignore them. Although the guidelines have "built-in global monitoring mechanisms" (Seufert, 2013:184), enforcement and ensuring compliance at local, national and international levels continues to be a problem because of the 'voluntary' nature of the guidelines. "Violations are difficult to pin down; violators are impossible to make accountable" (Borras and Franco, 2010b:11). Moreover, Suarez (2012) argues that even though land-based transactions and transfer processes are regulated through voluntary guidelines, and even if the resultant outcomes could be good and development realised, the underlying problem is that local communities are dispossessed of their rights to land. In other words, by accepting "large-scale transfer of tenure rights", the guidelines sanction "land grabbing" (Suarez, 2012:39).

Similar to the Voluntary Guidelines, the World Bank through RAI principles indicates that land-based transactions should be regulated and cautiously facilitated, but not stopped, as land transfer processes could bring about development (FAO, IFAD, UNCTAD, World Bank, 2010). Development of RAI principles by the World Bank as opposed to advocating for an end to land-based transactions indicates that land transfers are fine but all that needs to be done is to rectify the processes of land acquisition and ensure that there is transparency (Borras and Franco, 2010a; De Schutter, 2011; Borras et al., 2011). Indirectly, it means that the RAI guidelines do not aim at stopping the transfer of land but they ensure that the land acquisition processes are conducted in a more "responsible" and "transparent" manner which, in effect, perpetuates rather than stops the problem (Borras et al., 2011:7). FIAN International and La Via Campesina under

the Global Campaign for Agrarian Reform (GCAR) reject the World Bank View on RAI by noting that the principles wholesomely “legitimise ...the long-term corporate (foreign and domestic) takeover of rural people’s farmlands” (GCAR, 2010:2). The central argument from the GCAR (2010:3) is that the principles facilitate the smooth transfer of land to investors as opposed to protecting and enhancing the rights of the existing and future land users in developing countries. These principles strengthen the position of investors while undermining the land rights of the rural poor, hence more dispossession and ultimate marginalisation rural communities that depend on land (De Schutter, 2011; GCAR, 2010). In the next section, I explore global dimensions of land grabbing.

1.9. Global dimensions of land grabbing

In recent years, farmlands in both stable and fragile states have come under immense pressure from large-scale commercial interests and investments (World Bank, 2010; World Bank 2011a; Deng, 2011). Land acquisition at national and international levels is increasing but accurate statistical data on this issue remains scanty due to secrecy and confidentiality clauses emphasized in the agreements (Cotula, et al., 2009; Daniel and Mittal, 2009). Available studies however provide a fairer picture on the trend, mechanisms and dimensions of land grabbing (Makki and Geisler, 2011; Ojeda, 2012; Gardner, 2012; Grajales, 2013; Ansoms et al., 2014). Developing countries in Africa, Asia and Latin America are the major recipients of much of the investment, and for this reason, extensive tracts of the land on these continents have already been acquired and much more is planned for acquisition (Cotula et al., 2009; Oxfam, 2011). Interest in farmland is from the elite and wealthier individuals within countries, multinational companies and even foreign governments themselves. The land is acquired either through lease, concession or outright purchase with the aim of producing basic foods for export to the parent country or for environmental ends (GRAIN, 2008; GRAIN, 2011; Zoomers, 2010).

Scholars have conceptualised land grabbing in the context of ‘(trans)national commercial land transactions’ implying that it is not only multinational corporations and foreign countries that are involved but local and national entrepreneurs within a specific country are also part of the equation (Borras and Franco, 2010b and Cotula et al., 2009). Out of the total land so far acquired by both domestic and foreign individuals, domestic land grabs amount to 50% in Ethiopia, 97% in Sudan, and 53% in Mozambique (FAO, 2012a). But these transactions that involve domestic

investors are rarely pronounced and hardly viewed through the 'land grab' lens (Prague Global Policy Initiative, 2012). Elimination of land grabs that involve local actors emanates from differences in conceptualisation of what constitutes a land grab, with some scholars focusing on land transfers and expropriations that involve more than 200 hectares (Ansoms et al., 2014; Anseeuw et al., 2013; Oya 2013). Others focus on concluded land deals thereby excluding those under negotiation, and some qualify a land grab based on the intended use of land, with a bias often on agriculture (Scoones et al., 2013; Cotula et al., 2009; Cotula, 2012; Cotula and Polack, 2012).

Although the data on the amount of land so far leased or sold varies across sources, the Land Matrix database estimates that over 987 land deals which amount to 57,368,608 hectares have been concluded worldwide since 2000 (Land Matrix, 2013). Oxfam (2011) also indicates that over 227 million hectares of land have either been sold or leased to international investors and multinational companies since 2001. According to Daniel and Mittal (2009:1), foreign investors secured between 37 million and 49 million acres of agricultural land in developing countries between 2006 and 2009. In comparison with other continents, Africa has been the largest recipient of land-related investments with the ensuing land grabs covering 56.2 million hectares, followed by Asia with 17.7 million hectares and Latin America with 7 million hectares between 2000 and 2012 (FAO, 2012b; Prague Global Policy Initiative, 2012). The countries which have been affected the most in Africa include Ethiopia, Sudan, Liberia, the Democratic Republic of Congo and Tanzania (Cotula, and Polack, 2012; Oakland Institute, 2011; FAO, 2012a; Land Matrix, 2013)

Daniel and Mittal (2009) found that since the start of the 2008 food crisis period, 180 large-scale land deal agreements have been concluded and many more deals are under negotiation in different parts of the world. This increase in the acquisition of large tracts of land has raised mixed reactions with some commentators arguing that if this is done under a properly regulated framework it could provide the needed employment and deliver development in most rural communities of developing countries (FAO, IFAD, UNCTAD, World Bank, 2010; Deng, 2011; FAO, 2012b). Considering that large agricultural estates use mechanised forms of production, import most of the inputs, do not provide plausible working environments and have limited

multiplier effects, land grabbing can hardly translate into development (De Schutter, 2011; GCAR, 2010).

The initial discourses on land grabbing were centred on large-scale land acquisitions by multinational corporations and nation-states in the global north for agricultural production in order to meet the increasing demands for food and production of renewable energy (GRAIN, 2008; Corson and MacDonald, 2012). Recent narratives on this issue have however conceptualised the notion of land grabbing in broader terms to encompass various mechanisms and processes which propel land acquisition, including globalisation, increasing urbanisation, investment in holiday resorts by capitalist entrepreneurs and conservation of nature for ecological and touristic purposes (Zoomers, 2010; Benjaminsen and Bryceson, 2012). Regardless of the differences in conceptualisation, the crosscutting idea is that community land and common property regimes are expropriated for the establishment of private agricultural farms and nature conservancies.

Although land grabbing has been increasing since 2008, there are divergent viewpoints among scholars as to whether the expropriation of common property regimes is a new phenomenon or not. According to Peluso and Lund (2011), Alden Wily (2012) and White et al. (2012), state appropriation of common property regimes and community land for the establishment of private agricultural plantations and nature conservancies has occurred in Africa since the colonial period. There have been long histories of state expropriation of community land for the establishment of sugarcane, cotton, coffee and tea plantations as well as nature conservancies in Africa (Neumann, 1992, 2000, Arezki et al., 2011; Peluso and Lund, 2011). These products were exported to the metropolitan centres of the colonising countries (Smalley, 2013).

Even though 'land grabbing' and/or 'large-scale land acquisition' may not be a new phenomenon, critics argue that the processes, motivation factors and underlying mechanisms through which the contemporary land acquisition processes operate differ from traditional forms of expropriating the commons (Peluso and Lund, 2011; Fairhead et al., 2012; Alden Wily, 2012). According to Benjaminsen and Bryceson (2012), present-day conversion of land into extensive private agricultural farms and nature conservancies continues to take place at an unprecedented rate, operates under new dynamic processes, and encompasses a new set of actors. Borras et al. (2011:16) argue that the scope, "condition, orientation and constellation of key players in

contemporary land grabs are significantly different from the previous waves”, meaning that present-day processes of dispossession involve new mechanisms and processes. White et al. (2012:624) indicate that the current rush for land is increasing at a fast rate, with profound consequences at local, national and international levels. These processes and dynamics distinguish the contemporary land grabbing processes from the colonial expropriation experiences. Although there are divergences in viewpoints, the common agreement is that land grabbing is real and increasing, and also denying the rural poor of their rights to land which forms the centre of their livelihood and survival.

The land grab phenomenon is attributed to three main interconnected crises, which are food, finance and fuel. First, some scholars attribute the increase in land grabbing to the hike in the price of food (Graham et al., 2011; Hallam, 2009; Von Braun, 2008; Von Braun et al., 2008). Debates on the nexus between the food price and land grabbing reveal that prices of agricultural products have in previous centuries been declining, a scenario which reflected an increase in production due to expansion of land devoted to agriculture, increase in the trade of agricultural produce and general improvement in innovations in the same sector. Headey and Fan (2008:376) put it that before May 2007, *“the real prices of staple foods were at an all-time low after declining for the best part of 30 years”* (emphasis original).

However, the increase in the price of food and output from agriculture changed in recent years as evidenced between November 2007 and May 2008 in that shortages in the supply of food led to price increments — 140% according to Headey and Fan (2008:379). The scarcity of food amidst increase in prices kindled riots in major cities around the world. Von Braun (2008) and Von Braun et al. (2008) also note that from 2003 the prices of cereals doubled compared to the previous period and that of dairy products also increased. In Southeast Asia, the “price of Thai rice rose 255 per cent between 2004 and 2008, with most of the increase coming after mid-2007” (Hall et al, 2011:200). Future projections suggest that prices of essential commodities are likely to continue rising with reductions not expected in the near future. As a consequence, major food importing nations and those whose populations are increasing have resorted to acquisition of land in other ‘land abundant’ countries in order to ensure stability and consistent supply of food (Daniel and Mittal, 2009; Hallam 2009).

Second, the global financial crisis compounded the food crisis which, in turn, accentuated the rate at which investors acquired land for the production of food (Cotula et al. 2009; World Bank, 2011a; Von Braun, 2008). Although the financial crisis and the food crisis were triggered by different dynamics, that is, weaknesses in financial regulatory frameworks and shortages in food supply respectively (Headey and Fan, 2008), the two crises became interlinked and thereafter influenced each other (Von Braun, 2008). Another factor is the role of international financial institutions especially Foreign Investment Advisory Services (FIAS) and International Financial Corporation (IFC), the private lending arm of the World Bank, in heightening investment in agriculture in developing countries. In the wake of the food crisis in 2008, the IFC sought to increase agricultural output by shifting the attention from state-led to private sector production. To realise these ends, the IFC directly engages with and persuades developing countries to reduce the bureaucracies involved in land acquisition by foreign multinational corporations and individual investors. Thereafter, IFC provides financial assistance to entrepreneurs to invest in agriculture and related investments in developing countries (Oxfam, 2011; Daniel and Mittal, 2009).

The role of FIAS is to ensure that developing economies provide a sound investment climate by realigning their domestic laws to suit the interests of investors. Daniel and Mittal (2009:6) indicate that the number of agribusiness enterprises which received support from the IFC increased to almost double in three years, that is, from 17 in 2005 to 32 in 2008, while in 2008 alone IFC investment in agribusiness-related enterprises was in excess of 3 billion. Thus, the creation of a favourable investment climate based on the influence of FIAS and increased financing to agribusiness enterprises have accelerated the rate at which land is acquired in developing countries. On the role of international financial institutions in fostering land grabbing, Harvey (2003:147) argued that the, “speculative raiding carried out by hedge funds and other financial institutions of finance capital ... [has provided] the cutting edge of accumulation by dispossession in recent times”. He concludes that: “The umbilical cord that ties together accumulation by dispossession and expanded reproduction is that given by finance capital and the institutions of credit, backed, as ever, by state powers” (Harvey, 2003:152). Hedge funds and finance provided by the IFC and FIAS have facilitated land grabbing in the developing world.

Third, production and use of ‘green energy fuels’ as an avenue to mitigating climate change and associated greenhouse emissions as well as carbon offsets is increasing particularly in the western world (Fairhead et al., 2012; McCarthy et al., 2012). Reduction of greenhouse emission rates, improvement of energy efficiency and increased investment in renewable energy (Wykes, 2009) are seen as plausible ways to “repair... [and enhance] a damaged nature” (Fairhead et al., 2012:242). The discourses about averting climate change have however increased at a time when conservationists have also stepped up their advocacy for demarcation of more land for conservation in developing countries (Zoomers, 2010; Ojeda, 2012). These ‘green’ pretexts are increasingly fronted to rationalize the expropriation of community land “in the name of sustainability, conservation or green values” (Fairhead et al., 2012:238), a process that critics have termed as “green land grabbing” (Benjaminsen and Bryceson, 2012: 335; Neimark, 2012).

Natural resources have been commercialised and commoditised for instance, through ‘carbon credits’, and community land of varying sizes is expropriated for conservation, forestry, aesthetic purposes and cultivation of crops like corn and jatropha to make ‘green agrofuels’ (Hall et al, 2011; Fairhead et al., 2012; McCarthy et al., 2012). In Tanzania, for instance, village land is increasingly enclosed for conservation purposes (Benjaminsen and Bryceson, 2012), while approximately one third of the total maize produced in the United States is used for the production of ethanol (Headey and Fan, 2008: 380; Von Braun et al., 2008). Plans are also underway in the United States to increase the use of ethanol to 3.5 billion gallons between 2005 and 2013 (Daniel and Mittal, 2009:4; see also Headey and Fan, 2008), implying that much more land is needed to meet this target.

The European Union (EU) Renewable Energy Directive (RED) and country-specific policies which compel corporations to shift from the use of fossil fuels to agro-fuels (bio diesel) have directly and indirectly fuelled the land grabbing (Graham et al. 2009; Cotula et al., 2009; Cotula, 2012). In 2009, the European Union set quota targets with which all member countries are required to comply (Directive 2009/28/EC, 2009). Every EU country is mandated to establish an obligatory national target that is consistent with a 20 % share of energy from renewable sources and a 5 % share of energy from renewable sources in the transport sector by 2020 (Directive 2009/28/EC, 2009). This means that the 5% share is to come from agricultural products that are grown in developing countries. The total acreage of land required to realise this quota of

renewable energy is estimated at 17.5 million hectares (Wykes, 2009; Prague Global Policy Initiative, 2012).

The compulsory national quota of renewable energy requires that more agricultural land will be utilised for the production of crops required in the production of renewable energy (Headey and Fan, 2008). The production of renewable energy indirectly feeds into food insecurity as the acreage of land utilised for 'food' production is likely to reduce. Von Braun et al. (2008) observed that increased demand for biofuel between 2000 and 2007 contributed to a 30% increase in the price of cereal. Meanwhile Headey and Fan (2008) indicate that increased production of biofuels reduced the stock of grain in the United States. These incidents have reawakened and provided a new perspective to the broader agricultural sector that has not only been under-capitalized but also overlooked in developing countries for many years. In this way, nation-states in the north and south, individual capitalist entrepreneurs in both developed and developing countries and multinational companies have resorted to acquisition of large swathes of land in order to engage in extensive agriculture for the production of more green fuels, conservation and forestry in order to reduce greenhouse emissions, thereby reducing climate change.

1.10. Land grabbing in Africa

Land grabbing has mostly affected the African continent in general and countries in Sub-Saharan Africa in particular. As of 2013, 35% of the estimated 48,829,193ha that were acquired globally since 2000 were in Africa (Land Matrix, 2013). However, the World Bank puts the estimates of the total global land transactions that have either been concluded or are under negotiation on the African continent at 70% (World Bank, 2011a). Predictions indicate that approximately 20 million hectares of land in Africa are in the hands of foreign private companies (Graham et al., 2011:2) while Cotula, and Polack (2012) shows that between 51 and 63 million hectares of land were acquired by private companies between 2008 and 2010 in Africa alone. Although it is difficult to know the exact acreage of land that has so far been acquired because of the secretive nature of land deal agreements, the above figures indicate that extensive farmlands have been acquired in Africa.

Countries on the African continent attract foreign investors in land and agriculture with the aim of increasing foreign exchange, accelerating economic growth and development, raising the tax

base and creating employment. Infrastructure improvement is at times anticipated as a positive externality if it is not provided by the recipient country as part of the ‘package of incentives’ for investment (Prague Global Policy Initiative, 2012). Deng (2011) argues that if land is acquired under a properly regulated framework the plantations could act as an engine of development, improve food security and enhance the lives of rural communities. But, whereas recipient countries assume that aggregate food production would improve in the long-term, food insecurity often remains a serious problem and for this reason such states continue to receive food aid (FAO, 2012a). In addition, smallholder farmers are displaced, societies are fragmented, livelihood systems are destroyed and pastoral lands are lost.

Although much of the writing on land grabbing points to the food, finance and fuel crises as the major drivers (Headey and Fan, 2008) increased rush for farmlands in Africa is also precipitated by the perception that most parts of Africa are still uninhabited and that the continent contains abundant ‘free’ land (Cotula et al., 2009; Hallam, 2009). Such perspectives are held by some people in the developed world. This is quite surprising because counter narratives centred on birth control indicate that the continent is over populated. But when it comes to acquisition of land, the language is framed to reflect the availability of ‘abundant’, ‘free’ and ‘surplus’ land (Hallam, 2009:8) essentially signifying that such land should be availed for large-scale agricultural establishments. Similar to other areas on the continent, land which is categorised in such a manner is often central in the livelihoods and economies of rural communities. On the African continent where shifting cultivation and nomadism are practiced, land can be left to regenerate over time or set aside for communal grazing but this does not necessarily mean that it is ‘idle, surplus or free’ (Prague Global Policy Initiative, 2012).

Even though literature on land grabbing is on the increase, the exact acreage of land which has so far been acquired by local and foreign firms and land deals under negotiation contrast remarkably (Cotula and Polack, 2012; Edelman, 2013). Scoones et al. (2013:473) echo this claim by noting that despite the increase in scholarship on land grabbing “we actually still don’t know how many land deals have been entered into, where and with what consequences.” Substantial variations in the data emanate from differences in methodologies used and unreliability of datasets given that much of the evidence comes from secondary sources particularly media reports (Prague Global Policy Initiative, 2012; Oya, 2013). The discrepancies are also attributed

to secrecy and confidentiality clauses that are often included in land agreements, prejudice in selection of case studies (Scoones et al., 2013) and the need of some scholars to draw the attention of the media by providing, what Oya (2013:505) describes as “killer facts on land deals”. The inaccurate nature of land grabbing related data (Oya, 2013), therefore calls for critical cross-validation of the data itself. This shows the importance of drawing on credible and verified sources as well as reflection on the methods used in data collection as these attributes influence the credibility and reliability of research findings. There is thus a need to be cautious and impartial when handling and presenting land grabbing related findings (Scoones et al., 2013). Despite the imprecision, available data still show that land grabbing is on the increase in developing countries. Next is an outline of the chapters contained in the dissertation and this is followed by chapter 2 which presents the historical context on which this study is anchored.

1.11. Dissertation overview

This dissertation is broadly divided into three intertwined sections. The first section anchors the study (chapter 1) and reviews the literature related to Uganda’s colonial and post-colonial history (chapters 2 and 3). The second section provides the theoretical orientation (chapter 4), while chapter 5 contains the research design and methodology. Contained in the third section of this dissertation are the findings of the study (chapters 6, 7 and 8) and the conclusion (chapter 9). The explicit details in the chapters are provided below.

Chapter one introduces the research topic, provides the background to the research problem, presents the objectives of the study, the research questions and identifies the research gap which the research intends to address. This is followed by the scope of the study, time frame, literature on land restitutions and compensation in post-conflict areas as well as land grabbing from the global and African perspectives.

Chapter two reviews the history of Uganda from the pre-colonial, colonial to the post-independence periods. This chapter is divided into two parts. The first part focuses on the colonial period while the second part concentrates on the post-independence period. The chapter shows that the social, economic and political dynamics in post-independence Uganda cannot be appropriately understood outside of the colonial history from which they originated. A discussion of how colonial policies of divide and rule as well as indirect rule favoured particular groups of people and determined the distribution of social services, with more facilities in the

south and virtually none in the north follows hereafter. The resultant polarisation of Uganda along ethnic, tribal and regional lines informed the processes that kindled the LRA conflict, whose consequences are the subject of this thesis. This rooted history is not only central in contextualising the study but lends credence to the arguments made in this dissertation.

Chapter three builds on the historical literature in chapter 2 by specifically focusing on the evolution of land tenure in Uganda from the period before the introduction of colonialism to the present post-independence period (2013). The chapter shows that land tenure in post-independence Uganda continues to be influenced by the colonial policies. The chapter further discusses the multiple land tenure regimes and legal pluralism which emerged from the 1900 Buganda Land Agreement that was signed between Buganda Kingdom and the British colonial government and shows how the alienation of private estates to individuals transformed the political economy of the country. A discussion of the land tenure changes that have taken place from the time Uganda attained independence in 1962 to 2013 shows how post-independence land reforms have tried to disentangle the overlapping land tenure regimes and legal pluralism that came with colonialism but with limited success. Dispossession and contestations over land including land grabbing in northern Uganda in general and Amuru district in particular is, in part, aggravated by multiple claims to land.

Chapter four presents the political economy theoretical orientation which underpinned the study. The chapter starts with an examination of the notion of political economy from a broader perspective before narrowing it down to the political economy and social relations buttressed around land. This is followed by an identification of three ‘spaces’ where social relations under agrarian political economy can plausibly be analysed, that is, global, national and local. From the global perspective, the chapter demonstrates that neoliberalism that was introduced in developing countries in the 1980s has continued to restructure the social relations around land. At the national level, developing countries facilitate the transformation of social relations by enacting land-related laws, regulations and establishment of specific institutions. The impacts arising from these transformations are realised by the local communities in the countryside of developing countries, including Amuru district, with dispossession and grabbing of land belonging to small holder farmers and peasants being the most vivid.

Chapter five provides a detailed account of the research design and methodology that was used in the study. The research is qualitative in nature. The data which informed this dissertation was obtained from secondary sources, individual in-depth interviews and focus group discussions. The chapter further provides a description of the social, economic and political/governance dynamics in Amuru district where the research was conducted. Reflections on the fieldwork process, ethical issues, study limitations and validity are presented thereafter. Before concluding this chapter, a description of how the data was analysed and presented is undertaken.

Chapter six analyses the first case. It interrogates the process through which a family-owned Ugandan company called the Madhvani Group acquired 40,000 hectares for the establishment of a sugarcane plantation in Lakang village of Amuru district. The chapter presents the history of sugarcane production in Uganda and the Madhvani Group before examining the narratives which the GoU employs to justify the expropriation of community land. The history of the contested land in Lakang village and an assessment of whether the sugarcane industry could be a development opportunity are presented. In the chapter, I also interrogate how the allocation of community land to the Madhvani Group is gradually restructuring the local political economy in Lakang village, affecting rural agrarian livelihood systems and interfering with people's identity, belonging and spirituality in the district. The chapter further unpacks the mechanisms that have been employed by the local communities of Apaa to block and resist the appropriation of their land.

Chapter seven analyses the second case. It interrogates the mechanisms and processes through which the Lake Albert Safaris Limited (LASL), which is owned by South African nationals, acquired about 834km² in Apaa village of Amuru district for the establishment of a privately run conservation area. The chapter shows that the expropriation of community land for conservation purposes is increasing in Uganda and that liberalisation of the economy has been at the centre of these processes. It details a series of evictions that have taken place in Apaa village to pave the way for LASL. The specific details embedded in the land management concession that was signed between LASL in the one hand, and the UWA and Adjumani District Local Government (ADLG) on the other hand are presented and assessed thereafter. The chapter shows that the GoU has been central in facilitating the expropriation of community land as it deployed the police and military personnel as well as game rangers and wardens to evict the local

communities. The chapter further shows that local communities lost their rights to land, property was destroyed, lives were lost, youths were incarcerated and that the eviction processes created a new form of ‘environment-induced IDPs’ in Apaa village of Amuru district.

Chapter eight interrogates the processes of accumulation ‘from below’ that are underway within Amuru district. This chapter shows that the local communities of Amuru district are not a monolithic group, meaning that land grabbing in the district is not only about ‘others’ (external capitalists) vis-à-vis ‘us’ (local communities) but it is also about local elites within the local communities expropriating land which belongs to the marginal rural poor. In this chapter, I show how land grabbing ‘from below’ and ‘from above’ are intertwined, with the latter stimulating a string of small-scale land grabs ‘from below’. I classified the small-scale land grabs ‘from below’ into four broad categories which are ‘inter and intra-community’ as well as ‘inter and intra-family’. Whereas land grabbing processes ‘from below’ have resulted in the accumulation of more capital and empowered the local elites, the loss of rights to land has disenfranchised the rural poor, with widows, orphans and formerly abducted children being the most affected.

Chapter nine concludes the study. Land grabbing debates in Amuru district were kindled by the redevelopment discourses of the state which targeted the utilisation of community land for large-scale establishments, agricultural or otherwise. These establishments, the government argued, were plausible platforms on which the processes of reconstitution of the destroyed households and revitalisation of livelihood systems that were disrupted by LRA conflict would be anchored. However, the state’s redevelopment trajectories have benefited government bureaucrats, domestic and foreign investors, people aligned to the ruling National Resistance Movement (NRM) and local elites within Amuru district who have merchant capital and connections, as opposed to facilitating the processes of revitalisation of livelihoods and reconstruction of households by the marginal and disempowered rural poor communities. By detaching the local communities from the main means of production, land, the land grabbing processes that are underway have perpetuated misery and further subjugation of the returnee peoples. These processes are gradually creating proletarian classes in Amuru district. Repossession of land which the local communities abandoned at the height of the conflict needs to be considered by the Ugandan state as an option as it would provide an appropriate foundation to household reconstruction and livelihood recovery. In case the local people cannot repossess their land,

restitution and compensation ought to be considered as alternatives. The central aspect is for the local communities to own land which is important in the households and livelihoods of most people in Amuru district.



CHAPTER 2: THE POLITICAL HISTORY OF UGANDA

2.1. Introduction

The footprints of colonialism continue to inform the socio-economic and political dynamics of most countries on the African continent, including Uganda (Atkinson 2010; Ansoms and Hilhorst, 2014). Through the processes of suppression and incorporation of virtually independent decentralised polities into centralized administration, colonial governments left lasting imprints on Africa (Mamdani, 1976; Mutibwa 1992). For this reason, Atkinson (1989:20) argues that “current-day, politically independent Africa cannot be understood outside of the historical context, especially without consideration of the still significant colonial legacy”. Appropriate conceptualisation of the contemporary contestations, including those centred on land therefore calls for the unpacking and paying attention to particular histories from which they originated (Odoi-Tanga, 2009; Mamdani, 1976).

In Uganda, the consequences of colonialism and state formation processes continue to be experienced and are manifested in various ways, with conflicts and internal violence being the most vivid. For instance, the Lord's Resistance Army (LRA) conflict that started in 1986 after the NRM government assumed power is one of those conflicts which developed from the contentious political history of state formation. This historical context is not only useful in providing the context but lends credence to the arguments made in this study as specific ‘features’ of land grabbing in Amuru district can plausibly be conceptualised by examining particular historical events from which they originated.

The purpose of this chapter is threefold. The first is to provide an understanding of the ways in which colonialism shaped the social, economic and political economy of Uganda. Second, show that some of the contestations over the ownership of land emanate from and are aggravated by the rooted colonial history. Third, given that the origin of the LRA conflict in northern Uganda is attributed to colonialism and its policies (Odoi-Tanga, 2009), this chapter provides an understanding of the rooted history of the LRA conflict of which its consequence is the focus of this dissertation. The specific areas which this chapter focuses on include colonial politics, the policies of divide and rule as well as indirect rule and how these polarised the country along ethnic and tribal lines, hence the formation of the LRA in the post-independence period. Although the pre-colonial history is pointed out in the first section of this chapter, the major

focus here is on colonialism and the policies that were employed because these continue to inform the post-independence politics in Uganda. Discussions of Uganda's political history cannot ignore the centrality of the Buganda Kingdom as the initial years of colonial rule were centred on Buganda. This means that most of the discussions largely make reference to and centre on the Buganda Kingdom. This historical context provides a point of departure from which the contemporary questions around contestation over land in post-conflict northern Uganda can be conceptualised.

2.2. Organisation of societies in Uganda before colonialism

Pre-colonial societies in Uganda were decentralised with some hierarchically structured while others, for instance those in northern Uganda, were organised along lines of descent (Kabwegyere, 1974; 1989). These "village communities" (Batungi, 2008:5) were ordered around nucleated polities or chiefdoms comprising lineages, clans, sub-clans and households. The peoples that currently occupy present day northern Uganda were organized along "generational lines" (Mamdani, 1976:22) and "lived in lineage based, single village political communities; with no formal political structures extending beyond this" (Atkinson, 2010:66). Meanwhile Mutibwa, a Ugandan historian, indicates that such communities were characterized by "segmented societies" with no evidence of "centralized states or settled modes of life" (Mutibwa 1992:1) meaning that they were pastoralist in nature.

Even the Buganda kingdom of Uganda that was among the largest, wealthiest and highly centralized monarchies in East Africa was structured along generational lines, that is, clans, and lineages (Mutibwa, 1992). Other scholars have also argued that the Buganda kingdom developed out of amalgamation of different 'nationalities' (Kabwegyere 1974; and Atkinson, 1989). Under this social and political organizational structure, lineages and clans were the basic units of social organisation; they managed their "own affairs, settled disputes between their own members and recognized no authority beyond this unit" (Karugire, 2010:8). In *The politics of state formation and destruction in Uganda*, Kabwegyere (1974) indicates that the structural organisation of these societies was along lines of descent however this changed soon after the coming of the colonial government.

2.3. Colonial politics in Uganda

The occupation of Uganda by the British colonial government started with the coming of two Britons, John Speke and James Grant, in 1862 on a mission to trace the origin of the river Nile (Mamdani, 1976; Mutibwa, 1992). These were followed by three missionary groups. First, the Church Missionary Society (CMS) led by Alexander Mackey (British protestant) in 1877, second, the Mill Hill Fathers in 1877, and third, the White Fathers (French Catholics) in 1879 (Twaddle, 1974; Brierley and Spear, 1988; Karugire, 2010). Although the exact period when Moslem Arabs arrived in Uganda is not known, Kabwegyere (1974) indicates that by the 1840s they were already in contact with the Buganda kingdom during the processes of long distance trade.

Between 1887 and 1894 conflicts broke out among the Christians, Catholics and Moslems in the area which later became Uganda. Although the exact cause of the conflicts is not very clear, sources indicate that some were kindled by struggles for converts between the different religious sects, while others were attributed to resistance of external influence by the local population (Mamdani, 1976). Four wars and a number of disturbances took place in Buganda between 1884 and 1900 (Mukwaya, 1953). Initially, the conflicts were between the competing religious factions but in due course they drew in the local peoples and their leadership, particularly kings, chiefs and other notables (Mair, 1933; Hansen, 1986). To overcome the conflicts, accelerate the colonization process and break local resistance, the missionaries sought local alliances (Mamdani, 1976). The formation of alliances between the missionaries and the local communities was realised through the use of 'divide and rule' as well as 'indirect rule' (Roberts, 1962).

Divide and rule refers to multiple processes which the colonial administration exploited and capitalised on to strengthen their position among the local populace. The colonial government often did this by offering military support to one ethnic group against another and in so doing they constructed and compounded ethnic identity differences. For instance, the Church Missionary Society forged an alliance with the Kabaka (King) of Buganda Kingdom in central Uganda in order to overcome and extend colonialism to the Bunyoro kingdom in mid-western Uganda (Mamdani, 1976). Meanwhile, indirect rule was a system of administration that entailed the use of individual collaborators and at times the entire tribe, for instance the Baganda in

central Uganda, as “sub-imperialists” (Mutibwa, 1992:3). The sub-imperialists — Baganda — not only extended colonial rule but also governed the unconquered parts of the country on behalf of the colonial government (Roberts, 1962). The use of collaborators was cheaper in terms of resources and less cumbersome as opposed to direct confrontation. As a result of these processes, Uganda was declared a British protectorate in 1894 (Mafeje, 1973; Mamdani, 1976; Tamale, 1999).

The first point of contact for the colonial representatives in Uganda was Buganda kingdom, and because of this, most collaborators were recruited from Buganda Kingdom (see [Map 1 on page 36](#) for the location of Buganda Kingdom in Uganda). The Baganda people from Buganda Kingdom worked as intermediaries between the colonialists and the local people and also took up administrative assignments within the colonial establishment. The Ugandan historian, Karugire (2010), argues that the Baganda were recruited for the collaborative role and other assignments because they lived under the centralized system of government similar to that in Britain. Meanwhile, the representatives of the colonial government supervised the collaborators (Kasfir, 1976; Gartrell, 1983). The local peoples — the king, chiefs and other notables from Buganda Kingdom — who collaborated with the missionaries benefited from their collaborative roles. They were given freehold land and employment as interpreters, guides and clerks (Berg-Schlosser and Siegler, 1990).

In 1900, the Buganda Land Agreement was signed between Buganda Kingdom and representatives of the British colonial government (Kabwegyere, 1974; Jackson, 1974). “Few documents can be said to have shaped Ugandan politics and the economy as this singular document, signed on March 10, 1900 did” (Daily Monitor, 2012a). The agreement recognised the authority of the British colonial government over Buganda. As a kickback for acceptance of colonial administration and in appreciation for extending colonial rule to other kingdoms that had rejected colonial rule, Buganda kingdom was rewarded with land. The alienation of freehold land to the ruling class and private individuals from Buganda kingdom based on the 1900 Buganda Land Agreement restructured the social relations around land not only in Buganda but the entire country (Mamdani, 1976; Berg-Schlosser and Siegler, 1990; Twaddle, 1969).

Ownership of land, one of the most important means of production at the time in a largely smallholder peasant economy, created a small number of powerful people, “landed gentry” in

Mamdani's words, comprised of the Kabaka (king) of Buganda, his chiefs and other notables on the one hand, and a large mass of landless peasants on the other hand (Mamdani, 1976:41). The changes in land tenure transformed the social, economic and political economy of Uganda as the ownership of land came with power and authority. Given that capital controls labour through wages, the people who owned land were able to control the landless. In addition, private land ownership created a land market in central Uganda (Buganda Kingdom), and subsequently the whole country. Although different classes comprised of landed and landless peasants emerged from the 'land accumulation processes', the outlying areas including northern Uganda lost from the land alliance as there were no freeholds alienated in such areas at the time. As land was used to facilitate colonization, in the process it polarized the social, economic and political setting of Uganda. These scenarios contributed to the beginning of the division between the northern and southern parts of Uganda.



2.4.1. Land

Land allocation was a basis of polarisation between the northern region and southern areas and the origin of the contestations which ensued in the colonial and post-independence periods (Twaddle, 1969; Mutibwa, 1992). The allocation of freehold land to a few privileged leaders and other notables in Buganda Kingdom paved the way for the establishment of a colonial cash crop economy. The agricultural products, coffee, tea and sugar, were exported to the metropolitan centres in Britain (Mafeje, 1973; Smalley, 2013). Given that Buganda kingdom is near Lake Victoria and because it had fertile soils and relatively good infrastructure compared to other areas of Uganda, private land ownership paved the way for the establishment of private plantations (Frank, 1965; O'Connor, 1965; Smith, 1970; Jorgensen, 1981). The established coffee, tea and sugarcane plantations, in turn, created the demand for manual labour. The result was division of the country into specific regions, that is, the economically productive south which needed labourers to work on British and African-owned plantations and the economically unproductive north from where labourers were recruited and thus 'exported' to the productive areas in the south. By implication, specialisation was institutionalised in the country whereby the Acholi, Langi, Madi and Kakwa, among others, of northern Uganda were taken to individual and British-owned sugarcane, tea, coffee and banana plantations in the south (Jorgensen, 1981; Jamal, 1993). The consequence of this systematic demarcation was the formation of class based and ethnic identity struggles in Uganda (Mamdani, 1976; Mutibwa, 1992).

According to Mamdani (1976:52), "what distinguished the south from the north was the role of the south in extracting surplus labour from the north to produce raw materials for the metropolitan economy". "While commodity production spread in the south, the north ... did remain a labour reservoir for southern agriculture" (Mamdani (1976: 133). By 1934, wage-labour was exclusively drawn from alien tribes and it became a norm that a farmer with one or two acres of cotton often employed about 5 labourers (Mafeje, 1973:11-12). The designation of the northern part of Uganda as a labour reserve directly and indirectly contributed to disempowerment and marginal incorporation of this area into the national capitalistic system (Jorgensen, 1981). This is how under-development of the northern region emerged and thus systematically compelled it to assume a totally different economy that was far apart in terms of socio-economic and political development compared to the rest of the country.

The south prospered through agricultural production while the north remained marginal as able-bodied people were continuously taken to the economically productive areas in the south (Mutibwa, 1992). Land ownership was thus a basis of social differentiation and creation of class boundaries (Mazrui, 1980). The development of different economies purposely to serve the colonial government and individual interests, left a lasting imprint on Uganda in the sense that long-term social identities were engineered through private land ownership and the power that came with those processes. With reference to employment in the “civil service, the army, the commercial class, the industrial work force [and] plantation labour”, Mamdani (1984:1049) concludes that, “every institution touched by the hand of the colonial state — was given a pronounced nationality or regional character”. In part, land ownership contributed to the incessant internal conflicts in Uganda. The next section examines the employment dynamics in Uganda during and after the colonial period and how these processes contributed to the formation of the LRA.

2.4.2. Employment dynamics and the north-south divide

The alienation of land to private individuals resulted in the construction of long-term social identities which, in turn, gave rise to ethnic-based divisions. Because of the need for manual labourers to work on plantations that were located in southern areas, the colonial administrators ‘constructed’ the people of northern Uganda as ‘martial and warlike with strong physique and stamina’ (Odoi-Tanga, 2009; Mazrui, 1980; Mutibwa; 1992; Jorgensen, 1981). According to Atkinson, the peoples of northern Uganda including the Acholi, Langi, Alur and Kakwa were labelled ‘martial, warlike and inferior’ because they wore animal skins, a practice that colonial administrators considered backward, “bizarre and primitive” (Atkinson, 2010b:5). In contrast, the colonial government labelled the peoples from the agriculturally productive south as superior.

Characterisation of the peoples of the north and the south in opposite ways determined the type of work assigned to the different classes of people therein during the colonial period. The peoples from the north were assigned manual labour tasks on agricultural plantations located in the south, while the ‘superior’ races from the south were employed in non-rigorous, less demanding clerical and administrative positions (Jorgensen, 1981; Mazrui, 1980; Atkinson, 2010b). Although the peoples from northern Uganda were labelled as inferior, they were the

major contributors to the development and prosperity in the south (Odoi-Tanga, 2009). Towns such as Jinja in Eastern Uganda and Mukono in Central Uganda prospered because of the labourers from northern Uganda who worked on the sugarcane plantations at Kakira and Lugazi respectively (Odoi-Tanga, 2009). The colonial government also recruited police officers and military personnel from the Acholi, Madi and Alur as these people were not only regarded as martial but were also in the labour reserve areas of northern Uganda. By 1950, the composition of peoples from northern Uganda in the police force was 15.5 percent, the highest contribution from a particular region ever registered in the police force at the time (Jorgensen, 1981:119).

The high number of northerners in police and military ranks is attributable to the fact that jobs in the military and police force were reserved for the less educated and war-like tribes. The Acholi, Madi and Kakwa were thus despised and looked down on by southerners who were employed in the civil service or what could be termed as the 'white collar profession'. As regards to employment, Mamdani concludes that: "It became a colonial truism that a soldier must be a northerner and a civil servant a southerner, and a merchant, an Asian", revealing the institutionalized nature of ethnicity and the north-south divide (Mamdani, 1984:1049; see also Mazrui, 1980). The north-south divide disparity did not only end with employment; the skewed nature of colonial polices was extended to the social services provision as well.

2.4.3. Uneven distribution of social services

Social services were unevenly distributed in that better roads, water, hospitals and educational facilities were concentrated in the southern region. Formal western education in Uganda was introduced by Protestant and Catholic missionaries under the guidance of the colonial government (Hansen, 1986). But the distribution of education institutions was unbalanced in that there were more facilities concentrated in the south, while the northern part of the country was under-served (Mujaju, 1976; Kabwegyere, 1974). Teaching was also conducted in the languages spoken by the peoples of the south, Luganda (Mutibwa, 1992).

Mamdani (1976) highlights how the distribution of education institutions during the colonial period was unequal by pointing out that enrolment was not open to everyone but limited to children of chiefs and landlords from the south. While the north did not have any schools by 1920 (Mutibwa, 1992), there were 368 schools in Buganda, 44 in western Uganda and 42 in Eastern Uganda (Kabwegyere, 1974). Buganda as a region had more schools than all the other

regions of Uganda combined. Schools like Trinity College Nabbingo in Buganda founded by the White Fathers in 1942 and Mwiri College in Busoga in the Eastern region were for the sons of landlords and chiefs. Later on, Buckley High School in Eastern Uganda founded in 1906 by the Church Missionary Society; Gayaza and Namagunga in Buganda admitted the daughters of chiefs (Kabwegyere, 1974).

The skewed distribution of education institutions was based on the idea that provision of education to all citizens was “politically dangerous” for the economy (Jorgensen (1981:165). Thus, education was provided to a few privileged southerners with the view that education for all would produce a mass of critical voices that would interfere with the colonial setup. Moreover, unequal distribution of educational facilities guaranteed an uninterrupted supply of labourers from the north to the plantations in the south. At the same time, establishment of education institutions in the north was not prioritized because the jobs which the people of the north undertook (labourers on plantations, police and army ranks) did not require any formal qualification (Mujaju, 1976; Kabwegyere, 1974). For this reason, education was provided to the privileged southerners. By establishing schools and admitting children mainly from southern areas, the colonial government groomed the peoples of the south to take-up administrative positions in the colonial government.

Inequality in the provision of education was also reflected in the statistical figures which indicate the number of students that attained higher education between 1926 and 1931. There were 91 Ugandans in institutions of higher learning abroad, of which 75 were from Buganda, 5 were from Busoga (areas in the central region), 3 were from Tooro, 3 came from Bunyoro, 1 Munyankole from western Uganda, 2 Swahili and 2 Nyasa (Kabwegyere, 1974:166). The peoples of northern Uganda were not represented at all thus reflecting their marginal position as regards the attainment of higher education abroad.

At the opening of the first tertiary institution in Uganda and East Africa — Makerere College in 1922 — “*all* the first students came from the south” and some courses were taught in languages used in the south, namely Luganda (Mutibwa (1992:9) (emphasis original). Teaching in the local languages used in the south meant that only southerners could be admitted because of the language advantage. By 1960, 47% of all students at Makerere College were from Buganda, implying that colonial policies continued to favour the people from the south (Jorgensen,

1981:247). The lack of educational opportunities in the north maintained a large pool of uneducated labourers who could work on plantations in the south. The policy not only aroused ethnic consciousness but reinforced social differentiation between the peoples of the north and those from the south, thus contributing to conflicts.

2.4.4. Inter-party politics

The politics within the protectorate contributed to further polarization between the north and the south. In 1945 the Legislative Council (LEGCO) that was charged with the duty of overseeing Uganda's post-independence period was established. Buganda Kingdom, the Eastern and Western provinces were represented on the council but the northern region was not represented on the setup (Karugire, 2010:141; see also Mutibwa, 1992). The elimination of the Northern Province was based on 'backwardness' and the lack on an 'advanced administrative' structure (Karugire, 2010). At the same time, political parties founded in the 1950s in preparation for the 1962 general elections reflected the manner in which colonial policies divided the peoples based on ethnic identity and religion. Apart from Uganda People's Union (UPU) that was founded by Protestants outside of Buganda, all other political parties were established by the elite classes from central Uganda.

The Democratic Party (DP) that was formed in 1956 was comprised of elite Baganda Catholics and the Uganda National Congress (UNC) was also dominated by Protestants from the north and eastern regions of Uganda (Mazrui, 1977). Even when the Uganda National Congress (UNC) merged with the Uganda Peoples Union (UPU) in 1960 to form the Uganda People's Congress (UPC), religion (Protestant), was a major issue. In addition, the Progressive Party (PP) was also Christian based, while Kabaka Yekka (KY) — loosely interpreted as 'King Alone' — was also dominated by Protestants from around Baganda kingdom (Mazrui, 1977; Twaddle, 1988). Kabaka Yekka (KY) was formed for three strategic reasons. First, protect the interests of Baganda kingdom and Baganda landlords and to ensure that Baganda politicians get into power (Babwegyere, 1974).

Second, politicians from Buganda Kingdom predicted a chance for secession from the broader Uganda thus Buganda kingdom had to strategically position itself within the political realm of the country. The discussions that took place at the Lancaster House in the United Kingdom prior to Uganda's independence thus granted Buganda kingdom full federal autonomy, while other

kingdoms were accorded semi-federal status. Based on positionality differences, Mutibwa, (1992:21) asserts that Buganda became a “state within a state”, while Mamdani (1976:229) claimed that two separate states emerged, that is, “Buganda and Uganda - each with separately defined powers”.

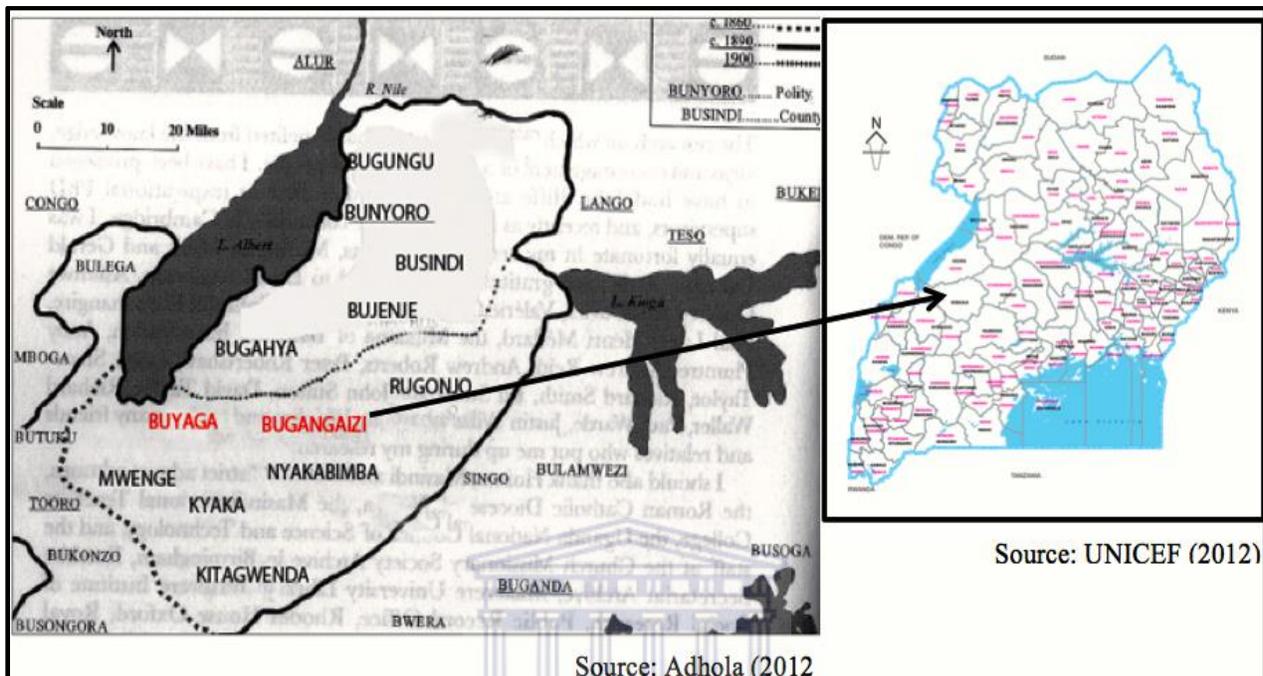
Third, the political developments during Uganda’s transition from colonial rule to independence did not entirely assure Buganda of continued autonomy within independent Uganda. But because Buganda as a central political entity in Uganda was better off than the rest of the polities in the country and given that it had better social services and other infrastructure, the well-educated and wealthiest community at the time, it could function independent of the central government. That privileged position was an advantage to Buganda Kingdom but proved dangerous to the unity of the country as a whole. By predicting an ethnically divided country at independence amidst the belief within Buganda kingdom that the monarchy could function independent of other areas of the country, Buganda Kingdom opted to secede from the broader Uganda in 1960 so as to “escape multi-racialism” (Jorgensen, 1981:196; Edel; 1965). The developments which ensued thereafter were detrimental to the unity of Uganda as a nation.

2.5. Post-independence governance dynamics

At independence on 9th October 1962, Uganda was born based on a quasi-federal constitution. The 1962 post-independence quasi-federal constitution upheld the autonomous position of Buganda Kingdom, appointed the King of Buganda — Mutesa II — as the first non-executive head of state (President). Meanwhile, Milton Obote — a Langi from northern Uganda — was the Executive Prime Minister. The political troubles however began two years into independence when the central government planned to hand back the ‘lost counties’⁹ of Buyaga and Bugangaizi from Buganda Kingdom to Bunyoro kingdom (see Map 2 on page 42). The return of the lost counties was to have territorial and financial implications on Buganda kingdom and the Baganda landlords in such a way that land, tenancy fees and power that accrued from land ownership would be lost. Thus, Buganda kingdom and the Baganda landlords were not willing to let go. The resultant contestations over the ‘lost counties’ show the ways in which land ownership contributed to the political turmoil in Uganda.

⁹ In Uganda, the phrase ‘lost counties’ refers to the colonial rewards that were given to Buganda kingdom by the British colonial government. These were in the form of land.

Map 2: The ‘lost counties’ of Buyaga and Bugangaizi



Having noticed the increasing development discrepancy between the north and the south, Milton Obote embraced socialist policies in what was popularly known as the Common Man’s Charter or ‘Move to the Left’ (First, 1971; Mafeje, 1973). The socialist policies that aimed at nationalisation of land targeted southerners particularly those from Buganda Kingdom with private estates. These developments compelled the Baganda to demand “protection of privilege based on land and birth” in independent Uganda (Jorgensen, 1981:223). The Baganda landlords were to lose the privileges, manual labour and revenue which came with land ownership, they thus sought for protection. In response to these developments, Buganda Kingdom requested the central government to remove itself from the confines of Buganda. The developments indirectly meant that Buganda Kingdom was in the process of seceding from the greater Uganda.

Having inherited a largely northern dominated army from the colonial government, Milton Obote with the help of Idi Amin, invaded the King’s palace, overthrew the non-executive Head of State, Mutesa II, and declared himself President in January 1966 (First, 1971; Mutibwa, 1992). The ‘1966 crisis’ presented the opportunity for Milton Obote to “physically crush the Buganda state (Mamdani, 1976:126) of which some of the implications were the opening up of a new chapter

of taking over power through the use of the gun, further entrenchment of ethnic identity divisions and the ignition of retaliatory politics.

After taking over power, President Milton Obote suspended the 1962 independence constitution, replacing it with the 1966 Republican Constitution. He also abolished all traditional monarchies in Uganda. The central government seized the official estates that belonged to Buganda kingdom as a way of prohibiting the monarchy from raising revenue through user fees and taxes. The abolition of monarchies created two sets of issues: one, the people that believed in the monarchical system of governance were willing to continue with the ‘fight’ until the monarchies were reinstated. In this way, tribalism threatened the unity of Uganda in that rulers used “ethnic and status identity to mobilize support and to obscure class antagonism within each region” (Jorgensen (1981:227). Secondly, the abolition of monarchies was an opportune moment for the leaders to amass political support in regions where monarchism was not valued, for instance, northern Uganda. The seizure of the official estates that belonged to Buganda kingdom revealed the interconnection between land, power and authority. At the same time, it showed how land ownership contributed to conflicts between and among the peoples of Uganda.

The succeeding years were characterized by turmoil, revenge, murder with impunity and suppression of the opposition. From 1966 onwards, a state of emergency was declared in Buganda and the army was indirectly incorporated in all affairs of the state. During that period, Uganda adopted a “civilian administration which used military might to implement its policies” (Mutibwa, 1992:64; also see Jorgensen, 1981; Kabwegyere, 1974). A one-party authoritarian state was established and all other political parties were declared illegal except the Uganda People’s Congress headed by Milton Obote, the President. Several opposition politicians from the south and members of the Buganda royal family were arbitrarily imprisoned. The retaliatory actions accentuated ethnic consciousness among the populace and reinforced ethnic identity divides between the north and the south.

Milton Obote consolidated himself in power by manipulating the army. But by dragging the army into the politics of Uganda, the narrow window of opportunity for democracy and political pluralism that was ushered in at independence was eroded. Manipulation of the army based on tribal ideology was a clear indication that the leadership failed to unite a divided country. Tribal divisions were perpetuated by organizing the army along ethnic lines in the sense that the Langi

(the Presidents tribesmen) and the Acholi were favoured vis-à-vis other military officers from northern Uganda particularly the Kakwa, Madi and Alur West Nile (Mamdani, 1976). Idi Amin, a Kakwa from the West Nile area of Northern Uganda, capitalized on the ethnic divisions in the army to build an independent unit in the army that was dominated by officers from West Nile, his home area. With the support of his tribesmen in the military ranks, Idi Amin took over power through a coup-d'état on 25th January 1971 when Milton Obote was at the Commonwealth Conference in Singapore.

The fall of the first Obote government, commonly known as the Obote one government, was welcomed by a large section of Ugandans especially Buganda Kingdom loyalists given that the memories of the 1966 incident were still fresh in their minds (Ravenhill, 1974). Having commanded the army which invaded Kabaka Mutesa's palace and participated in the massacre of the royalists of the Buganda kingdom in 1966, Idi Amin appeased the Baganda and won the backing of the monarchy by bringing back the remains of Kabaka Mutesa from the United Kingdom where he died on November 21st 1969 after fleeing the palace in 1966. Among the reasons which Idi Amin put forward to justify the coup-d'état included the creation of an army dominated by the people from the Langi ethnic group, allocation of the top positions in the army to the Presidents tribe (Langi) and discrepancy in development whereby the President favoured his home area (First, 1971; Ravenhill 1974; Jorgensen, 1981). Idi Amin also argued that Milton Obote recruited and favoured mainly the Langi as opposed to those from West Nile and the Acholi who populated the army ranks at independence. However Jorgensen (1981) and Woodward (1978) argue that Idi Amin was not any different from his predecessor.

Idi Amin's Presidency started with the recruitment and promotion of his tribesmen, Kakwa and Nubian Muslims from West Nile and Eastern Democratic Republic of Congo (Mamdani, 1976; Mutibwa, 1992). Over half of the army officers who were promoted after the coup were Muslims from his home area of West Nile (Jorgensen, 1981) showing that recruitment in the army and public service based on region of origin remained unchanged. The number of Kakwa and Nubians in the army ranks increased vis-à-vis a reduction in the number of Langi and Acholi that dominated the army rank and file during and in the immediate post-independence period (Ravenhill, 1974; Woodward, 1979; Mazrui, 1980).

Amin eliminated the opposition within and outside of the army, most of whom were Acholi and Langi. After the coup, all Acholi and Langi officers were instructed to return to the Army barracks and many of those who returned were killed (Pirouet, 1980, Human Rights Watch, 1997). In the first half of 1971, over 10,000 people are alleged to have been killed (Odoi-Tanga, 2009). On 22nd July 1971, over 150 Langi and Acholi army officers were packed in trucks and massacred by Amin's army (Odoi-Tanga, 2009:232). Idi Amin's tribesmen were not spared either as many were killed (Okuku, 2002). Those from the southern region were massacred and many more disappeared (Woodward, 1978; Mutibwa, 1992). Estimates show that between 100,000 and 500,000 people were killed during the eight-year reign of Idi Amin and an unknown number of civilians and military personnel fled the country to escape the state institutionalized massacres (Jorgensen, 1981; Mwenda, 2007). During and after the presidency of Idi Amin, every tribal enclave, whether civilian or militant, became suspicious of the other thereby reinforcing tribal compartmentalization (Jorgensen, 1981).

In relation to land, Idi Amin declared the Land Reform Decree (LRD) in 1975, an issue that is examined in detail in the next chapter. However, the LRD was about distribution and access to productive land amongst the different tribal groupings in Uganda. Like Milton Obote, Idi Amin sought to challenge the power of landlords by nationalising the land and centralising land governance in the country. The target was the landlord class in Buganda Kingdom because it is in Buganda where Mailo¹⁰ and freehold tenure regimes were prevalent (Berg-Schlosser and Siegler, 1990). Nationalization of land and centralising its governance meant loss of revenue and limited power and authority for the landlord class in Buganda kingdom. Kisamba-Mugerwa (1991:317) argues that the LRD was “a calculated political move intended to enable government or certain influential people to grab land”.

The LRD created parallel and competing tenure claims in different parts of the country. After the fall of Idi Amin, the local communities repossessed the expropriated land. However, some of the government officials who acquired land during the Idi Amin regime have, in the present period,

¹⁰The land that was allocated to the Kabaka, the royal family and the chiefs in Buganda Kingdom of Uganda was parcelled out in square plots which measured one square mile. This gave rise to the word Mailo, which literally meant square mile. Thus 'Mailo refers to freehold land that was given to the Kabaka of Buganda, chiefs and other officials as per the 1900 Buganda land agreement signed between the King of Buganda and British colonial administrators.

come out to claim ownership of the same parcels of land that are owned by the local communities. The 1975 LRD, as chapter 6 shows, continues to aggravate the contemporary contestations over land and thus the basis for land grabbing in post-conflict northern Uganda.

Idi Amin was overthrown in 1979 by the Uganda National Liberation Army (UNLA) comprised of some Acholi and Langi officers who had fled Uganda to Tanzania during his reign. The UNLA was also comprised of an elite group which escaped the carnage by Idi Amin and his army. Although the UNLA was backed by the Tanzanian People's Defence Forces (TPDF), it was also comprised of about 18 rebel groups which congregated in Moshi, Tanzania in March 1979 under what was known as the 'Moshi Spirit' (Tindigarukayo, 1988). It was those combined forces that overthrew Idi Amin in 1979.

After the fall of Idi Amin in 1979, the concern of the UNLA was how to establish an all-inclusive government that could incorporate the concerns of all tribal groups. However, the formation of an inclusive government did not materialise. During and after the war, the concern of critics was the revenge evidenced by retreating Kakwa and Nubian-Muslims on the one hand and the pursuing Acholi and Langi officers within UNLA ranks on the other hand. Amin's soldiers raped, indiscriminately killed southerners and looted property before retreating to West Nile and Southern Sudan (Mutibwa, 1992; Jorgensen, 1981). Similarly, Langi and Acholi soldiers avenged by killing 'almost all' people in the West Nile region the home area of Idi Amin (Tanga-Odoi, 2009). The scope of the massacre is clearly demonstrated by Mutibwa who emphasizes that many civilians were "shot dead, including women and children and even dogs" (Mutibwa, 1992:138).

After taking over power in 1979, the military commission appointed Yusuf Lule — a Muganda — as President. However, the military commission accused Yusuf Lule of trying to restore the monarchy and the policy of recruitment of army officers based on the tribal quota system which he proposed was a drawback to his government (Tindigarukayo, 1988; Mutibwa, 1992). Yusuf Lule also proposed the introduction of minimum qualifications for recruitment to the army and police. Implicitly, Buganda Kingdom would have contributed the largest number of recruits given that it had the highest population of educated people. That policy would have meant a shift in the power-play in the army from the north to the south. The need to fairly incorporate each tribal grouping in the army as a means of building a unified national army was detrimental to

Yusuf Lule's government. The proposed policy of recruitment based on tribal majority was not well received by the northerners who were the least educated and comprised a small number of Uganda's population.

President Yusuf Lule was overthrown by the military commission after 68 days in power. The identity factor and influence of the army proved significant in the political survival of leaders. The military commission replaced Yusuf Lule with Lukongwa Binaisa QC — a Muganda — in 1979. Like his predecessor, Binaisa ruled for nine months. He was also accused of fronting the interests of Buganda Kingdom. President Lukongwa Binaisa was overthrown by the Military Commission headed by Paul Muwanga in 1980. General elections were held in the same year so as to restore a constitutional democracy in Uganda.

The dynamics of the 1980 general elections presented another opportunity to realign the governance of Uganda based on democratic principles but that did not materialise. All presidential aspirants based their campaigns on ethnic identity and religion and those two parameters determined the distribution of votes in the 1980 general elections. Okuku (20012) indicates that the elections were fraudulent, characterised by violence that was also benchmarked on ethnic identity and use of the military to grab power. The elections took ethnic and religious dimensions in that all political parties were allied to different ethnic groups and religious sects in the country. For instance, the Uganda Patriotic Movement (UPM) was headed by Yoweri Museveni, a Protestant from western Uganda; the Uganda People's Congress (UPC) was led by Milton Obote, a Protestant from the north; the Democratic Party (DP) was under Kawanga Ssemwogerere a Muganda Catholic from the central region, and the Conservative Party (CP) was headed by Mayanja-Nkangi, a Muganda from the central region.

Apart from showing that the election was based on ethnic identity grounds — north vis-à-vis south — Mutibwa (1992) points out that Milton Obote challenged his opponents to show him their army during campaigns. First, the army continued to be a major factor in the politics of Uganda. Second, the elections demonstrated the rooted divisions in Uganda based on ethnic identity. Most people in Buganda voted in favour of the Democratic Party because the party was headed by a Muganda (Kasfir, 2005).

Milton Obote was declared the winner of the 1980 elections. On the basis of what Karugire (2010) called a ‘rigged election’, several rebel groups including the Uganda Patriotic Movement (UPM) headed by Yoweri Museveni from Western Uganda took up arms in 1981 to fight the Obote II government. To distort his south-western identity and amass support in the central region, Museveni capitalized on Buganda’s hatred for Obote in view of the 1966 crisis, to launch the war in the Luwero Triangle of Buganda (Mutibwa, 1992; Kasfir, 2005; Branch 2007b). Museveni promised to restore the monarchy and emphasized that the war was against Milton Obote and northerners because they inflicted pain on the monarchy and dominated previous governments.

As a strategy to win the war, Museveni capitalised on the “Bantu commonality” thereby attracting followers from the central, southern and western parts of Uganda (Okuku, 2002:23). The Bantu identity was an advantage in that it led to a merger between the Uganda Freedom Fighter (UFF) rebel group led by former President Yusuf Lule — a Muganda — and the People’s Resistance Army (PRA) headed by Museveni — a westerner. The two groups formed the National Resistance Army (NRA) in 1981.

Since the war between the Obote II regime and the NRA rebels headed by Yoweri Museveni was fought within the confines of Buganda, Milton Obote used it as an opportune moment to revenge against the Baganda. There was mass killing of the Baganda and other tribes — Banyankole and Rwandan refugees — during the NRA bush war. In 1981 Milton Obote warned the Baganda to behave or else “they (Acholi and Langi alliance) would do to them what they did to West Nilers in 1980” (Mutibwa, 1992:159). Over 300,000 Baganda were killed in Luwero and an additional 500,000 displaced. But Gersony (1997) indicates that the massacres were not conducted by government forces alone. He argues that NRA forces also killed civilians as a strategy to discredit the northern dominated government force (Gersony, 1997).

As the war progressed, another coup-d’état took place on 27th July 1985. The ‘Acholi’ led by Okello Lutwa and Bazillio Okello toppled the Langi dominated government of Milton Obote II regime. The reasons advanced by Okello Lutwa and Bazillio Okello for the coup-d’état related to nepotism and sectarian tendencies in the operations of government and the army. They further claimed that Milton Obote favoured Langi officers at the expense of the Acholi. During the war with the NRA, Langi officers guarded safe areas while the Acholi were taken to the frontline to

fight the advancing NRA (Okuku, 2002; Atkinson, 2010a). The Acholi realised that they were being sacrificed in a war which they could not win (Odoi-Tanga, 2009). The other reason related to promotions and appointments in the army in the sense that Milton Obote favoured his tribesmen, the Langi (Tindigarukayo, 1988). Despite the coup, the war between the new government under the leadership of Okello Lutwa and Bazillio Okello and the NRA continued. The NRA headed by Yoweri Museveni seized power on 26th January 1986 after a five year guerrilla war that was largely centred in the Luwero Triangle of central Uganda (Museveni, 1997).

2.6. The North-South divide and the formation of the LRA

After the defeat of Okello Lutwa and Bazillio Okello, the former government troops retreated into northern Uganda with the NRA in pursuit (Pirouet, 1991; Atkinson, 2010a). That was the opportunity for the southerners to revenge on the northerners (Gersony, 1997). The NRA fighters committed gross human rights violations, including abduction, looting, detention without trial, and the herding of thousands of livestock especially cattle, goats and sheep into trucks¹¹ while the remaining ones were raided by neighbouring pastoralists with the encouragement of the NRA/M troops (Gersony, 1997; Branch, 2007b).

There were over 285,000 heads of cattle in Gulu and Kitigum by 1985, but ten years later, the cattle population was depleted to a mere 5,000, only two percent of the earlier figure (HURIFO, 2002:6). Meanwhile Gersony (1997) put the number of cattle in northern Uganda in 1985 at over 300,000 excluding goats, sheep and other livestock. In an interview, a senior local government official from Amuru district pointed out that: “Government forces ate most the animals and others were stolen; they [NRA] admitted to doing so and the government offered to compensate us, but nothing has been paid up to now”¹². The cost of replacing the stolen cattle and other livestock was valued at US \$ 25 million (HURIFO, 2002: 6). Pirouet (1991) attributes these atrocities to revenge by the NRA for the suffering that southerners endured during the regimes of Milton Obote and Idi Amin.

In 1986, the NRA government ordered all the armies of the previous regimes to report to the barracks and hand over their weapons (Gersony, 1997; Branch, 2007b; Odoi-Tanga 2009). The

¹¹ See the article titled “LRA War: M7 Orders Probe into Alleged UPDF atrocities” in the north. Available at: <http://www.redpepper.co.ug/lra-war-m7-orders-probe-into-alleged-updf-atrocities/> (Accessed 27 March 2014).

¹² Interview, 29/03/2012.

process of collecting the guns went well in the initial stages and the local leaders as well as elders from the northern region voluntarily helped the NRA soldiers to collect the guns. However, the arrest, detention and harassment of former UNLA fighters by the NRA between May-June 1986 rolled back the process (HURIFO, 2002). The incident reminded the Acholi and Langi of the Idi Amin regime when they were killed after being ordered to report to the barracks.

Given that retaliation characterized previous regimes the former armies anticipated that it was their turn to payback for the atrocities committed by the previous regimes. The fear of retribution forced the defeated UNLA forces and remnants of the former regimes to retreat to the villages of 'Acholiland' while others fled across the border to the Sudan — currently the state of South Sudan — to fight the NRM government¹³(CSOPNU, 2004; Allen and Schomerus, 2006). The Human Rights Watch (1997: 64) put it that: "The Acholi boys said to each other, this time we are not going to die like chickens. Let us go to Sudan and join our brothers, and fight to save the Acholi". The remaining demobilised forces joined their colleagues in South Sudan to fight the NRA government (Human Rights Watch, 1997; Gersony, 1997; HURIFO, 2002).

Sections of people in northern Uganda claim that the LRA could be a government creation that was formed with the intention of killing the Acholi and other peoples of northern Uganda. In a study titled '*We Can't Be Sure Who Killed Us*', Hopwood (2011) indicates that some people within northern Uganda believe the LRA was intentionally created by the ruling NRM government to inflict pain on the Acholi people. In an interview, a former MP from northern Uganda claimed that:

The 'Acholi' have been targeted by the [NRM] regime for elimination. That is why the LRA war was fought for ten years without the knowledge of the outside world. The [Acholi] community has been targeted as an enemy [of government]. How can [Joseph] Kony, a mere catechist, fight such a war and goes on to capture trained soldiers and lock them up? Where did he get all the guns? Where did Kony get the guns to start the war? The theory here [in Acholiland] is that the government sponsored Joseph Kony to fight the former soldiers who were in the bush fighting government. My prayer is that Joseph Kony is captured because he has a lot of information.¹⁴

¹³ The current National Resistance Movement (NRM) led by President Yoweri Museveni took over power in 1986 after a guerrilla struggle. So the Lord's Resistance Army (LRA) rebels were mainly comprised of remnants from previous regimes that were defeated by the NRM.

¹⁴ Interview, 17/03/2012.

But in an interview, a representative of the Uganda People's Defence Force (UPDF) in the parliament of the Republic of Uganda argued that the ruling NRM government has never been 'anti-Acholi' or 'anti-northern', but negative politics and unfounded fears were the major issues behind formation of the LRA rebel group and the conflict.

The war in the north was out of the perception and attitude of some leaders who based themselves into tribal principles. They believed that if it is not them in power then no one else should. So, when Museveni came they said that the Banyankole¹⁵ will never rule us [northerners]. This class of people misled the locals that this [NRM] regime should not last. They [northerners] should actually topple it and begin theirs. Acholi thought that there was no need for regime change and that Museveni does not exist. He should never be allowed to enter Acholiland. Allowing the current government to enter Acholiland is allowing Museveni to enter Acholi. When they (northerners) were in power, they murdered people in Luwero. So when they were toppled they thought the Banyankole [along with the Baganda] group was going to revenge because of what our own [UNLA] army had done. They told the people [from the north] that when these people [NRA] are allowed to cross Karuma, they would kill every Acholi on sight.¹⁶

The offensive against the NRA/NRM government in the north started with the formation of the Uganda People's Democratic Army (UPDA) which invaded Uganda from South Sudan in August 1986 (HURIFO, 2002; Atkinson, 2010a). However, the UPDA led by Brigadier Odong Latek did not last long as the 'Pace Peace Accord' was signed between the NRA government and the UPDA in 1988. That resulted in the integration of most of the fighters into the mainstream government army (NRA). But because the NRA soldiers treated some of the UPDA fighters as criminals, the remaining UNLA forces refused to be part of the negotiations, thus the continuation of the conflict (Branch, 2007b).

Amidst the confusion, Alice Auma who later renamed herself Lakwena, meaning messenger in the Acholi language, absorbed some of the UPDA and former UNLA soldiers into her Holy Spirit Movement (HSM) (Atkinson, 2010a). Alice Lakwena, a self-styled prophetess claimed to possess spiritual and divine powers. The Ten (10) Commandments of God inspired her to establish the HSM. Thus, Alice Lakwena claimed that her government was to be administered based on the Ten Commandments of God (HURIFO, 2002). Alice Lakwena was able to attract

¹⁵ President Yoweri Museveni is a Munyankole (Banyankole is plural) by tribe from south-western Uganda.

¹⁶ Interview, with a Maj. Gen. and an MP representation the UPDF in the 9th Parliament of the Republic of Uganda (23 02 2012)

youth volunteers to her “egalitarian, originally non-violent movement focused on healing and ritual cleansing” (Atkinson, 2010a:286). The unequipped Lakwena made significant strides against a better armed and conflict experienced NRA army. Lakwena was however defeated in October 1987 as she reached Jinja town, about 100 kilometres from Kampala, the capital city of Uganda (Odoi-Tanga, 2009). Most HSM fighters were killed but Lakwena escaped to Kenya where she died in January 2006 in a refugee camp (Atkinson, 2010a).

Two splinter rebel groups emerged in 1987 after the defeat of Alice Lakwena’s force. One rebel group was led by Lakwena’s father Seveino Lukoya Kiberu who called himself “God the Father” (Gersony, 1997: 34). The second group was led by Joseph Kony, a cousin of Alice Lakwena (Branch, 2007b; Odoi-Tanga, 2009; Atkinson, 2010a). The former did not last long as most of Lukoya’s fighters were killed in Kitgum district of northern Uganda. Afterwards, Seveino Lukoya was arrested in August 1989 and detained for some time before his release. That left the remaining forces to join the latter group under the command of Joseph Kony. At inception, Joseph Kony’s rebel group was called the God’s Salvation Army which he later renamed the United Christian Democratic Army (Odoi-Tanga, 2009; Temmerman, 2001). But in 1992, Joseph Kony renamed his rebel group the Lord’s Resistance Army (LRA), a rebel group which has caused widespread suffering in northern Uganda (Atkinson, 2010b; Temmerman, 2001).

2.7. Conclusion

The signing of the 1900 Buganda land agreement was a watershed moment as it transformed the social and economic relations among the different ‘nationalities’ and restructured the political set up in Uganda. The allotment of land to traditional authorities and private individuals in the South, and the alienation of the rest of the land to the British Crown created a major power centre in the south and a peripheral northern Uganda including Amuru district. Private land ownership coupled with the processes of differentiating the south as productive and the peoples therein as landlords marginalised the non-productive north. Labourers were thus drawn from the peripheral north and destined to the central south, processes which resulted in prosperity and development in the south, and underdevelopment in northern Uganda including Amuru district.

As the peoples of Uganda, particularly those from the north, struggle for political representation, and a fair share in the social, economic and governance aspects in the post-independence country, the consequences have been internal conflicts that are benchmarked along ethnic identity lines. From the colonial to the post-independence period, issues of national interest have and continue to be articulated along tribal lines and through an ethnic identity lens. This problem has been responsible for the re-construction and accentuation of ethnic consciousness structured along the north-south divide and the formation of the LRA conflict. Those in leadership positions view ethnic identity as an opportunity to hold on to power and oppress others, and for that reason, there has been a limited opportunity to attain social cohesion in Uganda. Every government that has taken over power since independence has in some ways capitalised on and reproduced the north-south ethnic identity division. Land tenure has also assumed an ethnic character as each government has interfered with the way in which land is owned in order to either reward their own tribal group or increase political support. Given that land tenure is rooted in Uganda's colonial history and post-independence politics, unpacking the development of land tenure regimes in Uganda, in greater detail, is therefore essential.



CHAPTER 3: EVOLUTION OF LAND TENURE IN UGANDA

3.1. Introduction

Land tenure is a contentious issue in Uganda. The contentiousness of land springs from the colonial legacy as the multiple land tenure regimes and the concept of private land tenure that were introduced in the country during the colonial period contributed to land tenure complexities. More generally, Akram-Lodhi and Kay (2009:5) argue that the “agrarian question cannot be removed from the ... historical context within which it is situated, whether that be the period of imperialism or the period of globalisation”. Uganda’s colonial experiences continue to influence the contemporary land question as the inequalities arising from the expropriation of land by the minority elites particularly in the Buganda Kingdom and the colonial government precipitated internal rivalry between the different peoples of the country. In order to understand the present-day contestations around dispossession and repossession of land during resettlement in post-conflict northern Uganda, there thus is a need to disentangle the land tenure pathways from the pre-colonial, colonial to the post-independence periods. Exploration of the land tenure changes through time provides an entry-point to understanding the contestations over land in Amuru district of post-conflict northern Uganda.

This chapter shows the ways in which land was accessed and utilised within the various polities and by the different peoples of Uganda during the pre-colonial period. It also explores how colonialism, and particularly the signing of the 1900 Buganda land agreement between the Buganda kingdom and the British colonial government, transformed the social relations around land through the introduction of ‘new’ land ownership patterns in the country and the ways in which the ensuing changes empowered some peoples over others. In addition, post-independence land reforms — 1962 to 2014 — are examined in which the chapter further shows that instead of addressing the “colonial distortions” (White et al., 2012:624), the overlapping and competing land tenure regimes which emanated from the reforms have served to complicate the land question. The consequences arising from multiple reforms and the resultant ‘legal pluralism’ (Benda-Beckmann, 1981; Bond, 2010) include land grabbing and multiple claims over the same piece of land. The next section discusses the importance of land.

3.2. Importance of land

Land is a strategic asset for the rural and urban poor, meaning that it has an indirect importance to people's livelihood and survival. Land forms between 50% and 60% of the total assets owned by the poorest communities in Uganda (World Bank, 2003; Deininger and Castagnini, 2004, 2006). Land ownership encompasses a variety of features including being an emotional issue, a social relation and source of power and authority (FAO, 2002), but more importantly determines people's "livelihoods, identity and survival" (Oxfam, 2011:29). Land is a major source of 'insurance and social security' and last resort to which those who own it have to return in case of joblessness. To most communities living in rural areas of developing countries, land offers a substitute survival strategy in case of failure of other livelihood sources (see Hall et al, 2011:201). This is not the case for the people in developed countries as these often have functional welfare systems which provide social protection to households and individual persons when alternative income and livelihood opportunities are not available and during the time of retirement. The varying degrees of importance accorded to land make it a lot more contentious in the developing as opposed to developed countries.

Land is essential in the production and reproduction of society (USAID, 2005), fundamental in fostering economic development, central in reducing poverty, holds the diverse communities together and contributes to the social construction of identity (European Union Task Force on Land Tenure, 2004; AU/AFDB/UNECA, 2009). The World Bank (2003) argues that there is an inextricable relationship between land rights, economic growth and poverty reduction as well as empowerment of the poor. Besides, land is deeply embedded in people's culture and tradition (Shipton, 2007, 2009). The different attributes embedded in land imply that it is a central hub and lies at the heart of livelihoods of most people in rural parts of Africa as many activities in such societies are largely dependent on it. Thus, denial of access and user rights to land in Africa interferes with people's lives because land "is not simply a factor of production, but a multiplex of social, cultural and political phenomenon on which the process of production and reproduction of relations depends" (Okoth-Ogendo, 2006:5). The next section examines the manner in which land accessed and utilised in different parts of Uganda in the pre-colonial period.

3.3. Land tenure in pre-colonial Uganda

Land tenure in pre-colonial Uganda was “both sedentary and pastoralist” (Lastarria-Cornhiel, 2003:1). Land in pastoralist communities was held communally because the people often moved from place to place in search of pasture and water for their animals. Under the sedentary arrangement, the king, chiefs and clan leaders controlled and allocated the land to members within the administrative unit. Each chiefdom, clan and lineage was governed by specific land tenure rules derived from the cultural norms and practices of the chiefdom (Lastarria-Cornhiel, 2003). Ownership, access to and use of land was based on kinship ties, and regulated by specific customary rules and practices (Mair, 1933; Kisamba-Mugerwa, 1991). Membership to a particular chiefdom, clan and lineage was the major way through which ownership, access to and use of land was attained. From available archival sources, it appears that virtually every member of the chiefdom accessed enough land for subsistence (Lastarria-Cornhiel, 2003; Nabudere, 1980).

Although there was general inclusiveness in access to and use of land, discriminatory practices and social exclusion also existed. Women did not own land (Tamale, 1999; Tripp, 2000) even when they were the “real cultivators of the soil” (Mafeje, 1973:4). They accessed and utilised land through marriage or affiliation with their male household head. This was because of the patriarchal and patrilineal nature of most Ugandan societies which regarded women as secondary to men and the need to maintain land within a specific lineage (Tamale, 1999; Tripp, 2000; Byanyima, 2001). The ‘secondary’ attribute also arose from the bride price that was paid by men prior to marriage, thus the claim that women were counted among the property of the male household head.

In the context of land governance within village communities in the colonial period, Mutibwa (1992) indicates that land belonged to the whole clan but the leaders of the clan and/or lineage were the chief custodians of the land in question. Heads of clans, family, lineage, chiefs and kings regulated access to and use of the land on behalf of all members of a particular chiefdom, lineage and clan. The customary leaders were involved in settling land disputes, determined inheritance rights to land and property, and prohibited the sale of clan land to undeserving people (MISR and University of Wisconsin, 1988). New entrants obtained permission from the

customary leader before entry into the land. This called for paying allegiance to the head of the polity who happened to be either a chiefdom chief, lineage or clan head.

In Buganda Kingdom, like other areas of Uganda that were under a segmented but also monarchical type of government, ownership of land was quite complex. There were four ways in which land was accessed, owned and managed (MISR and University of Wisconsin, 1988, 1989). Land was customary and ancestral implying that each of the 52 clans¹⁷ which comprised Buganda kingdom and the peoples therein had rights to access, use and control land (MISR and University of Wisconsin, 1989). Membership of a clan, lineage and family was the main way through which access to and use of land was attained (Barrows and Kisamba-Mugerwa, 1989; Batungi, 2008).

There was a hierarchical arrangement that was based on lineages and clans. The overall head of all lineages in Buganda Kingdom was, and still is the Kabaka¹⁸, a title which is translated as King. The Kabaka is the hereditary cultural ruler of Buganda. In relation to land ownership, the Kabaka is the custodian/trustee of all the land¹⁹ in Buganda²⁰ and the title given to him is Ssabataka (West, 1971). In the pre-colonial period, the Kabaka was responsible for the allotment of clan land to the subjects (West, 1971; Batungi, 2008).

Next in hierarchy and below the king were trustees/custodians of lineages, clans and sub-clans. The custodian of clan and lineage land was called Mutaka, and the plural of Mutaka is Bataka (Mair, 1933; Mukwaya, 1953; Mafeje, 1973). The bundle of rights that came with membership to the lineage or clan was called Butaka (Mair, 1933; Barrows and Kisamba-Mugerwa, 1989). Butaka is land which is held by individuals based on the rights of birth (West, 1971:46). The king appointed and demoted the Bataka at will (Mukwaya, 1953; MISR and University of Wisconsin, 1989). Demotion emanated from insubordination and unsatisfactory performance while promotion was based on the age, character, conduct and loyalty of the person. The Bataka had rights to alienate Butaka land to members of the respective lineages and clans (Mair, 1933;

¹⁷ There are 52 clans (lineage) in Buganda. Each clan has ancestral land which is under the custodianship of the clan head.

¹⁸ Kabaka is a title given to the traditional king of the kingdom of Buganda.

¹⁹ In Buganda, land is called Taka.

²⁰ The custodian of clan land was called Mutaka and such land was referred to as Butaka or clan land. Equally, Bataka is plural while Mutaka is singular. West (1971:46) defines Butaka land as land that is held by individuals based on the rights of birth. It is a gift of the Kabaka to a person and contains the remains of the forefathers, ancestors, members of the clan, brothers and children. It comprises of hills, rivers and forests.

Mafeje, 1973).²¹ Each Mutaka was the trustee and custodian of a particular piece of land or estate which belonged to the entire clan. The Bataka protected Butaka land from encroachment by outsiders by living on the Butaka land in question. There were 522 Butaka estates in Buganda (Roscoe 1911; West 1971). The Bataka allocated land to peasants²² and they, in return, received dues and tributes known as Envujjo and Busuulu (Mafeje, 1973). Payment of tributes and dues to the Bataka kindled the processes of 'accumulation' (Mafeje, 1973:3).

The second mechanism through which land was accessed and managed in Buganda Kingdom was through directly appointed administrative chiefs locally known as Bakungu (Twaddle, 1969). Below the Bakungu were another set of administrative leaders called Batongole (Plural Mutongole) who controlled access to and utilisation of land. The Bakungu and Batongole were not directly entrusted with land but they managed the entry into and exit of peasants from the estates owned by the Kabaka and collected taxes from peasants for the utilisation of land. These were more of political appointees, and for this reason, the Bakungu and Batongole benefitted from whatever the peasants on the estates of the Kabaka had to offer, that is, farm produce (Lunyiigo, 2007). The Bakungu and Batongole were appointed, promoted, demoted or even transferred depending on the pleasure of the Kabaka (Mukwaya, 1953).

Allotment of land to new entrants was competitive because the Bakungu and Batongole struggled to have many peasants under their control (Barrows and Kisamba-Mugerwa, 1989). The advantages of controlling more peasants included obtaining gifts and free labour in addition to raising the social status. Prestige and prosperity of leaders was determined by the number of peasants under ones control and the number of able bodied men the leader could mobilise in the event of war (Lunyiigo, 2007). In South Kigezi (Western Uganda), payment of administrative agents was based on the number of people residing in a specific administrative unit (Yeld, 1968). Because of the need for increased payment, each administrator encouraged immigration into their areas of jurisdiction (Yeld, 1968). In case of transfer of a Mukungu or Mutongole, some of the peasants could relocate to the new area where the Mukungu or Mutongole was transferred.

²¹ West (1971) provides a full list of all Butaka lands in Buganda, including the name of the clan, location of clan land in Buganda with specific reference to county and locality.

²² The term peasant was used to refer to the common man who occupied the lowest position in society. He did not hold any appointed or elected political position. In the context of land ownership, a peasant was a person who did not own any land but settled on land owned by other persons and was meant to pay Busuulu and Envujjo.

The practice of following leaders to their new areas of administration depended on the conduct of the leader towards the peasants.

The third way through which land was accessed in Buganda was through ‘Obwesengeze’, literally translated as individual hereditary rights to land (Mukwaya, 1953; Batungi, 2008). Obwesengeze originated from long undisputed occupation or original grant by the Kabaka (MISR and University of Wisconsin, 1989). Although some people had individual hereditary rights to land, only the Kabaka possessed exclusive rights to grant permanent and private land tenure rights. In case such a right was to be accorded, the Kabaka would send a royal messenger to plant a backcloth tree called ‘Omutuba’ on the land (Mukwaya, 1953). The land in question could thereafter be inherited by the sons of the individual to whom the rights were granted (Batungi, 2008).

The local people who did not own land or hold any position of authority in Buganda were called Bakopi — peasants (Mafeje; 1973; Lunyiigo, 2007). This category of people whom Mafeje (1973:4) calls “the undistinguished residue of the population” were at the mercy and service of the king, chiefs and other notables. The Bakopi often moved between administrative units as they looked out for powerful and less exploitative chiefs (Mafeje, 1973:3). The land allocated to the Bakopi was called Kibanja (the plural being Bibanja), translated as “peasant rights of occupancy” (Batungi, 2008:60). In return, the Bakopi gave gifts to the Kabaka and chiefs and the gifts were in the form of locally brewed beer, farm produce and free labour (Mukwaya, 1953; Batungi 2008). The Bakopi had rights to use the allocated land and also accessed communal areas like grazing land, water collection points and forests (MISR and University of Wisconsin, 1989).

In other areas of Uganda that were under a monarchical system of governance similar to that in Buganda kingdom, land ownership was based on a centralized hierarchical administrative structure. The areas included Busoga in eastern Uganda, Toro Ankole and Bunyoro in western Uganda (Barrows and Kisamba-Mugerwa, 1989; MISR and University of Wisconsin, 1989). However, land ownership in Kigezi was rather different as there were both communal and individualised modes of land holding (Carswell, 2007). Clan and lineage structures were useful in the allocation of land and settling of land-related disputes as well as controlling access to common property regimes (Carswell, 2007). But some individuals in Kigezi possessed exclusive

rights over land, and for that matter, inheritance of land by sons was the most common form of acquiring access to land (Carswell, 2007; MISR and University of Wisconsin, 1989).

While much of the land was managed communally, the produce from the farms was owned individually. Even in instances where an individual sought assistance from other community members to clear the land for agriculture or gather the harvest, the produce belonged to the individual but not the entire community (Carswell, 2007). Other methods of accessing land in Kigezi during the colonial period included social networks, marriage, blood brotherhood, through chiefs, religious institutions, while others acquired land through begging. Under exceptional circumstances, landless men in Kigezi accessed land through marriage particularly when in-laws allocated land to the husband of their daughter (Carswell, 2007). The aim was to meet the farming needs of their daughter but the land was not directly alienated to the daughter.

In northern Uganda including Amuru district where the local people lived a semi-nomadic lifestyle due to the hot and dry weather conditions (Nabudere, 1980; Atkinson, 1989, 2010b), land tenure was largely communal and not based on a strongly hierarchical system like the Buganda. The peoples in the north were often on the move in search of pasture and water for their animals (Nabudere, 1980), thus shifting cultivation and communal means of production were more viable as opposed to settled smallholder subsistence agriculture (Mamdani, 1976). Common property resources, including water points, grazing grounds, salt licks, hunting areas and forest resources were communally owned. Hunting and keeping of livestock were also central in the livelihoods of the households in the north and north-eastern Uganda (Atkinson, 1989, 2010b). This shows that social systems of land relations derive, in part, from agroecological conditions.

Although the people in northern Uganda often moved in search of water and pasture for the animals, they often settled down for months to allow their crops to mature. In this case, the family/household owned the land for as long as it remained under constant occupation and cultivation. Transition from nomadism to a settled way of life consequently influenced land ownership from communal to individual. Individual rights to land could be applicable for a specific time period, that is, when the persons that cleared and cultivated the land settled on it peacefully and enjoyed the produce (Shipton, 2009).

Furthermore, in northern Uganda where widow inheritance was widely practiced, access to land by the widow depended on whether she accepted to be inherited by the brother in-law or not (Ker Kwaro Acholi, 2008). The primary objective of inheritance was to protect family/clan land in case the widow chose to remarry, retain the woman who was considered to be a property of the family and whose productive labour was needed, and to retain offspring within the clan and lineage. In the central, eastern and southern part of the country, widow inheritance existed but was not as pronounced as in northern Uganda. In some cases, widows accessed land through the male children who usually inherited the fathers' land. But in a scenario where a woman was unable to bear children and where her husband died, the brothers to the husband would inherit the land and the woman was often asked to return to her parent's land. Land was considered to be a property of the husband although the woman contributed much of the manual labour in making the land productive (Mafeje, 1973; Sebina-Zziwa, 1995). The next section examines the land tenure dynamics in Uganda in the colonial period.

3.4. Land tenure in colonial Uganda (1900-1955)

Transformations in Uganda's land tenure system came with the introduction of colonial rule by the British colonial government. The signing of the 1900 Buganda Agreement on 10th March 1900 between regents for the child Kabaka Chwa II — Stanislas Mugwanya, Apolo Kagwa and Zakariya Kisingiri — and the representative of the British Crown — Sir Harry Johnston — was a watershed moment as it transformed land ownership in Uganda²³ (Mafeje, 1973; Jorgensen, 1981; Hansen, 1986). The 1900 agreement introduced far-reaching changes as regards to land tenure in Uganda (Mair, 1933) the ramifications of which are still being experienced.²⁴

The terms of the 1900 agreement were that land in Buganda kingdom was demarcated into Mailo²⁵ and Crown land tenure systems (Mamdani, 1976; Mafeje, 1973). Land in Buganda was measured in 'square miles' hence the word 'Mailo'. Mailo land was divided into two categories:

²³Buganda Kingdom was, and still is the most powerful monarchy in Uganda. The administrative capital of Buganda was located in present day Uganda's capital city Kampala. Therefore, all developments in Buganda consequently impacted on the broader Uganda.

²⁴ On 16th September 2011, members of parliament from Buganda agreed to support the Kingdom in demanding for the return of property including the 9000 square miles of Mailo land and private freehold estates that were seized by the Milton Obote regime in 1966, reported a local newspaper. Details available at <http://www.monitor.co.ug/News/National/-/688334/1236994/-/bj8gpfz/-/index.html>

²⁵ The unit of measuring land was 'square miles' hence the word 'Mailo'. It is used to refer to freehold land that was given to the Kabaka of Buganda, chiefs and other officials as per the 1900 Buganda land agreement signed between the King of Buganda and British colonial administrators.

First, Private Mailo and second Official Mailo (Mafeje, 1973; MISR and University of Wisconsin, 1989). Private Mailo was allotted to individual persons, effectively becoming privatised. The individuals included the Kabaka of Buganda, members of the royal family, chiefs and other notables. The Kabaka retained a larger part of Mailo land and divided the remainder between the members of the royal family, the three regents and chiefs (Mair, 1933; Edel, 1965; Green 2006). Meanwhile, Official Mailo was held by religious and educational institutions within Buganda Kingdom.

Although the details relating to the amount of land allotted to members of the royal family, regents and chiefs differ as different sources give varying accounts, Mamdani (1976) and Nabudere (1980) indicate that the Kabaka of Buganda Kingdom received 350 square miles of private land while members of the of the royal family, chiefs and other officials were awarded with 408 square miles. The lower chiefs acquired 8000 square miles, each of the notables received 8 square miles and 92 miles were allotted to the existing governments in Buganda. According to Mafeje (1971:5), 6,800 square miles were apportioned to the queen of England as Crown land, 8,000 square miles were alienated to the Kabaka of Buganda Kingdom and the royal family as Mailo land and 104 square miles were allotted to religious institutions. As for Batungi, the Kabaka of Buganda Kingdom and his entourage received 958 square miles, 1000 chiefs were awarded 8000 square miles, 50 square miles were reserved for government institutions in Buganda Kingdom, three missionaries received 92 square miles, 9,000 square miles were allotted to the British crown and land set aside for forests was 1,500 square miles (Batungi, 2008:63).

The 1900 Buganda Agreement introduced a new system of private land ownership in Buganda Kingdom and subsequently the whole country. Arising from this was the multiple land tenure regime and legal pluralism — customary and statutory. The 1900 agreement also created confusion in land ownership which the contemporary land laws and regulations have failed to plausibly resolve. One of the major problems relates to ‘Baganda absentee landlords’ and ‘bona fide occupants’. Absentee landlords’ are individuals from Buganda kingdom who owned land on which other people were settled, while bona fide occupants are peasants within Buganda kingdom and ‘lost counties’ of Buyaga and Bugangaizi, who are settled on land which they do not own. Conflicts over land between absentee landlords and bona fide occupants in parts of Buganda kingdom and the lost counties of Buyaga and Bugangaizi remain unresolved even after

50 years of independence.²⁶ These colonial rewards accorded to Buganda kingdom by the British colonial government continue to be a source of contention between the central government and the Buganda kingdom. President Museveni, for instance, suggests that the two counties should become independent districts as a way of resolving the stalemate created in these areas during the colonial period.²⁷

The 1900 Buganda Agreement was a deal of ‘give and take’. For the colonial government, the agreement was about fast-tracking the occupation of Uganda through the giving of a kickback. Meanwhile, the leadership in Buganda kingdom used the 1900 agreement to legalise the theft of community land (Alden Wily, 2012). To the Kabaka of Buganda Kingdom, the royal family and chiefs, the agreement was about appeasing the colonial government in return for political protection and support against neighbouring kingdoms, but the chiefs also wanted to own land for individual interests. According to Mamdani (1976), the better way to assert authority was to seek alliance with traditional authorities, a scenario that was possible through land alienation. Given that land was the major resource in a largely subsistence economy, the Kabaka of Buganda Kingdom and the chiefs aimed at consolidating their powers and reasserting their authority over the peasants, a scenario which was possible through land ownership (Mafeje, 1973). For the colonial government, parcelling out private estates to traditional authorities was the better way through which British colonial rule was to “survive and thrive” not only in Buganda but the broader Uganda (Lunyiigo, 2007:22).

To the peasantry, allocation of land to private individuals meant loss of rights to land (Nabudere, 1980). After individualisation of land in 1900, the local people became landless because of large-scale expropriation by a few elite persons, notably the Kabaka of Buganda Kingdom, chiefs and regents. The parcelling out of once communal land into private estates to benefit the royal family and chiefs can be categorised as the one of the greatest cases of land grabbing that took place in Uganda during the colonial period. However, private land allocations lowered the position of the Kabaka. Before the signing of the 1900 Buganda Land Agreement, the Kabaka was the

²⁶ In an Article entitled “Settlers advised to vacate forests”, the president clearly indicates that the issues of land in the lost counties of Buyaga and Bugangaizi have not been resolved even after 50 years of independence. For more details, see <http://www.mediacentre.go.ug/details.php?catId=4&item=1657>(Accessed 12 April 2012).

²⁷ See an article titled “president advises settlers in forest reserve to vacate”. URL: <http://www.statehouse.go.ug/media/news/2012/04/14/president-advises-settlers-forest-reserves-vacate> (Accessed April 12 2012).

Ssaabataka — the overall trustee of all land in Buganda Kingdom. This privileged position was reduced after signing the 1900 agreement as only a fraction of the total land in Buganda Kingdom was apportioned to him and members of the royal family. The right to access free labour and collect tributes from peasants within the kingdom and vessel states also reduced as part of the land was alienated to other people and the British Crown (Lunyiigo, 2007).

Heads of clans and lineages were no longer trustees of ancestral clan land which they formerly controlled on behalf of their clans. The subordinate relationship which existed between the Kabaka of Buganda Kingdom and the chiefs was halted as land ownership was separated from political responsibilities (Lunyiigo, 2007; Batungi, 2008). However, the regents and chiefs benefited from the 1900 agreement as they received individual private Mailo estates which placed them among the major land owners in Buganda Kingdom. From an economic perspective, land within Buganda kingdom and some other areas of the country could be bought and sold at the on-going market rate just like any other commodity (Lunyiigo, 2007). Private land ownership created a powerful class of people comprised of landlords and a large pool of landless tenants and squatters. The local communities that previously utilised clan and lineage land became tenants or squatters on their 'own' land. The people that owned land were labelled landlords, while those who did not own and thus cultivated other peoples land were tenants or peasants thereby introducing a process of class differentiation.

Noteworthy is that members of the royal family selected the populated areas as private Mailo estates because of the advantages which accrued from owning land with more people (Mafeje, 1971). Peasants in Buganda kingdom paid dues and tributes locally known as “Envujjo” and “Busuulu” for use of land that was previously accessed and utilised at no charge under clan and lineage based tenure (Mafeje, 1973; Karugire, 2010). Envujjo, loosely translated as tithe or tribute, was a percentage of the total produce that each tenant paid to the landlord. Busuulu is rent that the tenants paid for the use of land. This was similar to extraction of surplus from peasants. Busuulu equivalent of 10 shillings per year or one month labour and Envujjo of 4 shillings per acre of coffee or cotton cultivated or one third of the total produce was to be paid by every tenant to the landlord (Mair, 1933; Mamdani 1976; Jorgensen, 1981). In addition to payment of Bussulu and Envujjo, tenants and peasants offered free labour locally known as

Kasanvu to the landlord for a period equivalent of one month in a calendar year (Nabudere, 1980).

3.4.1. The Busuulu and Envujjo law, 1928.

In the 1920's, the Baganda landlords increased the Busuulu and Envujjo that was paid by every tenant. To avoid exorbitant extortion of tenants by landlords, ensure uniformity and offer tenure security to tenants, the colonial government enacted the Busuulu and Envujjo law in 1928 (Wrigley, 1957; West, 1964; Jorgensen, 1981). The Busuulu and Envujjo law of 1928 was introduced against the wish of the landlord class (Mafeje, 1973). The Busuulu and Envujjo Law of 1928 was 'pro-poor', and for this reason, Lwanga-Lunyiigo (2007:5) called it a "Peasant Charter" because it prohibited the landlords from making excessive fiscal and labour demands on peasants (see also Mafeje, 1973; Batungi, 2008). The Busuulu and Envujjo laws were also enacted to limit the economic power of landlords in Buganda Kingdom who accumulated wealthy at the expense of tenants (Mafeje, 1971:5). The Busuulu and Envujjo Law of 1928 stated that:

The annual rent is 10s. [shillings] no matter ... the area of land cultivated. The 'economic rent' obtained by taxing commercial crops, is 4s [shillings]. an acre up to two acres under cotton, and 4s. [shillings] for every plantation containing more than ten trees in full bearing. This amount is fixed whatever the price of cotton; ... The landlord is entitled to the bark-cloths from one tree in every five, if his land borders on the lake to ten per cent of the fish caught (Mair, 1933:201).

The Busuulu and Envujjo Laws ensured that tenants could not be evicted from the land by landlords (Karugire, 2010). In a situation where the eviction happened, the landlord obtained an eviction order from local authorities at the sub-county before the eviction process (Wrigley, 1957; Mafeje, 1973). The Busuulu and Envujjo law "made it a criminal offence, punishable by three months' imprisonment or Shs. 100/- fine, for a landlord to evict his tenant, or 'otherwise disturb his quiet possession', without a court order, i.e. the right of eviction was reserved for the courts" (Mafeje, 1971:6; also see Mafeje, 1973; West 1896; Porter, 2001).

Tenants could also be evicted under the following circumstances; (a) when the tenant abandons the land or moves to another area (Porter, 2001), (b) in a situation where the land is sold, and (c)

where the actual owner could demonstrate that the land in question is needed for his own agricultural use amidst lack of alternative land elsewhere (Barrows and Kisamba-Mugerwa, 1989). With time, tenants secretly sold land to new entrants with the view of getting a reward or tribute. When the “vernacular land market” (Chimhowu and Woodhouse (2010:14) became widespread, landlords demanded an ‘entry fee’ known as Kanza from new entrants into the land (Porter, 2001). The Kanza was paid in addition to Busuulu and Envijjo.

Given the benefits that accrued from private land ownership in Buganda kingdom, Kings and chiefs from the kingdoms of Tooro and Ankole also demanded a similar system of land tenure. Agreements between Tooro and Akole Kingdoms and the colonial government were signed in 1900 and 1901 respectively (Carswell, 2007). But the two agreements did not carry much weight akin to the 1900 Buganda Agreement because these kingdoms were not central in the politics of Uganda like Buganda Kingdom. In 1938, the Landlord and Tenant Laws were enacted in the kingdoms of Ankole and Tooro to protect the tenants from extortionate rents by landlords (MISR and University of Wisconsin, 1988). Akin to the Busuulu and Envujjo Laws of 1928, the two laws controlled the powers of landlords, reduced the tension between landlords and tenants and offered some form of tenure security to tenants.

After signing the 1900 Buganda Agreement, the rest of the land in Buganda kingdom that was not held under Mailo or freehold was declared Crown land and alienated to the Queen of England (Carswell, 2007; Hansen, 2003). The colonial government and Baganda regents misinterpreted the ‘uninhabited and uncultivated’ land to be ‘free’ when it actually formed part of the land that was held under communal tenure. This land was utilised for activities like hunting, grazing and collection of medicines as well as firewood. Therefore, its alienation to the British Crown deprived the local people of their tenancy rights at the “stroke of a pen” (Rugadya, 2003:2). The local communities in most parts of the country including the north became “tenants on private property” (Lastarria-Cornhiel, 2003:2), or “tenants at will” (Odhiambo, 2006:8) because they were at the mercy either of the “landed gentry” and the colonial government (Mamdani, 1976:41).

In 1902, the Uganda Order of Council and the 1903 Crown Land Ordinance came into force. The two legislations resulted in the alienation of the rest of the land in Uganda that was not held under Mailo tenure in the kingdoms of Buganda, Bunyoro, Toro and Ankole to the colonial

administrators of the British Crown (MISR and University of Wisconsin, 1989; Kisamba-Mugerwa, 1991). The Order of Council and Crown Lands Ordinance gave powers to the representatives of the colonial government in Uganda to allocate freehold estates on Crown land to private individuals in all other parts of Uganda. Freehold estates were granted to chiefs and other notables in Tooro, Ankole and Bunyoro Kingdoms of Western Uganda (Nayenga, 1979; MISR and University of Wisconsin, 1988; Lastarria-Cornhiel, 2003).

The introduction of Mailo, freehold, and leasehold tenure systems did not completely erode the customary practices especially in upcountry areas including the north. Local peoples in Uganda especially the north continued to live in clearly defined clan, family and lineage settings while customarily accessing land because the new tenure systems were established over already occupied land. The multiple tenure regime created confusion in that a few privileged people from the royal family and ruling classes owned land that they did not use (absentee landlords), while peasants and tenants occupied and utilised land which they did not own (bona fide occupants). The boundary between 'informal' and 'formal' tenure was obscure and hence the parallel and competing tenure claims over the same piece of land.²⁸ For instance, the local people in Buganda kingdom were labelled by the Baganda landlords as tenants and paid Busuulu and Envujjo, but they (tenants) considered themselves to be the legitimate owners of land.

Land in northern Uganda was also alienated to the queen of England as part of Crown land because it lay outside the confines of Buganda, Ankole, Tooro and Bunyoro kingdoms. The changes in land tenure in the central and southern regions did not have much impact on land ownership in the north because: First, this area was demarcated as a reserve of labour that was 'exported' to the colonial and private plantations in the south (Jorgensen, 1981; Mutibwa 1992). Thus, the colonial government was reluctant to individualise land in a region on which the economy depended for the supply of labour. According to Karugire (2010:140), the colonial government annexed northern Uganda as a way of preventing "other European powers from acquiring the area rather than from a desire to acquire the area for its own sake". For this reason, there was no immediate change in the mode of land ownership in the north.

²⁸ Due to the fact that Crown and Mailo tenure systems were established over occupied land, there was confusion of tenure rights between tenants and the new landlords. The issue became more complex after the enactment of the Busuulu and Envujjo law that tried to protect tenants.

Secondly, the harsh weather conditions (hot and dry) in the midst of sparse population (Mamdani, 1976; Atkinson, 1989) conditioned the local communities in the north to adopt a communal way of accessing and utilisation of land. A household was recognised as the rightful owner of a particular piece of land as long as its members constantly cultivated the land. Mamdani (1976:154) argues that “cultivation established undisputed rights of use” of land in the Acholi and Lango areas of northern Uganda, while Jorgensen (1981:99) concludes that “Acholi land tenure contained a mixture of hierarchical and egalitarian, some old and some new”, meaning that there was no clear demarcation between customary or communal and individualistic forms of land holding. By 2013, over 93 per cent of the land in northern Uganda was held under customary or communal tenure with isolated cases of leasehold and freehold land tenure systems (Ker Kwaro Acholi, 2008:1). Post-independence land legislations have tried to disentangle the overlaps in land tenure which emanated from the colonial legacy but with limited success as evictions continue in different parts of the country (MLHUD, 2013).

3.5. Transition from colonialism to independence (1955-1962)

Prior to independence, the colonial government discussed how to realign traditional African life to suit the needs of a modern economy and industrial conditions (Carswell, 2007). That is, to make land and labour available for accumulation. The discussions entailed questioning whether tenure security should be stabilised and the improvements that were deemed necessary to enhance the general standards of living among the people of East Africa. Other questions revolved around whether or not land tenure systems in Uganda should be based on individualised freehold titles (MISR and University of Wisconsin, 1988). The vision of the colonial government was that freehold was a secure form of land holding as opposed to communal/customary tenure. The discussions regarding the appropriate land tenure system to be adopted in East Africa culminated in the establishment of the East African Royal Commission (EARC) which formulated the 1955 East African Royal Commission Report (Carswell, 2007; Batungi, 2008).

The following arguments were put forward by the EARC. First, that modern economic development is commensurate with private tenure as opposed to customary tenure which is claimed to discourage individuals from investing in land (Mugambwa, 2007; Wanjala, 2004). This argument by the EARC attributed development to be dependent on ‘modern’ systems of land ownership, while communal tenure was seen as backward, anti-development and not

progressive. Titling was envisaged to provide long-term tenure rights hence more progressive than other tenure regimes in the sense that private tenure encourages investment in land (Carswell, 2007; Mugambwa, 2007; Wanjala, 2004). Second, that land fragmentation discourages the consolidation of land and hinders large-scale commercial agriculture (Batungi, 2008). In contrast, improved tenure security through titling in the midst of large-scale farming motivates ‘progressive farmers’ to invest in land and financial institutions would avail credit to farmers. Through titling, various positive externalities would be realised, including increased incomes at household level, reduction in poverty and national economic development (Carswell, 2007; MISR and University of Wisconsin, 1988).

On the basis of these arguments, the EARC recommended that private freehold tenure be promoted in East Africa considering its view that efficient farming could not be realised when people hold land based on traditional systems (Carswell, 2007). Two, land subdivision should be restricted and land tenure reforms were to consider the interests of the local people, communal tenure being among such interests (Batungi, 2008). Three, facilitate land transactions so that progressive farmers can easily access land for economic use and that the central governments should guide the evolution of land tenure in order to meet the needs of modern economic development (MISR and University of Wisconsin, 1988). The colonial governments in the East African countries accepted the recommendations of the 1955 EARC Report and the Commission issued Land Tenure Proposals through which individual land ownership was sanctioned (MISR and University of Wisconsin, 1988; Carswell, 2007). The intention of the colonial government was to commodify land ownership across East Africa.

These processes resulted in the establishment of land formalisation piloting projects in British East Africa. In Uganda, the pilot titling projects were experimented in the Kigezi and Ankole districts of Western Uganda and Bugisu district in Eastern Uganda²⁹ (Mugambwa, 2007; Kisamba-Mugerwa, 1991; Lastarria-Cornhiel, 2003). According to Mamdani (1976:230), formalisation of land was undertaken in “an attempt to create and consolidate a group of progressive farmers”. By 1962, “6,000 plots had been adjudicated and 6,400 had been demarcated and surveyed” in Kigezi (Carswell, 2007:120). Meanwhile, by 1964, about 6,600

²⁹ See the Map 1 page 35 for the location of Kigezi, Ankole and Bugisu districts in Uganda.

plots were surveyed and demarcated in Kigezi (MISR and University of Wisconsin, 1988) but only 1,800 land titles were paid for and thus collected by registered owner as of 1968 (Carswell, 2007; Batungi, 2008). While, 20 plots were adjudicated and surveyed in Bugisu district, 34 titles were issued (Batungi, 2008).

According to Carswell (2007), the pilot land formalisation projects that were implemented in Uganda did not fulfil the objectives of the colonial government. The colonial government selected Kigezi well aware that the programme would be easier to implement in that area. Even after injecting in enormous resources, few titles were collected by the persons whose land was titled (Carswell, 2007), an issue which Batungi (2008) also alluded to. The land in Kigezi was ‘highly individualised’ even before the formalisation projects were introduced and individualisation arose out of population pressure rather than the need for secure tenure (Carswell, 2007). Because of the need to “take advantage of the great variability in soil types and topography”, farmers in Kigezi preferred scattered farms as opposed to consolidated farms (Carswell, 2007:122). There was also undisputed ownership of the land in Kigezi even before titling was undertaken, meaning that no significant social relationships emerged with formalisation (Carswell, 2007).



Land formalisation processes were not only implemented in Uganda but similar processes were undertaken in other British colonies on the continent. In Kenya, titling of “African lands as private property based on a European freehold model” was implemented in 1954 under the Swynnerton Plan (Shipton, 2009:143; see also Batungi, 2008). Similar to the claims made in the 1955 EARC report, the colonial government in Kenya argued that “titles could prevent contrary claims and disputes, prevent fragmentation and subdivision of holdings, and that agricultural credit might be obtained with the land as security” (Shipton, 2009:140; see also Williams, 1996). Since the Swynnerton Plan emphasized the issuance of land titles and intensification of agriculture within the native reserves (Batungi, 2008), the underlying aim was to stimulate a land market in the ‘Africa reserves of Kenya’, and in so doing, “progressive farmers” particularly whites and a few elite Africans would accumulate more land through the market (Shipton, 2009:140). These processes that were intended to propagate capitalist farming (Williams, 1996) would result in the formation of “landed and landless” classes, with the former comprising of the

white race and a few “energetic or rich Africans”, while the latter entailed Africans (proletariats) in the native reserves of Kenya (Shipton, 2009:144).

The apartheid government in South Africa established the Tomlinson Commission in 1955 that made recommendations on the development of the South African Bantu dominated reserves (Hall and Williams, 2003). In the 1956 report, the Commission proposed the provision of “freehold title[s] in the South African reserves to a class of full-time farmers on ‘economic farm units (vollebestaans-boerderyeenhede), with a target income of £60 per annum” (Williams, 1996:143; see also Hall and Williams, 2003:115). Like the Land Tenure Pilot Projects in Uganda and the Swynnerton Plan in Kenya that sought to encourage progressive farmers to invest in land, the ultimate objective of the apartheid government was to create a “class of rich peasant farmer[s]” within the native reserves (Legassick, 1974; Williams, 1996). Given that the land formalisation processes were to create a large pool of landless people and counteracted the interests of the white people, the recommendations of the Tomlinson Commission were not implemented (Williams, 1996).

Even though the formalisation processes were not successful, by providing titles to the minority whites and a few wealthy Africans and restructuring the socio-economic setup with the intention of facilitating the exploitation of land, the British colonial government provided a foundation for the penetration of capitalism in the colonies (Bernstein, 1977). The major emphasis of the British colonial government was individualisation through titling but customary modes of land ownership were not completely eliminated. Customary tenure continued to operate alongside the presumed modern, progressive tenure regimes. The outcomes of the pilot projects in the case of Uganda were important in policy formulation and the constitution making processes during the post-independence period, an issue that is discussed in the latter sections of this chapter.

3.6. Post-independence land reforms in Uganda

At independence in 1962, the Milton Obote government restructured land tenure in Uganda in that Crown land within Buganda was returned to Buganda Kingdom and was put under the stewardship of the Buganda Land Board (BLB). Meanwhile, Crown land which lay outside of Buganda kingdom was controlled by the 16 District Land Boards that comprised Uganda at the time (Carswell, 2007).

3.6.1. The 1969 Public Lands Act

More changes in land tenure came in 1969 when President Milton Obote enacted the Public Lands Act 1969. The Public Lands Act 1969 abolished the District Land Boards that were created after independence and established the Uganda Land Commission which held all land in trust for the people of Uganda (Batungi, 2008; Carswell, 2007). Land held by the ULC excluded that owned under Mailo and freehold tenure. In terms of the provisions of the Public Lands Act of 1969, no tenant on customary land was to be evicted without consent and in instances where eviction took place, fair and adequate compensation had to be paid to the tenant (Mugambwa, 2007).

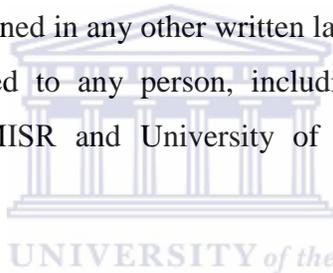
Given that some people in the lost counties of Buyaga and Bugangaizi settled on land that they did not own (bonafide occupants), the Public Lands Act of 1969 was intended to protect and confer some form of tenure security to the people in these areas. The Public Lands Act of 1969 also aimed at stimulating development as the government assumed that secure tenure stimulates investment on land (Carswell, 2007). The government also envisioned that the stable tenure would encourage efficient and productive utilisation of land in areas where communal or customary tenure existed (Wanjala, 2004). The intended results were not realised on the ground because of weak implementation. Individuals that occupied land under customary tenure continued to be evicted without being compensated thereby discouraging them from making substantial investments. The next section examines the changes in land tenure that were implemented in Uganda during the Presidency of Idi Amin (1971-1979).

3.6.2. The Land Reform Decree, 1975.

After ascension to presidency in 1971 through a coup d'état, President Idi Amin declared the Land Reform Decree (LRD) in 1975 (Mugambwa, 2007). Section one (1) of the LRD affirmed that “with effect from the commencement of this decree, all land in Uganda shall be public land to be administered by the Uganda Land Commission [ULC] in accordance with the Public Lands Act, 1969” (MISR- Wisconsin-Madison, 1988:21). Land that was privately owned under Mailo, freehold and customary tenure systems was converted into leasehold tenure held for a period of 99 years, while land held by public institutions, religious institutions and missionary schools was converted into leasehold tenure held for a period of 199 years (Kisamba-Mugerwa, 1991; Porter, 2001). Since Idi Amin vested all powers related to the management of land in the State through

the ULC, individuals that occupied unallocated public land under customary tenure (outside urban areas) sought permission from the ULC (Mugambwa, 2007).

The LRD revoked the Busuulu and Envujjo laws of 1928 that were enacted to protect tenants. The repealing of the Busuulu and Envujjo laws exposed the tenants to extortion and eviction by landlords given that owners of customary land obtained leases so as to avoid loss of their land to the State (Place and Otsuka, 2002; Mugambwa, 2007). The LRD made the situation more complex by declaring that any person could be evicted anytime by the state upon being served with a notice of eviction within a period of three months (Kisamba-Mugerwa, 1991). The notice contained the terms and conditions under which the eviction could take place. The conditions of eviction were determined by the ULC with the approval of the Minister of Lands. The LRD further pointed out that: “For avoidance of doubt, customary occupation of public land shall, notwithstanding anything be contained in any other written law, be only at sufferance and a lease of any such land may be granted to any person, including the holder of such tenure, in accordance with this decree” (MISR and University of Wisconsin, 1988:22; Mugambwa, 2007:44).



Although the LRD aimed at centralising land tenure in the country, create coherence between the land laws (Porter, 2001), and accelerate economic and social development (Rugadya, 1999; Green, 2006), these objectives were not achieved (Barrows and Kisamba-Mugerwa, 1989; Kisamba-Mugerwa, 1991). Instead, the LRD made the land question in Uganda more complex as people’s interests in land were relinquished to the State without any form of compensation. As opposed to the period before 1975 where any person could occupy public land without seeking permission from any authority, the 1975 LRD made it an offence to settle on any public land held under customary tenure without getting the authorisation from the ULC.

Furthermore, the LRD interfered with the land market in the country because the State controlled all land transactions and instituted lengthy and cumbersome procedures related to obtaining leasehold tenure (MISR and University of Wisconsin, 1988). Barrows and Kisamba-Mugerwa (1989) and Mugambwa (2007) have argued that President Idi Amin used this radical populist approach to reward military personnel and the elite within the government, who supported the

coup d'état, with land. According to Kisamba-Mugerwa (1991:317), the LRD was “a calculated political move intended to enable government or certain influential people to grab land”. Military personnel seized community land at the expense of the peasantry. The LRD remained largely unimplemented (Barrows and Kisamba-Mugerwa, 1989) a situation that Mugambwa (2007) attributes to political instability in the country at the time.

3.6.3. The NRM regime: 1986 - 2013

After taking power in 1986 after a five year armed struggle, the ruling NRM government effected more changes as regards to land tenure. The changes were informed by two studies carried out by the Makerere Institute of Social Research (MISR) and the Land Tenure Centre, University of Wisconsin Madison. These were ‘fact finding’ studies whose recommendations shaped land tenure reforms in Uganda. The two studies coincided with the neoliberal discourse of the 1980s which compelled developing countries to adopt a market-led agrarian reform as part of the Structural Adjustment Programme (Harvey, 2003; Akram-Lodhi, 2009). While examining the economic programmes implemented in Uganda between 1985 and 1988, Ochieng (1991), Lateef (1991) and Mugenyi (1991) have argued that the land tenure reforms were informed by the neoliberal debates of the World Bank and IMF.

The first study conducted in 1988 sought to establish whether, or not, the pilot titling project implemented in the Kigezi district of Western Uganda based on the 1955 EARC Report stimulated agricultural production and economic development (MISR and Wisconsin-Madison, 1988). The study also questioned whether formalisation by titling positively impacted on land tenure patterns, changed farmers’ investment behaviour, resulted in economic development and allowed progressive farmers to gain access to land. The findings revealed that freehold titles enhanced tenure security (MISR and University of Wisconsin, 1988). Land owners enjoyed more secure tenure rights than those settled on customary/communal land. The rights which accrued from the processes to titling are selling, mortgaging and giving land to others as gifts and obtaining rent. Untitled land was characterised by more conflicts compared to that held under freehold. The study further established that titled land was easy to transfer but the reason for sale was the need for money rather than availability of market for land. In addition, private ownership motivated individuals to make improvements on land. However, other factors like household characteristics rather than titling also influenced these improvements. The study argued that land

titling or formalisation “only sets a foundation for agricultural and general economic development” (MISR and University of Wisconsin, 1988:118). Titling combines with other variables such as characteristics of farmers and farm size to stimulate agricultural and economic development (Carter et al., 1989).

The second study funded by the World Bank and the United States Agency for International Development (USAID) titled *Land Tenure and Agricultural Development in Uganda* was conducted in 1989 (MISR and University of Wisconsin, 1989). The study was based on three assumptions. First, a good land tenure system should support agricultural development. A flexible tenure regime would permit progressive farmers to gain access to unutilised, underutilised and free land. Through these processes, a functional land market would emerge thereby permitting optimal utilisation of land by progressive farmers. Second, a good land tenure system should not force people off the land especially those without reasonable ‘alternative’ means to a living and income to ensure proper survival (MISR and University of Wisconsin, 1989). In case evictions were to take place amidst the lack of alternative livelihoods systems, economic development would be slowed down as the rural poor would be rendered jobless. This scenario would push the poor further to the periphery, result in political instability and social problems because of the lack of alternative sources of income. Third, land tenure laws should provide favourable conditions for the realisation of a single, uniform and efficient land tenure regime throughout the whole country (MISR and University of Wisconsin, 1989).

The findings from the 1989 study indicated that the 1975 LRD violated the rights of land owners through evictions. Given that the LRD vested all land in the state, people were deprived of ownership of land without being compensated for the losses incurred. The LRD also kindled conflicts over land between Mailo landlords and the tenants who were settled on Mailo land. The study further recognized that the LRD obstructed agricultural development in that it interfered in the land market which enabled progressive farmers to acquire land. The study thus recommended the abolition of the tenure regimes as provided for in the 1975 LRD.

The study also recommended that all land under Mailo tenure be converted into freehold tenure. Tenants on Mailo land received freehold titles and Mailo landlords acquired freehold titles on

land that was not occupied by tenants. The objective was to confer adequate tenure security to landlords and tenants, facilitate the transfer of land through the market and increase farmers' access to credit through the use of land as collateral security. In instances where Mailo land was occupied by tenants against the wish of landlords, compensation for the loss of interest in land was to be provided by the tenant and the government. Tenants that occupied land under customary tenure but settled on public land were to apply for freehold titles after certification of their occupancy rights by community leaders and a government committee. Individuals holding land under leasehold tenure on public land were to receive freehold titles on such lands, except those settled on leased government ranches and ranches exceeding 500 acres. No development conditions were to be imposed on any freehold land but only on land under government development projects.

The imposition of a land tax was proposed but this was applicable only to land held under leasehold tenure. The assessment of such taxes was to be based on the productive capacity of land whereby different levels of taxes would be applicable to good, average and poor land. It would be expensive for people to hold 'un-utilised' and 'unproductive' land for speculative purposes and prestigious reasons and thus compel people to dispose of their land. These processes would enable progressive farmers to get access to land through the market. The study further encouraged the adoption of a land tenure policy that would stimulate a land market so that progressive' farmers can have access to 'unused and underutilised' land, and in so doing, put the land to productive use. Protection of land rights and facilitation of the evolution of a uniform tenure regime across the country were recommended. It was also envisaged that through a functional land market, commercial agriculture would be realised when progressive farmers have access to 'available and free' land (MISR and University of Wisconsin, 1989).

3.6.3.1. The 1995 Constitution of the Republic of Uganda

Based on the recommendations from the 1988 and 1989 studies, the NRM government repealed the 1975 Land Reform Decree and went on to adopt the Constitution in 1995 and the Land Act in 1998. Chapter 4, Article 26 clause 1 of the 1995 Constitution of the Republic of Uganda states that: "Every person has a right to own property either individually or in association with others". Clause 2 indicates: "No person shall be compulsorily deprived of property or any interest in or right over property except ... (a) the taking of possession or acquisition is necessary for public

use or in the interest of defence, public safety, public order, public morality or public health; and (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for — (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property” (GoU, 1995). Chapter 15, Article 237 clause 1 of the Constitution states that “land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution”. Chapter 15, Article 237, clause 3 specifically points out that land in Uganda shall be owned in accordance with customary, freehold, Mailo, and leasehold land tenure regimes (GoU, 1995).

Customary tenure was in 1995 officially recognised as a mode of land ownership in the history of Uganda. Land held under customary tenure may be converted to freehold and a Certificate of Customary Ownership (CCO) obtained from the controlling authority. The constitution advocates for the evolution of land ownership from other forms of holding to freehold. Independent land administrative structures were reaffirmed, including the Uganda Land Commission (ULC), District Land Boards and other decentralised land administration bodies at various levels of governance to handle land related issues in the respective areas of jurisdiction. The ULC is charged with the role of holding and managing of any land in Uganda vested in or acquired by the government of Uganda (GoU, 1995).

3.6.3.2. The Land Act, 1998

The Land Act was enacted in 1998 and amended in 2010. The 1998 Land Act operationalizes land tenure issues outlined in the 1995 Constitution of the Republic of Uganda. Since over 86 percent of Ugandans derive their livelihoods from land and land related activities (Odhiambo, 2006:4), securing land tenure rights was fundamental. The enactment of the 1998 Land Act was aimed at correcting and streamlining the rooted historical land tenure inconsistencies. It was also expected that these reforms would reduce poverty and preserve the environment, protect the rights of vulnerable people, facilitate agricultural development through the stimulation of an active land market and the use of land as collateral security (GoU, 1995).

The 1998 Land Act recognises four types of land tenure systems, that is, customary, freehold, Mailo and leasehold. The Land Act indicates that Mailo land tenure permits the separation of

owners of the land (landlords) from those that own the developments on the land (bonafide occupants). Given that land allocated to individuals as per the 1900 Buganda Agreement was occupied, there was a need to ensure that the local peoples are not evicted by the landlords. Bonafide occupancy rights were thus created. Individuals holding land under customary tenure can obtain a Certificate of Customary Ownership (CCO) which can be used to lease the land, obtain a mortgage, sell, subdivide or transfer the land at will. People holding land under customary tenure on public land may convert customary tenure into freehold tenure. However, a fee is paid by customary land owners that wish to obtain a freehold title. The land rights of women and children are recognised and protected.

In terms of land management, the Uganda Land Commission (ULC) was charged with the role of holding and managing “any land in Uganda which is vested in or acquired by the Government” (Government of Uganda, 1995:55). Below the ULC are District Land Boards (DLB) that “hold and allocate land in the district which is not owned by any person or authority; facilitate the registration and transfer of interests in land”; [and] acquire by purchase or otherwise rights or interests in land” (GoU, 1995: 60-61). At the parish level, there is a land committee consisting of a Chairperson and three other members appointed by the District Council.

The enactment of the 1998 Land Act was based on the idea that a good land tenure system should support development through the stimulation of a fully-fledged land market, improve security of tenure and people’s rights over land and ensure sustainable utilisation of land (Kisamba-Mugenrwa, 1991; GoU, 1998). Other objectives which informed the enactment of the 1998 Land Act included (a) offer adequate security of tenure by encouraging the transformation of customary ownership to freehold tenure, (b) support agricultural development through the creation of a vibrant and competitive land market, and (c) ensure sustainable use of land (Adoko and Levine, 2005; Okuku, 2006). Transformation in land holding from customary to freehold tenure was to improve tenure security, motivate capitalists with resources to invest in land thereby increase productivity in the agricultural sector and sustained investment would foster economic development.

However, encouraging the conversion of customary to freehold tenure with the purpose of enhancing tenure security implies that the latter confers adequate security of tenure. But,

customary tenure has stood the test of time in many developing countries because it provides adequate tenure security (Zoomers, 2010). Although it could be true that leasehold and freehold tenure regimes stimulate considerable investments in land, customary/communal tenure has the same attributes since occupants often have long-term inheritable rights (Batungi, 2008; Deininger, 2003). Customary tenure is secure since it evolves in response to the changing social, economic and political circumstances (World Bank, 2003). It responds to pressures from new forms of investments, social demands, population change, land scarcity and economic needs (Fitzpatrick, 2005). In the African context, Okoth-Ogendo (2006:7) notes that, “African land rights systems address a wide range of social, cultural, economic and political issues, they clearly confer adequate security in respect of the various functions for which access is granted by the state or respective communities”. Customary tenure should not be entirely replaced with the assumed development oriented tenure systems as it is socially and politically embedded, robust and accommodative (Whitehead and Tsikata, 2003; Cousins and Claassens, 2004; Cousins, 2005).

Due to the fact that customary tenure is embedded within the African socio-economic fabric, in other words “more directly and clearly “embedded” in social relationships than in modern Western systems of individual, private property rights” (Cousins, 2005:498), its distortion would mean tampering with the culture and customs of the communities. Cousins (2005:500) provides some of the “key features of African tenure regimes”, of which customary tenure constitutes the largest percentage. He notes that: “Land rights are embedded in a range of social relationships and units”, “inclusive rather than exclusive in character” and “are derived from accepted membership of a social unit, and can be acquired via birth, affiliation, or allegiance to a group and its political authority, or transactions of various kinds” (Cousins, 2005:500). According to Mugambwa (2007), the change from customary/communal tenure to any other tenure form could distort the nested social networks which provide the basic foundation on which the society is built.

The conversion of customary tenure to freehold, a policy initiative promoted by Hernando de Soto (2000) in *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* has raised a lot of criticism. In de Soto’s opinion, countries in the global south

have enormous untapped capital worth millions of dollars but because the people hold their resources especially land in illegal and undocumented ways, they are the least developed and will continue to lag behind unless the mode of property holding is changed from informal to formal. De Soto (2000) thus advocates for and encourages individuals to move away from informal, defective and ‘traditional’ modes of land holding where there are no papers to show legal ownership to modern ways of land ownership where land titles and contracts apply. The change transforms non-functional capital to functional capital which can be used as collateral security, issues which are not possible when property is held in ‘traditional’ and unreliable forms (de Soto, 2000). Those who hold property in informal unrecognised ways are likely to encounter hindrances in the process of converting their property into capital.

While examining de Soto’s capitalistic arguments with specific reference to Uganda, Porter (2001) questions some of the issues raised in *The Mystery of Capital*. Porter (2001) points to the presence of informal market arrangements even when the property is owned, in what de Soto calls extralegal ways. People use property situated on land that is owned through informal arrangements as collateral security during the acquisition of credit from financial institutions thereby questioning the need for titling when everyone in the community knows who owns which parcel of land. Porter (2001) therefore suggests that strengthening of land management institutions and the cautious blending of traditional and ‘modern’ tenure regimes could be more effective than the total overhaul of customary/communal tenure.

3.6.3.3. The 2013 Uganda National Land Policy

On February 7th 2013, the Uganda National Land Policy (UNLP) was approved by President Museveni (Migereko, 2013). The UNLP seeks to realise “efficient, equitable and sustainable utilisation and management of Uganda’s land and land-based resources for poverty reduction, wealth creation and overall socio-economic development” (Ministry of Land Housing and Urban Development (MLHUD), 2013:2). It notes that resolving multiple, conflicting and overlapping tenure rights and interests which emanated from the still significant colonial legacy is one of the most challenging issues of Uganda’s land tenure system.

The UNLP commits the GoU to protecting vulnerable people particularly those forced to leave their homes of abode due to conflicts. “The state shall regulate land markets to curtail distress

land sales and ensure that the land rights of vulnerable groups are protected”. In order to protect the land rights of IDPs, the GoU states that it will undertake the restitution of land, housing and property or pay adequate compensation or resettle the local communities in case of displacement (MLHUD, 2013). The UNLP further indicates that mechanisms for reclaiming the abandoned land and property, compensation or even resettlement of displaced people will be put in place. In case of large-scale farming interests, the GoU indicates that it will facilitate the vulnerable groups and small-scale farmers to access land elsewhere in the country (Ibid). But, as chapters 6, 7 and 8 show, the GoU has not realised these objectives as the people displaced by the over 20-year conflict in northern Uganda continue to experience hardships in the repossession of land. Restitution and compensation for the loss of land and other property have not been considered as options for the people of northern Uganda. As of 2013, land grabbing and evictions of the displaced persons in northern Uganda continued despite the enactment of the UNLP.

The GoU further recognises that Foreign Direct Investment (FDI) is increasing in the country and that sustained increment in FDI could result in the loss of land by the peasantry and smallholder farmers (MLHUD, 2013). The losses could give rise to food insecurity, land conflicts and increase in poverty. The GoU thus indicates that it will protect the rights of citizens in the context of increased FDI and measures will be put in place to mitigate the negative impacts of FDI in order to realise equitable and sustainable development. Consultation of land owners in the case of investment is required. In relation to land allocation to investors, the UNLP shows that the amount of land that investors can acquire will be regulated based on the nature of investment. Payment of adequate and fair compensation for the loss of land rights as indicated in the 1998 Constitution of the Republic of Uganda is discouraged in favour of sharing of benefits, for instance, through contract farming, out grower and equity sharing schemes and joint venture arrangements.

3.7. Conclusion

Land tenure in Uganda is inextricably intertwined in the broader body of politics and is part of the political economy of the country. The colonial legacy is still significant as it continues to inform the political, social and economic issues related to land tenure in Uganda. The signing of the 1900 Buganda Agreement between Buganda Kingdom and the British colonial government drastically transformed the ways in which land was held in the country whereby the introduction

of individualised land holding over already established communal tenure created multiple tenure regimes that operated in parallel ways, often overlapping and competing. The resultant multi-layered land tenure regime created complex sets of social relations. Land tenure therefore continues to be a contentious issue in Uganda given that land, a major factor of production, comes with power and authority to marginalise and exclude the landless, thus resulting in accumulation of more capital. The emergence of multiple tenure regimes marked the beginning of the complex land question in Uganda. The problems arising from these land tenure complexities continue to be manifested in the contemporary period, with competing tenure, evictions and land grabbing (as chapters 6, 7 and 8 show) being the most evident. The next chapter presents the political economy theory which informed the study.



CHAPTER 4: POLITICAL ECONOMY THEORY

4.1. Introduction

Political economy analysis is centred on unpacking the social relations, particularly the distribution of power between different structures of society and classes of people therein and how these relationships, in turn, benefit particular classes over others (Mill, 1965; Mamdani, 1976; Chambers, 1983). This theory was considered appropriate for this nature of study because it offers a suitable platform for analysing the social relations centred on land and agriculture and exposing the ways in which the emerging sets of relations benefit particular categories of people over others (Mosco, 1996; Bernstein, 2010). The qualitative research design and methodology that has been employed in this study also informed the theory that was adopted. Qualitative research design and methodology employs ethnographic techniques to collect the data and descriptive approaches to present the findings (Blaikie, 1993; Patton, 2002). Given that ethnographic methods permit researchers to explore and consequently get deeper insights into the social relation complexities and transformations in societal structures (Collinson, 2003; Bryman, 2008), it means that political economy and qualitative research design and methodology are compatible and thus suitable for this study. The rationale here is to place the political economy theory at the centre of analysis. This has been undertaken as an entry-point and in an attempt to provide a nuanced understanding of the influence of political and economic processes as well as power relations in the accentuation of land grabbing in Amuru district of northern Uganda.

This chapter therefore deploys the political economy theoretical orientation to show how differences in power relations are a key factor in the accumulation of capital — land in this case — by the minority few who live in urban areas and that this often comes at the expense of the poor people's most of whom live in peripheral areas of developing countries. In addition, the chapter shows that decisions taken by those with political and economic power benefit particular classes of people over others. In these processes, the chapter further indicates, the state, its institutions and coercive organs are central agents in facilitating the processes of capital accumulation and it does so by formulating laws and regulations, and establishing institutions that permit the intrusion of capital in the countryside of developing countries. Differences in power relation and transformation in social relations around land are exemplified through the use of the Structural Adjustment Programme and liberalisation processes. The underlying idea is that

discourses coined at the international level and domesticated by individual states benefit international and national and local elite as opposed to the rural poor in peripheral areas of developing countries such as Amuru district.

4.2. Political Economy

The understanding of political economy has been redefined over the years, starting as “the management of a household and then the management of a community before it became the description of a perceived system of production, distribution and exchange” (Williams, 1977:11; see also Mosco, 1996:24). The latter understanding of political economy which mirrors the development of ‘capitalism’ is echoed in *The Wealth of Nations*, where Adam Smith explains the economic and social transformation processes as well as the capitalist developments in Europe (Smith, 1910). From Smith’s (1910) perspective, development of capitalism is a lengthy process which involves transforming from pre-capitalist modes of production that are largely dependent on agriculture and agricultural labour to capitalism where industries and the manufacturing sector dominate. For instance, much of Europe and the United States transited from subsistence, to “partial subsistence, diversified production [and] to specialised production” (Friedman, 1978:574).

In the preliminary remarks to *Principles of Political Economy*, John Stuart Mill (1965:1) defines political economy as being centred on investigating the “nature of wealth, and the laws of its production and distribution: including, directly or remotely, the operation of all the causes by which the condition of mankind, or of any society of human being, in respect to this universal object of human desire, is made prosperous or the reverse”. Mill’s (1965) definition of political economy has resonance with Adam Smith’s conceptualisation in the sense that they both focus on social and economic transformation in societies and the processes that produce and reproduce wealth. But Mill (1965) in particular shows that while social relations of production and reproduction of wealth and structural arrangements in society make some classes of people more prosperous and powerful, they at the same time marginalise and disempower others. In other words, the processes of capital accumulation are contradictory in the sense that they create different classes of people.

Political economy has been used by scholars to understand the events in society and the manner in which it is employed depends on the nature of the research problem, context and motive of the

individual. For example, Collinson (2003) interrogates the ways in which the political economy analysis can be useful in improving responsiveness and sensitivity of aid agencies so as to avoid the propagation and/or escalation of conflict. By analysing the nature and distribution of wealth and power in fragile areas, the delivery of aid could be improved and its capture by local elites avoided. From Collinson's (2003:3) perspective, political economy examines "the interaction of political and economic processes in a society: the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time". Collinson (2003:3) further suggests that the political economy "approach should incorporate a wide historical and geographical perspective, explain why the relative power and vulnerability of different groups changes over time and explain why [and how] the fortunes and activities of one group in society affect others".

Meanwhile, Mosco (1996:25) who explores 'the political economy of communication' indicates that this approach "concentrate[s] on a specific set of social relations organised around power or the ability to control other people, processes, and things, even in the face of resistance". Emanating from Mosco's conceptualisation is the idea that the processes of 'production and distribution' of wealth (Mill, 1965) are characterised by contradictory interests; and that "differentiated access to wealth" (Mamdani, 1976:7) gives rise to contestations. The ensuing contestations ultimately result in resistance in communities. Mosco (1996) further shows that some classes of people are controlled by others and that the processes of control continue even in the midst of resistance. By implication, it means that the processes of production and distribution of wealth are not only "relations of *power*" but also "*political* relations" (Mamdani, 1976:8, emphasis original) given that they create 'winners and losers' (Chambers, 1983).

According to Mamdani (1976:7), class relations are exposed when one focuses on production of economic surplus rather than its distribution because it is "at the level of production that individuals and groups coalesce into classes, defined in terms of their relations to ... process[es] of production". "The focus on production [therefore] becomes a focus on relations of production" which is principally between appropriators of labour and those from whom labour is appropriated (Mamdani, 1976:7). "In production, men enter into relations not only with nature. They produce only by co-operating in a certain way and mutually exchanging their activities. In order to produce, they enter into definite connections and relations with one another and only

within these social connections and relations does their relation with nature, does production, take place” (Sayer, 1989:24). The interaction which goes on during the processes of production transforms existing social relations, and subsequently creates new forms of structures and relations that benefit some classes over others. Therefore, when analysing production and reproduction under political economy, Chambers (1983) argues, a focus on ‘who’ rather than ‘how’ is important because the questions of ‘who’ expose the classes that own the means of production and profiteer through appropriation of labour, and those who lose out from the emerging sets of social relations.

Studies by Chambers (1983) and Scott (1985) that focus on rice farming communities in South Asia explicitly demonstrate how and why the decisions taken by those with power and authority over production benefit some categories of people and negatively affect others. In both case studies, government bureaucrats and capitalists mechanised the rice production chain by installing modern rice mills and combine harvesters. The objectives of mechanisation, according to government bureaucrats and capitalists, were improvement in efficiency, increase in the output of rice and reduction of costs. In essence, increased production increased the profits, which also meant increase in wealth. On the contrary, the rural poor who depended on harvesting and threshing of rice lost out as mechanisation of the production system resulted in joblessness, lowering of the social status of peasants and vulnerable rural women who derived their livelihood from informal labour (Chambers, 1983; Scott 1985; Holmes, 2007). According to Chambers (1983:186), mechanisation of rice production was equivalent to “signing a death warrant” as many of the rural poor were without any means to a living. The two case studies remarkably contrast with the findings from research undertaken in the Philippines where a shift from rain-fed to mechanised irrigation of rice farms increased the demand for labour as opposed to shedding of labour, and hence more possibilities of employment for the rural poor (Shively, 2001). The reported “27% increase in total labour use per hectare” emanated from ‘cropping intensity’ (Shively, 2001:278). The contrasting cases bring to light the transformation in social relations of production and reproduction, and show the ways in which some decisions benefit those in positions of authority but not the rural poor.

The central “agents of production”, as indicated in *The Marx-Engels Reader*, are ‘land, labour and capital’ (Tucker, 1978:232), also called “productive factors” (Mosco, 1996:22). The three

‘agents of production’ have to be brought together for production and reproduction to take place. The “specific manner in which this union is accomplished distinguishes the different economic epochs of the structure of society” (Sayer, 1989:27). The outcomes of specific combinations of land, labour and capital creates different classes of people. Given that the owners of the means of production — land and capital — accumulate more capital by exploiting the poor classes, Mamdani (1976:8) terms the social relations which emanate from the combination of land, labour and capital as “relations of *appropriation*” (emphasis original). Given that this research focuses on land grabbing, the next section examines the social relations centred on land through the lens of political economy.

4.2.1. Political economy and social relations centred on land

Whereas political economy focuses on power relations between and within communities and how these relationships are exploited by those with power and wealth for their benefit, agrarian political economy specifically focuses on social and economic structures which underpin the relations of production and reproduction in agrarian communities for whom land is the main agrarian asset (Akram-Lodhi, 2007; Akram-Lodhi et al., 2009; Araghi, 2009). According to Bernstein (2010:1), agrarian political economy is centred on understanding “the social relations and dynamics of production and reproduction, property and power in agrarian formations and their processes of change, both historical and contemporary”. The social relationships in agrarian communities can plausibly be understood, Bernstein (2010) suggests, by examining the distribution of factors of production, the production activities carried out by the members of the community and manner in which proceeds from production are distributed among the different classes and utilised thereafter.

From the perspective of farming, Bernstein (2010:61) raises intriguing questions of “how farming, once the most localised of activities, became part of “agriculture” or the “agricultural sector”. The relevance of this is in the reflection on how capital, a factor of production, can transform the social relations centred on land by using labour and the changes that emerge from the complex combinations of land, labour and capital. By controlling production and reproduction processes, capital encompasses and transforms the activities outside of it as seen in the contemporary period where activities such as farming that were once regarded as ‘local’ are integrated in national and international structures, and hence global. Harvey (2003:143)

attributes the changes in agriculture to the impact of capital and further claims that where “assets, such as empty land or raw material sources, do not lie to hand, then capitalism must somehow produce them”. The state is a central actor in these processes as it creates the conditions, formulates laws and regulations which foster the processes of capital accumulation (Bernstein, 1977; Harvey 2003). Assets such as land can be distributed either, through peaceful means such as the market led approach, or through the use of force such as violent evictions and coercion, supported by the state and the embedded institutions.

Bernstein (2010:22) poses fundamental questions which provide further insights into the “social relations of production and reproduction” under agrarian political economy. The questions are, “Who owns what? Who does what? Who gets what? [and] What do they do with it?” (Bernstein, 2010:22). These highlighted questions resonate with what Akram-Lodhi et al. (2009:217) call the “agrarian questions of land” as they indicate the critical issues to consider when examining power relations around land given that it is one of the primary means of production and reproduction in most rural areas. Akram-Lodhi (2007) argues that the political economy lens focuses on who controls the land, how the land is controlled, and what the controlled land is used for, as these questions are important in understanding the “distribution of power, property and privilege in the countryside and the capacity of capital to overcome these limits” (Akram-Lodhi, 2007:1442). The key agrarian questions which Akram-Lodhi (2007) raises resonate with those posed by Bernstein (2010) in that they highlight that land encompasses a constellation of relations including being political, economic and social (Bernstein, 2010; Akram-Lodhi, 2007).

Changes in social relations of production and reproduction emerge because smallholder farmers and peasants are not independent entities but are buttressed within interconnected capitalist structures. Akram-Lodhi and Kay (2009:1) argue that “peasants do not live outside from wider social and economic forces that are outside their control; rather, they are subordinated to those wider social and economic forces because of the need to obtain items they do not themselves produce”, for instance, agricultural inputs. These classes (smallholder farmers and peasants) are further subjected to related forces when they provide ‘outputs’ from agriculture to the market given that they do not consume all the products from their farms (Bernstein, 2001; Cousins, 2010). Farm produce is also consumed within rural villages, availed to the national level through market structures or even put on the international market through transnational food supply

chains (World Bank, 2007; Bernstein, 2010). This means that social relations “at the level of production are bound up with larger class relations and with the dynamics of production” (Friedmann, 1978:584). The interconnected nature of the input and output relationship in agriculture means that to better understand the mode of operation of small holder farmers and peasants one has to “understand the relationship of peasants to their social superiors, to each other, in their families and in their communities on the basis of gender, age and kinship, to the state, and to the operation of the product and labour markets they may use” (Akram-Lodhi and Kay (2009:1).

Changes in agrarian social relations consequently reconfigure the structure of rural production activities and processes (Akram-Lodhi, 2007). Unequal power relations “concentrate wealth in a few hands, especially by buying land and appropriation of common resources ... [and thus able] to keep the poor poor or to make them poorer” (Chambers, 1983:37). Harvey (2003:137) characterises the accumulation of capital by elite classes through peaceful or violent mechanisms as ‘accumulation by dispossession’. According to Harvey (2003:145) ‘accumulation by dispossession’ includes “the commodification and privatization of land and the forceful expulsion of peasant populations; the conversion of various forms of property rights (common, collective, state, etc.) into exclusive private property rights; the suppression of rights to the commons; the commodification of labour power and the suppression of alternative (indigenous) forms of production and consumption; colonial, neo-colonial, and imperial processes of appropriation of assets (including natural resources); the monetization of exchange and taxation ... and [increase of capital through] the credit system”. The next section examines the ‘spaces’ that are important in the analysis of social relations under agrarian political economy.

4.2.2. Spaces for social relation analysis under agrarian political economy

Societies are structured in complex ways in that they are comprised of multiple layers, characterised by different classes of people that occupy varying social status and with contrasting positions of authority. Despite the complexity in the structure and composition of societies, Chambers (1983:37) identifies three ‘spaces’ where social relations of power are entrenched (see also Akram-Lodhi et al. 2009; Bernstein 2006, 2010; Ferguson, 2006; Harvey, 1982). The first level which Chambers (1983:37) identifies is international/global, second is national and third is local/community. Although the specifics, crosscutting threads between the three levels where

power and social relations are entrenched, and the processes that take place within each level as well as the actors involved are examined more closely and at length in the latter sections of this chapter, it is important to first specify the inextricable connections at this point.

On the international/global level, Hickey (2009:148) notes that understanding the politics at this level is important because of the “transnational character of ‘national’ elites in most developing countries, let alone the global elites that do much to shape political decision-making within poor countries. ... Political [economy] analysis cannot forego an engagement with the global if it is to make a more thoroughgoing and sustained contribution to development”. Bernstein (1990) also calls for an engagement with global/international dimensions as discourses generated at this level influence country specific policies and programs that are, in turn, implemented at the local/community level through the state and its institutions.

Chambers (1983) however indicates that the problem is not policies and programs that are generated at the global level but the main issue is the manner in which they are formulated, and decisions taken, as these create opportunities for the benefit of specific classes of people in specific regions. From a north-south point of view, the processes and structures arising from discourses coined at the global level exploit and keep developing countries in a poor state while promoting the hegemony of developed countries (Chambers, 1983; Harvey, 2003). The contemporary mechanisms through which developed countries marginalise developing countries are unfair foreign exchange control mechanisms, the usurpation of natural resources through investment of over accumulated capital and subsequent capital flight, processes that have been facilitated by neoliberalism (Chambers, 1983). Harvey (2003:32) argues that “Uneven geographical conditions do not merely arise out of the uneven patterning of natural resource endowments and locational advantages, but ... more importantly, are produced by the uneven ways in which wealth and power themselves become highly concentrated in certain places by virtue of asymmetrical exchange relations”. The mechanisms that make developing countries poorer include the compulsion to open up their markets to foreign trade and related conditionalities executed through the international bodies such as the IMF, World Bank and World Trade Organisation (Harvey, 2003).

While examining the privatisation and liberalisation of service provision that was implemented under the Structural Adjustment Programmes; Harvey (2003) further argues that global

discourses have continued to marginalise developing countries but these are translated into local action through the state and that it is the powerless and marginal rural poor in the countryside who continue to suffer the most from these processes. For instance, the privatisation of utilities such as water in South Africa and the subsequent introduction of user fees on the advice of the World Bank and IMF resulted in the disconnection of poor households in rural areas because many could not afford to pay for the service (Harvey, 2003:159). Those unable to pay for water were forced to use water from alternative sources from which many contracted waterborne and water related diseases such as cholera.

The nexus between the global, national and local is also evident in the agricultural sector. Bernstein (2010:64) illustrates the connection between the three geographical ‘spaces’ by inviting us to envisage how farming, an “extremely *localised* activity and way of life” in the past, has in the contemporary period come to be called agriculture and the agricultural sector (emphasis original). The central message in Bernstein’s (2010) assertion is that the consequences arising from the transformation of social relations of production and reproduction have not only resulted in profound implications for the prospects of capital accumulation among capitalists but also affected producers in the countryside of developing countries (Akram-Lodhi and Kay, 2009; Araghi, 2009). It is therefore important to be aware of the broader nested connections and influence of international/global discourses on policies and programmes at the national level and how these, in turn, affect the rural poor at the local level because this is where they are implemented.

At the national level, Chambers (1983) asserts that interests of the ruling classes, who often live in urban centres of developing countries, deviate from those of the poor who mainly live in the countryside or rural areas. The divergent interests between these classes are reflected in the design and implementation of national policies and programs whereby they favour and serve the interests of the national elite, who often have connections with other elites in metropolitan centres of developed countries as opposed to the rural poor. This view is also reflected in the *Notes on Capital and Peasantry*, where Bernstein (1977:70) argues that the “development of commodity relations [in agriculture and land] since independence cannot be discussed without considering the role of the state”. He further suggests that the “economic role of the state has to be located in relation to the possibilities of accumulation by the ruling classes which have

formed since independence, whether they are reproduced and accumulate on the basis of individual or state property or some combination of the two forms” (Bernstein, 1977:70). Through the establishment of favourable “political, ideological and administrative conditions for further penetration of capital into peasant agriculture” and land, the state provides the elite classes with immense opportunities that facilitate the accumulation of wealth and power (Bernstein, 1977:71).

At the local level, local elites in the countryside take advantage of their positions within rural areas and connections with the ruling elite to exploit the poorest individuals and households, for example, through land buying, and appropriation of common resources. This means that rural areas are comprised of different classes of poor people with varying levels of access to land and land-related resources and vulnerability. First, there are the very poor who are landless, meaning that their means of survival is through offering cheap labour, second, the ‘poor’ who have land but accumulate by exploiting the very poor, and third are the ‘relatively poor’ individuals (local elites) who have land, capital, merchant capital and connections to the state (Chambers, 1983). This categorisation is derived from Bernstein (1977) and Beckman (1977) who divide peasants into poor peasants, middle peasants and rich peasants, meaning that there are varying “degrees of peasantness” (van der Ploeg, 2008:36).

Social differentiation applies to smallholder farmers as well in the sense that these categories of people are not homogeneous. Although smallholder farmers largely operate at a relatively small-scale, Cousins (2010:2-3) argues that there are “inequalities and class-based differences” within this large population. According to Cousins (2010:2), there are smallholders for whom “farming constitutes only a partial contribution to their social reproduction, those for whom it [forms] most of their social reproduction requirements and those for whom farming produces a significant surplus, allowing profits to be reinvested and, for some, capital accumulation in agriculture to begin.” The variation in ‘smallholderness’ and ‘peasantness’, and differentiated access levels to various forms of capital has implications on the nature of politics around land and labour within the local communities.

Similar to the elite at the national level who are often connected to international structures and other elites in metropolitan centres of developed countries, the local elite in rural areas of developing countries have connections with state officials and national structures. Beckman

(1977) also argues that local elites often have access to “state bureaucracy and to merchant capital through which they exercise economic and political control over their communities” (Beckman, 1977:1). The consequences of these nested ‘relations of appropriation’ (Mamdani (1976) are that the wealthy and “powerful get richer and more powerful; and the poor become relatively and often absolutely poorer and weaker” (Chambers, 1983:38).

As illustrated in the conceptual and analytical framework on page 96 (Figure 1), the three ‘spaces’ — international/global, national and local — that are central in the analysis of social relations under agrarian political economy and the institutions therein inform and feed into each other in diverse ways. The first column of Figure 1 — under the heading ‘power relation levels’ — shows that international/global discourses particularly those that spring from powerful international financial institutions in metropolitan centres of the developed world shape and inform national policies and programmes mainly in developing countries. These global discourses are, in turn, domesticated by the individual state through specific policies and programmes that are formulated, and implemented by particular institutions that are established (national level). However, as the local level reveals, it is the local communities in the countryside that are affected by the impacts of the policies and programs that emanate from the global level and domesticated by the state. Changes that take place at each level reconfigure the social relations across the levels and subsequently restructure the politics therein (Hall and Lamont, 2013). This hierarchical and interconnected nature of the three levels of analysis is what Ferguson (2006:90) called “vertical topography of power”.

Given that social and power relations are entrenched in the three ‘spaces’, Chambers (1983) suggests that a detailed analysis should be undertaken at each level in order to understand the distribution of power, consequences that emanate from the changes in social relations therein and how they interact across these levels. The plausible way to draw these connections and show the influence of power relations between these levels of analysis is to examine the Structural Adjustment Programme (SAP) and liberalisation discourses and their impacts on smallholder farmers and the peasantry in the countryside of developing countries. The second column (mediating institutions, processes and outcomes) of Figure 1 on page 96 exemplifies this by indicating that the World Bank and IMF initiated the SAP which it, in turn, imposed on developing countries. Within individual countries, the SAP entailed the adaption of Structural

Adjustment policies (SAPs) and establishment of specific programs and institutions. The consequence of SAPs and specific programs as well as institutions that were established is the transformation of social relations of production and reproduction through the seizure of land by local and foreign enterprises (Bernstein, 2001). This has also resulted in the continuous threat of smallholders and peasants, like those in Amuru district, through land grabbing (McMichael, 2006; Bernstein, 2006; World Bank, 2007).

The third column of Figure 1 on page 96 shows the diversity of actors that are involved in land grabbing at each level. At the international/global level, the land grabbers include foreign private investors, corporations and governments. At the national level, domestic investors, ruling party officials and the state are involved in the seizure of community land. The institutions of the state as well as its coercive organs (police and military) protect the interests of land grabbers thereby supporting the enclosure of community land. Within the community, it is the rich, well-connected peasants and local elites who seize land belonging to the poor peoples. A more detailed account of the underlying processes, outcomes and actors involved in land grabbing follow the conceptual and analytical framework (Figure 1) on page 96.

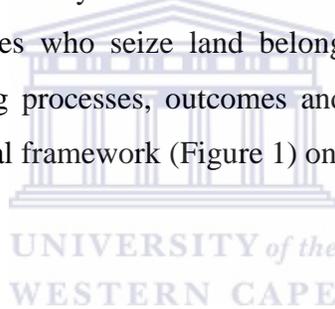
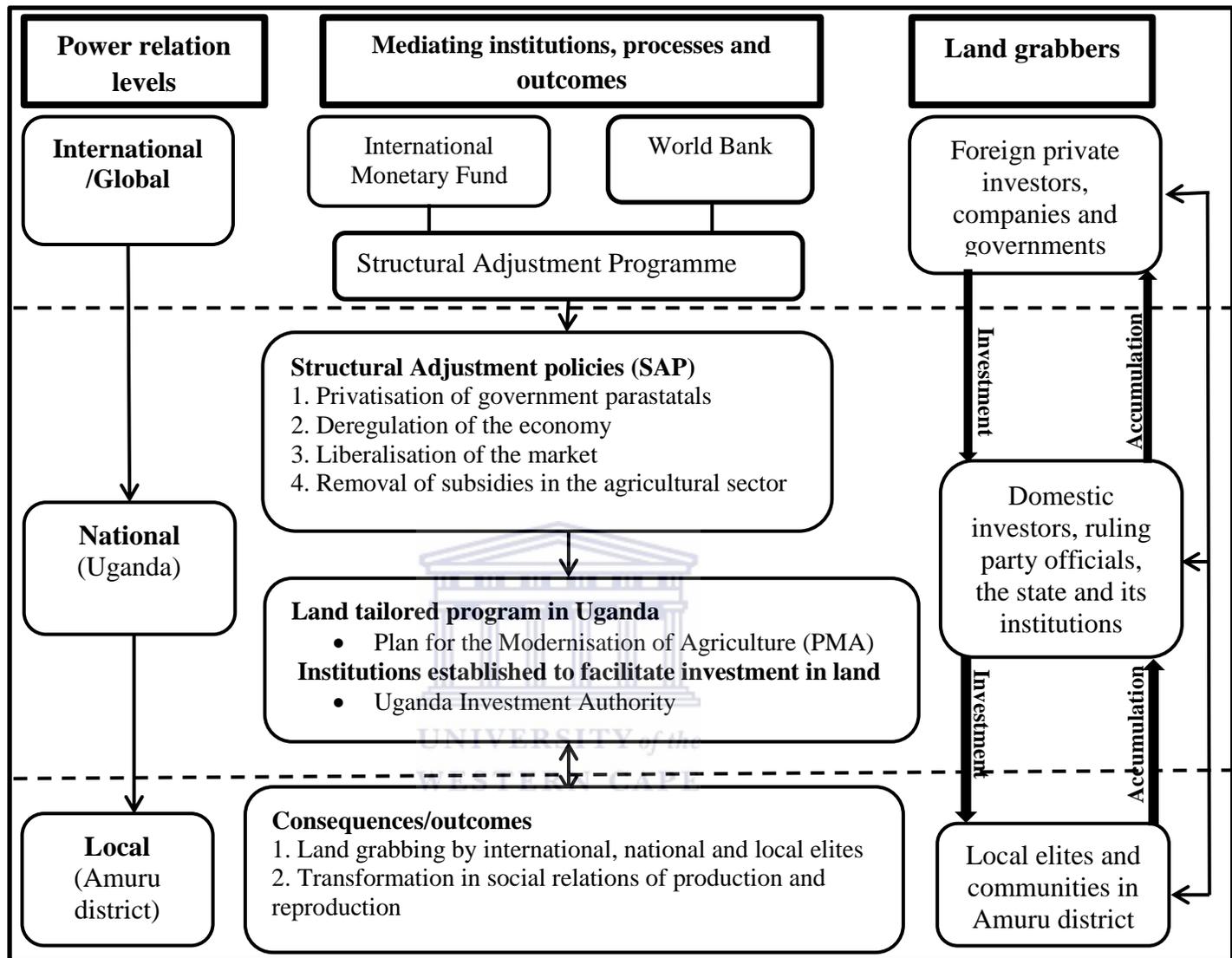


Figure 1: Conceptual and analytical framework



Source: Authors own construction (2014).

4.3. International/ global discourses with a focus on neoliberalism

Bernstein (2010:1) argues that in order to understand the social relations around land and agrarian change in developing countries, an analysis of the manner in which capital accumulation takes place is essential. Akram-Lodhi et al. (2007:1454) suggest that the transformation in social relations of production and reproduction in peasant societies and the politics entrenched therein can plausibly be disentangled through an exploration of the “underlying laws of motion of contemporary capitalism and its relationship to the countryside and its landscapes”. Fundamental transformations in the social relations of production and reproduction, and the politics around

land in developing countries were kindled by the introduction of neoliberalism by major international financial institutions (IFI) particularly the World Bank and International Monetary Fund (IMF) (Bernstein, 1990; Shivji, 2006; World Bank, 1981, 1989; Lahiff et al., 2007).

Neoliberalism — also dubbed the ‘Washington consensus’ in the 1990s (Williamson, 2003, 2004a) — is a set of specific macro-economic policies that were introduced in developing countries of Asia, Latin America and Africa in the 1980’s and implemented under the Structural Adjustment Programmes (SAPs) (Naim, 2000; Williamson, 2003, 2004a; Shivji, 2006; Ferguson, 2006). The macro-economic policies targeted specific sectors which the World Bank and IMF deemed important for the stimulation of economic growth in developing countries. As indicated in the conceptual framework on page 96, the ideas that underpinned the neoliberal discourse were informed by the World Bank policy papers some of which are explored below in order to lend credence to the arguments made hereinafter. Although neoliberalism targeted the state as a whole and the institutions therein, this discussion is limited to land and agrarian change in Africa in general and sub-Saharan Africa in particular.

The 1981 World Bank report titled *Accelerated Development in Sub-Saharan Africa: An agenda for Action* (World Bank, 1981) indicated that countries in sub-Saharan Africa experienced an “economic crisis” in the 1960s and 1970s because of the manner in which their internal macroeconomic policies were set up and how their structures were organised (Bernstein, 1990; Ferguson, 2006; World Bank, 1981; World Bank, 1989). Their internal policies neglected agriculture in favour of import substitution industrialisation (ISI) and were heavily indebted given that they continuously borrowed from the World Bank and IMF so that they could continue to provide free social services (Bernstein, 1990). The solution to the “economic crisis”, according to the World Bank and IMF, lay in revitalising the agricultural sector as it was deemed critical for the stimulation of economic growth and development (World Bank, 1981; World Bank, 1989). This report was followed by the *World Development Report 1982: Agriculture and Economic Development* (World Bank, 1982), which continued to highlight that agriculture, when appropriately harnessed can contribute to economic development and reduce poverty (World Bank, 1982). The World Bank and IMF thus suggested that agriculture should be prioritised because it employed the majority of the population which, in effect, meant that it can be an anchor of future economic growth and development in developing countries.

In 1989, the *Sub-Saharan Africa from Crisis to Sustainable Growth: A Long Term Perspective Study* report further emphasised that the “economic crisis” that was experienced in most countries in sub-Saharan Africa emanated from their internal policies (World Bank, 1989; Bernstein, 1990). The reason for the crisis was that post-independence states concentrated on governance and political issues without paying due attention to the agricultural sector even when it was the major engine of development given that it employed the majority of the population (World Bank, 1989; Birner and Resnick, 2010). Besides, domestic policies over-protected trade and were biased against agriculture in such a way that tariff and non-tariff barriers controlled its ‘inputs and outputs’. For example, the parastatals in most developing countries fixed the prices at which to sell and buy agricultural produce.³⁰

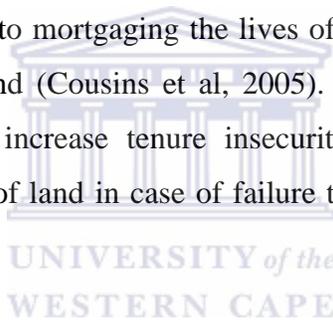
Regarding national currencies and foreign exchange, the World Bank argued that the regulated and overvalued foreign exchange rates encouraged the importation of finished and non-essential products given that the value of local currencies was higher but at the same time it discouraged production in agriculture as farmers received less income from the export of their commodities (World Bank, 1981, 1989; Birner and Resnick, 2010). As a consequence, the highly valued currencies, in addition to protectionism, demotivated farmers and negatively impacted on local production (Bernstein, 1990). Moreover, imposition of non-tariff and tariff barriers in form of import duties and export taxes was harmful to trade in that taxes reduced growth in the agricultural sector and thus slowed down the general growth of developing economies (World Bank, 2007).

To avert the ‘economic crisis’ and correct the distortions brought about by the direct involvement of the state, the World Bank and IMF argued, developing countries had to restructure their economies and readjust the manner in which they functioned. According to Williamson (2004b: 196, 2003:10), the specific reforms imposed on developing countries are privatisation of government-owned parastatals, removal of tariff and non-tariff barriers that prohibited the free flow of private capital, liberalisation of interest rates, foreign exchange market and trade, and the restructuring of government institutions. In addition, developing countries were compelled to

³⁰ The Coffee Marketing Board (CMB) and Lint Marketing Board (LMB) were in charge of the marketing of coffee and cotton in Uganda. Whereas cocoa in Ghana was controlled by the Cocoa Marketing Board as Arabica Coffee Marketing Board controlled Arabica coffee in Cameroon (World Bank, 1981).

devalue their currencies, reduce government expenditure through the adoption of contractionary monetary policies and privatise government parastatals (Williamson, 2004b; see also Bernstein, 1990; McMichael, 2006). Securing individual property rights through formalisation was suggested (Williamson, 2004b: 196) as its absence was seen as an impediment to agricultural growth (Razavi, 2007).

Porter (2001) and Cousins (2002) have argued that formalisation programmes that are aimed at capital creation and stimulation of development in poor countries kindle more problems for the rural poor. Sjaastad and Cousins (2009) who examine the formalisation of land rights in South Africa also indicate that poor members of society are likely to be ‘disadvantaged’ as formalisation programmes are dangerous undertakings which not only put their lives at stake but also gamble with their livelihood foundations. Mortgaging of land titles in return for credit from financial institutions is equivalent to mortgaging the lives of the entire family which derives its livelihood from the mortgaged land (Cousins et al, 2005). Thus, instead of improving tenure security, formalisation processes increase tenure insecurity and mortgaging of titles could ultimately result in the alienation of land in case of failure to meet the terms and conditions of the mortgage.



Devaluation of local currencies was premised on the idea that it would promote exports in the agricultural sector (McMichael, 2006), encourage the consumption of local products while discouraging importation of expensive non-essential items from developed countries (Bernstein, 1990; World Bank 1981). However, Harvey (2003) critiques the arguments for devaluation by asserting that the primary function of IFIs is to devalue assets so that those with over accumulated capital can buy them at a ‘give away’ price. Thereafter, capitalists either invest in the acquired assets or re-sell them at higher prices after a short period which is some form of speculation. Privatisation of government parastatals in developing countries was implemented because the IFIs claimed that public sector spending in developing countries was overstretched in the midst of limited resources and that many government parastatals operated below capacity and thus inefficient. The industries were sold off to private individuals who could ‘efficiently’ operate them (Bernstein, 1990; Akram-Lodhi et al., 2009). The invitation of the private investors

was deemed crucial given that their investment was to plug the vacuum that was created by the withdrawal of the state and provide the required capital for investment.

In the context of land and agriculture, SAPs and liberalisation fundamentally reconfigured the manner in which land was held and utilised in developing countries (Bernstein, 1990; El-Ghonemy, 2002). As opposed to the pre-1980 period where land tenure and agrarian reforms were state-led, the emphasis on a free market under neoliberalism resulted in the adoption of a market-led approach to agrarian reform (Akram-Lodhi, 2007:1438; see also Lahiff et al., 2007; McMichael, 2006). The phrase ‘market-led approach to agrarian reform’ used by Akram-Lodhi (2007) describes the transition from the state as the major driver of development and controller of inputs to and outputs from land and agriculture to the market, for instance through the willing-buyer willing-seller approach. The adoption of market-led principles meant that developing countries surrendered control over their natural resources such as land and agriculture to private capitalists most of whom come from developed countries (Bernstein, 1990; Harvey, 2003, 2005; Shivji, 2006).

Akram-Lodhi et al. (2009:225) categorise the transformations in social relations around land which emerged with the introduction of neoliberalism as “neoliberal agrarian restructuring” and further argue that these macro-economic reforms fundamentally transformed the social relations that were buttressed around peasant modes of production and reshaped the general character of the agrarian political economy in developing countries. For instance, farmers who were often buffered from fluctuations in prices through the use of stabilisation funds, provided with farm inputs such as fertilisers and marketed their produce through marketing boards were left at the mercy of market forces and the predatory powers of local and foreign capital (World Bank, 1981; Bernstein 1990; De Schutter, 2011; Peters, 2013). At household level, the emphasis on privatisation and formalisation of land rights restructured the social relations of production and reproduction, and rights of access to, and use of land (Razavi, 2007; Lastarria-Cornhiel, 1997). Privatisation and formalisation of land ownership meant the abolition of the ‘collective’ in favour of individual rights, changes that are detrimental to women’s land rights. But, within the category women, formalisation of land tenure has mostly affected women in rural areas because they are more dependent on land as opposed to their counterparts in urban areas (Razavi, 2007).

While examining the neoliberal transformations in Chilean agriculture, Kay (2002) argues that liberalisation of the market has resulted in uneven impacts. Before the 1970s, the Chilean state (like in Uganda) protected smallholder farmers and peasants through taxes and regulations but the open market that came with liberalisation increased market competition between locally produced products and imported ones. Family farms that could not remain competitive in a free market ended up selling their farms. Moreover, the shift of emphasis from the production of local foods to those demanded by the international market worsened the situation as very few local farmers could afford to meet the international standards. Farmers that produced locally-consumed products were neglected by the Chilean state because of the need for foreign exchange. The solution to the agrarian question in Chile, Kay (2002) argues, is for both the state and the market to function together.

The drive to restructure the agricultural sector and land rights has continued to the present period as reflected in the *World Development Report 2008: Agriculture for development* (World Bank, 2007). The 2008 report highlights the centrality of land and agriculture in development in what it calls “agriculture-for-development agenda” (World Bank, 2007), meaning that agriculture should be the avenue for realising economic growth and development, and poverty reduction in developing countries. It suggests that these sectors should be revitalised through private sector involvement so as to stimulate economic growth and development while at the same time reducing poverty. These perspectives on land and agriculture have provided favourable conditions for capital accumulation thereby being detrimental to smallholder farmers and the peasantry in developing countries (Akram-Lodhi et al., 2009; McMichael, 2006; Peters, 2013). By taking on new roles under neoliberalism, which are ‘coordination, facilitation, and regulation’ (World Bank, 2007), as opposed to the earlier role of being the central engine of development, the state has become a broker between capitalists and the citizenry.

4.3.1. Implications of neoliberalism on social relations around land and agriculture

Even though the World Bank and IMF argued how and why neoliberalism and structural adjustment were to stimulate economic growth and development, and reduce poverty in sub-Saharan Africa (World Bank, 1981, 1982), scholars have argued that macroeconomic reforms may not realise their objectives given that they are detrimental to rural agrarian communities that depend on land and agriculture (Akram-Lodhi et al., 2009; Bernstein, 1990; McMichael, 2006).

Market-led approaches to land and agrarian reform have compelled rural areas that were cushioned from, and operated out of capitalism to open up “not only to trade (which could be helpful) but also to permit capital to invest in profitable ventures” in developing countries (Harvey, 2003:139). Thus, the “general thrust of any capitalistic logic of power is not that territories should be held back from capitalist development, but that they should be continuously opened” so as to facilitate the accumulation of capital (Harvey, 2003:139). This idea of ‘opening up’ under-capitalised areas of developing countries as a means to stimulating development resonates with the viewpoints put forward by de Soto who advocates for the conversion of property, including land into capital through titling (de Soto, 2000; see also Lahiff et al., 2007). In de Soto’s (2000) opinion, poor people in developing countries have assets such as land and buildings which are worth millions of dollars. But because most people hold this property in ‘extralegal ways’, these countries are the least developed and will continue to be poor and lag behind unless the mode of property holding is changed. He thus advocates for, and encourages people to move away from informal, defective and ‘traditional’ modes of owning to modern ways of land ownership where land titles apply. This transformation would convert ‘dead capital to living capital’ which can be used for mortgage purposes and as collateral security, a scenario which is not possible when land is ‘traditionally’ owned.

De Soto’s ideas on formalisation through titling and poverty reduction are echoed in the World Bank’s study titled *‘Awakening Africa’s Sleeping Giant’* (World Bank, 2009b). According to the World Bank (2009b), commercial agriculture can reduce poverty and spur economic development in most African countries. In order to realise these objectives, African countries have to strengthen their institutions and get their land related policies right (World Bank, 2009b:2). Getting the policies right means enhancing tenure security through titling, as a ‘legal title’ enables people to access credit from financial institutions with land as collateral security (World Bank, 2009b:152). These policy recommendations point to the idea that capitalisation of land can be realised through titling which, in effect, means the privatisation of property.

Williamson (2004a) takes the opposite view and blames the contemporary problems which developing countries currently grapple with on neoliberalism as this economic doctrine compelled developing countries to open their economies to foreign capital. Since developing countries and their populations are dependent on smallholder peasant agriculture and neoliberal

reforms were centred on land and agriculture, domestic and foreign capitalisation is transforming the social relations that are built around land. In view of the unequal power relations which exist between the global, national and local levels, the rural poor in developing countries suffer the most from the impacts of neoliberalism and SAPs (Harvey, 2003; Akram-Lodhi, 2007). While analysing the consequences arising from the neoliberal processes, Harvey puts it thus: “It is, of course, the populations of those vulnerable territories who ... must pay the inevitable price, in terms of loss of assets, loss of jobs, and loss of economic security, to say nothing of the loss of dignity and hope. And by the same logic that has it that the most vulnerable territories get hit first, so it is typically the most vulnerable populations within those territories that bear the brunt of any burden” (Harvey (2003:134). This is true in the case of Uganda in general and Amuru district of northern region in particular where domestic and foreign private investors with the backing of the state continue to seize community land.

Recognising that liberalisation is hinged on a free market economy approach, land transactions in developing countries are controlled by the market as opposed to the state (Lahiff et al., 2007). The aims of withdrawing the state and the subsequent promotion of market principles, Akram-Lodhi (2007:1438) indicates, were to “liberalise international trade in food and agricultural markets, privatise rural parastatals, and formalise the ownership and control of property that has been held in public, in common, or in some cases, privately but monopolistically”. These processes have transformed land and agriculture and precipitated direct and indirect forms of dispossession of the peasantry (Kay, 2002; Peters, 2013). In this way, greater economic and social inequalities have been reproduced, that is, capital accumulation for the powerful and rich classes and dispossession for the rural poor.

Employing Tanzania as a case study, Bernstein (1990) examines the implications of agricultural modernisation in the neoliberal period and the manner in which the resultant transformation negatively impacts smallholder and peasant farming. Bernstein argues that modern agriculture which is built around capitalism transforms localised farming into the agricultural sector which is, in turn, transformed into agribusiness. The modern agricultural sector has transformed the marketing strategy from being a local activity into a national issue and even international as seen in the present period where foods are supplied through supermarkets and global agri-food circuits. Given that agriculture becomes a business, financial capital can directly be invested in

land or indirectly get access to land by dealing in the buying and selling of agricultural inputs. These transformative processes that came with increased capitalisation of agriculture affect the rural poor in three ways. First is the assault on smallholders and peasants by local and foreign appropriation of land which is often characterised by coercion, intimidation or violence, an issue which Bernstein (1990:8) refers to as the “*smashing of the peasantry*” (emphasis original).

The second effect is what Bernstein (1990:8) terms as “*by-passing*” of peasants (emphasis original). By its very nature, modern agriculture emphasises large-scale production and utilisation of capital-intensive technologies as opposed to smallholder farming which is undertaken at a relatively small scale and largely relies on unpaid family labour (Smalley, 2013). The likely result is diversion of land and other resources from peasant modes of production to commercial farming and competition between peasants and large-scale investors. However, owing to the fact that unequal power relations exist between large-scale capital-intensive production and small-scale peasant farming, the former eventually subsumes the latter, meaning that it marginalises “and perhaps ultimately dispossesses, peasant producers” (Bernstein, 1990:8).

The third impact is classified by Bernstein (1990:8) as ‘*lock[ing] in*’ or “adverse incorporation” (du Toit, 2004:987) of peasants and this problem is more prevalent under ‘contract farming’ arrangements (Smalley, 2013) (emphasis original). The concept of ‘locking in’ is the integration of peasants in a modern agricultural sector which, in turn, incorporates smallholder farmers in broader international agribusiness structures (Bernstein, 1990). Under contract farming, buyers of agricultural produce often impose conditions relating to how production should be undertaken, the types of crops grown and the fertiliser types to be used (Bernstein, 1990; Smalley, 2013). For this reason, buyers prefer to, either, directly provide the inputs to the farmers or supply them through their own agents. Inputs are at times supplied to farmers on credit and payment can be in the form of harvested produce. Peasants thus become buttressed in the global agro-food and agribusiness supply chains and thus ‘locked in’ international capitalist structures that are controlled from the metropolitan centres of developed countries with limited or no alternatives (Watts, 2009; Akram-Lodhi, 2007). To peasants in the countryside, the consequences of producing on contract are higher charges during credit repayment, haggling over the pricing of

farm produce, loss of autonomy and usurpation of land by capital particularly after failure to meet the contractual obligations (Smalley, 2013).

Connected to ‘locking in’ of peasants (Bernstein 1990) is the increase in export of non-traditional commodities (Bernstein, 2001). MLAR revolutionised the export sector in the sense that the export of non-traditional export commodities such as fresh fruits, cut flowers, fish and its products, vanilla, vegetables, spices, and meat has increased in recent times (Bernstein, 2001; World Bank, 2007; Dijkstra and Van Donge, 2001). Increased export and commoditisation of food crops that were previously not exported have transformed the social relations of production and restructured the rural agrarian economy at household, community and national levels. For instance, agribusiness enterprises have started to directly acquire land in developing countries (Akram-Lodhi, 2007; Smalley, 2013) and this new arrangement has increased the demand and market for land in rural areas. These processes have therefore been the “primary vehicle[s] for accumulation by dispossession” (Harvey, 2003:181).

4.4. National level

At the national level, Hickey (2009) advocates for full engagement with the state since it is the primary political institution which domesticates international debates and transforms them into national policies and programs. The World Bank’s *Land Policies for Growth and Poverty Reduction* (Deininger, 2003) indicates that national policies and programs are influenced by global discourses and that these debates redefine the rights of access to land. The state is central in these processes by virtue of its positionality and thus understanding the intertwined linkages between the global and the national, and the structural connections within the state itself is important (El-Ghonemy, 2002; Harvey, 2003; Borras et al., 2011). Harvey (2003) argues that: “It is the state that is the political entity, the body politic, that is best able to orchestrate institutional arrangements and manipulate the molecular forces of capital accumulation to preserve that pattern of asymmetries in exchange that are most advantageous to the dominant capitalist interests working within its frame” (Harvey, 2003:132-133; see also Ferguson, 2006).

In relation to expropriation of land, Hall et al. (2011:193) argue that: “States ... regulate who can access land, for what purposes, and under what conditions. ...states intervene to shift the grounds of access from social identity to market. States regulate who is set free to dispose of land as a commodity; and who is constrained”. These institutional arrangements embedded within the state

perform a fundamental role of “setting the stage for capital accumulation” (Harvey, 2003:28; see also Webster and Engberg-Pedersen, 2002). Developing countries have encouraged processes of capital accumulation through the establishment of specific institutions, for instance, the Investment Promotion Centre (IPC) in the case of Tanzania, the Uganda Investment Authority (UIA) in Uganda, while others have enacted or tailored existing national policies, laws and regulations to encourage private foreign and local investment (Bernstein, 1990; Shivji, 2006; Graham et al, 2011). These processes of regulation, force, legitimation, devaluation and establishment of institutions (Hall et al, 2011:192) have continued to empower domestic and foreign investors as well as local elites, while disempowering the rural poor by exposing their resources to local and foreign capital.

These transformations and dynamics have mostly affected land — a major factor of production in agriculture — in the sense that developing countries and their auxiliary institutions determine how land distribution is undertaken including having an influence over who gets what, where, when and how (Bernstein, 2010). However, the state does not operate in isolation as global discourses and forces play an important role in informing the policies that are implemented and specific programs adopted. Neoliberalism has fostered “primitive accumulation” (Harvey 2003:149; Bernstein 1990:8) or “enclosure-induced displacement” (Araghi, 2009:112) through the seizure of community land which is subsequently leased or sold to prospective capitalists and sometimes facilitates the land acquisition by creating enabling conditions. “Primitive accumulation” used by Harvey (2003:149) and ‘enclosure-induced displacement’ deployed by Araghi (2009:112) are processes which “divorce the producer from the means of production” (Tucker, 1978:432). In the context of land grabbing, it means “taking land, say, enclosing it, and expelling a resident population to create a landless proletariat, and then releasing the land into the privatised mainstream of capital accumulation” (Harvey, 2003:149).

The mechanisms through which liberalisation fosters primitive accumulation are both direct and indirect. Indirect processes of primitive accumulation are realised through “state policies that dismantle social welfare systems; deregulate land markets; remove import controls and food subsidies impose agro-exporting regimes; and expose millions of agrarian petty producers in the south to competition with heavily subsidised food [by] transnational corporations and highly capitalised agricultural producers in the North” (Araghi, 2009:112). The indirect processes have

also entailed “*by passing*” of peasant farmers which results in marginalisation and ultimate dispossession of peasant producers (Bernstein, 1990:8). The direct processes of primitive accumulation have characterised most forms of enclosure and these are realised through the use of coercion and violence (Bernstein 1990:8). Governments use the monopoly of violence through institutions like the police and military and legal frameworks not only to commoditise and privatise land but also forcefully expel the peasant population (Harvey, 2003). States also convert communal property rights into exclusive property rights through the suppression of rights to the commons and commoditise labour power by destroying alternative forms of production and consumption (Harvey, 2003:15).

In relation to land grabbing, Borras et al. (2013) identify three areas where the state remains central in fostering capital accumulation. First, the state creates land use maps on which it bases to classify land as ‘free, vacant and empty’ and thereafter allocates it to investors. These maps are also used in the conversion and re-zoning of areas to make the way for “land-hungry” projects such as industrial, commercial, residential or tourist developments” (Hall et al, 2011:193). Second, the state uses coercion and violence to facilitate land seizure. Third, land grabbing is part of the broader processes which the state employs to extend its influence over the countryside (Borras et al., 2013). Institutional arrangements embedded within the state are central in setting the stage for capital accumulation (Harvey, 2003:28) and decisions which empower or marginalise the rural poor are often ‘hidden in the dark, and labyrinthine, places of governments’ (Chambers, 1983:187). To disentangle the intertwined processes which underpin land grabbing in northern Uganda therefore necessitates undertaking a critical analysis of the role of the Ugandan state and the operation of the institutions therein.

4.5. Local/community level

Although the discourses which foster hegemony and accumulation by elite classes are coined at global and national levels, it is the lower grassroot communities who ultimately experience the consequences. The local grassroot communities are subordinate to global and national systems of power relations, implying that “a hierarchy of importance and influence in terms of power exists: global [and national] constellations are more powerful than, and overarch, local constellations” (Büscher and Wolmer, 2007:6).

In more broad terms, global debates and national discourses around development are always premised on enhancement of opportunities of local communities but most them end up furthering disempowerment, exclusion and marginalisation due to unequal power relations (Engberg-Pedersen and Webster, 2002). This seems to suggest that the grassroots communities are often ‘adversely incorporated’ (Du Toit, 2004) in the global and national structures, and thus remain marginal, because they are far from the decision making circles and positions of power (Bartley, 2004). In this regard Robb (1999) poses the questions; can the poor at the local level shape their own conditions and influence policy? The relevance of this question is in the reflection on unequal power relations and whether the inclusion of the poor can empower them to the extent of influencing policies in their favour. In contrast, the question shows that rich classes are empowered, favourably included and benefit from the interconnected structures because they influence policy in their favour.

From the agrarian political economy point of view, Chambers (1983:37) indicates that elite classes, including ‘land owners, merchants, money lenders and bureaucrats’, capitalise on the ‘superior’ positions that they occupy in local communities to “consolidate their power and wealth” while the rural poor become more marginal and disempowered. Harvey (2003) echoes Chambers’ (1983) viewpoint by noting that the rural poor are often adversely incorporated in these interconnected structures as they are often deprived of access to land through coercion or otherwise. It is thus important to analyse and explicitly understand the ‘real’ outcomes and effects of global and national level debates on the local communities at the ‘periphery’ of decision making. In relation to land grabbing, White et al. (2012:633) conclude that the “micro-politics of negotiations of land control, access and exclusion are played out at the local level, and [for this reason, they suggest that] this is where the livelihood consequences of land deals must be assessed”. Chapters 6, 7 and 8 therefore investigate the processes which underpin land grabbing, the diverse types of land grabs and actors involved, the agrarian transformations and socio-economic consequences and mechanisms that the local communities use to block and resist land grabbing.

4.6. Conclusion

The trans(national) increase in land grabbing in developing countries, including Uganda, is the outcome of interrelated processes, all of which are buttressed around unequal power relations.

First of such processes is the free movement of capital that has been facilitated by liberalisation under the auspice of IFIs particularly the World Bank and IMF. The opening up of developing economies through the removal of tariff and non-tariff barriers, privatisation and liberalisation of the market have permitted local and foreign investors as well as rich countries to acquire land through violent and direct methods (coercion, intimidation, violence) or nonviolent and indirect ways (using capital to acquire land through the market) or both. Second, whereas global institutions have created the mechanisms which foster the interests of and permit the movement of private and corporate capital, individual developing countries themselves and the elite classes at the national level and within the local communities play a fundamental role in accentuating 'primitive accumulation' (Harvey, 2003). The social and economic impacts arising from these interrelated processes continue to affect mostly smallholder farmers and peasants in the countryside of developing countries.

The political economy theoretical discussion has highlighted that differences in power relations have an impact on production and reproduction in society. The implication is that people with more power and authority are able own the means of production, and for this reason, they accumulate more capital and become more powerful, while the powerless become poorer because they are divorced from the means of production by capital. The state, its embedded institutions and coercive organs, such as the police and military, suppress the interests of marginal poor peoples while deepening the processes of capital accumulation and the penetration of capital into the countryside by protecting the interests of capitalists through violent and nonviolent methods (Hall et al, 2011). These 'unfair' processes of capital accumulation have been characterised by Harvey (2003:149) as 'primitive accumulation'. Relatedly, Araghi's 'enclosure-induced displacement' (2009:112) and 'accumulation by dispossession' coined by Harvey (2003:137) are used to term similar processes that entail the expulsion of the resident populations by capital. The consequence of these processes is the creation of losers (disempowered marginal rural poor) and winners (politically and economically powerful). The next chapter presents the research design and methodology that was used in the study.

CHAPTER 5: RESEARCH DESIGN AND METHODOLOGY

5.1. Introduction

The chapter provides a detailed account of the approach that was employed while undertaking the study, methods adopted in the process of data collection and justifies why those specific techniques were deemed appropriate. The research design elicits all procedures relating to how research is conducted, the processes of analysing the data, including the write-up (Lincoln and Guba, 1985). According to Silverman (2005:99), methodology centres on the “choices we make about the cases to study, methods of data gathering and other forms of data analysis ... [while] planning and executing a research study”. This process thus entailed making judicious decisions right from selecting the research site, to designing the appropriate research strategy for carrying out fieldwork and analysing the data.

5.2. Qualitative case-study design and methodology

Based on the nature of the investigation, a qualitative case-study design and methodology as opposed to a quantitative approach was considered appropriate. It entailed the use of ethnographic techniques to collect the data and descriptive approaches to present the findings. Qualitative case study design involves exploring the lived social realities of informants and undertaking a comprehensive analysis of a particular problem rather than providing statistical descriptions of generalised ideas (Bryman, 2004). The process also involves uncovering the embedded complexities and providing deeper insights into a single case, attributes that cannot be unpacked when one uses standard survey methods (Bryman, 2004).

Adoption of a qualitative approach was aimed at centralizing the voices of the affected local communities of Amuru district and of the investors who were acquiring the land thereby giving these informants the opportunity to express their own understanding of the events in the local communities in their own terms (Patton, 1990; Bryman, 2008; Limb and Dwyer, 2001). The role of the researcher in this case was to unravel the different ‘properties’ of the social environment that influence the problem at hand, in this case, seizure and expropriation of community land in Amuru district. The researcher grasps the meanings of social phenomena by interacting with members of the local community (informants) and subsequently interpreting and ‘nesting’ the data together. Crotty (1998:75) justifies the use of qualitative methods to realise these objectives

by arguing that: “Only through dialogue can one become aware of the perceptions, feelings and attitudes of others and interpret their meanings and intent”.

Choice of a qualitative case-study design and methodological orientation was determined by (i) the theoretical orientation selected; (ii) nature of the study; and (iii) research questions which the research sought to answer. First, the political economy theory employed in this study shaped and informed the research design and methodological approach adapted. Crotty (1998:3) suggests that there is need for the theory and methodology sections employed in research to “be *related* to one another rather than merely set side by side as comparable, perhaps even competing approaches or perspectives” (emphasis original). Political economy is centred on understanding the ways in which structures of society are set up, the social relationships between and among the different classes of people and how the interaction processes therein produce, transform and reproduce new sets of social relations that empower some peoples over others (Chambers, 1983; Mosco, 1996; Collinson, 2003). From the agrarian political economy perspective, the central concerns are the social relations and transformations in societal structures which emanate from the combination of land, labour and capital. To appropriately disentangle the structural set-up of society and provide a nuanced understanding of the embedded politics and power relation complexities, there was a need to adopt a research design and methodology which could permit the researcher to explore, analyse, contrast, cross-validate and evaluate the evidence presented as well as describe the processes involved. The qualitative research design and methodology with its exploratory and descriptive attributes was deemed appropriate as it permits the researcher to enter “the everyday social world in order to grasp the socially constructed meanings, and then reconstructs these meanings in a social scientific language” (Blaikie, 1993:96).

Second, the qualitative nature of the study influenced the adoption of a research design and methodology that allows the researcher to capture, interpret and give a detailed account of the lived social realities in Amuru district with the view of understanding the reasons behind specific actions, land grabbing in this case. Scholars like Kitchin and Tate (2000); Limb and Dwyer (2001), Marshall and Rossman (1989) support the use of a qualitative research design and methodology by asserting that it is suitable for use in social inquiries that are exploratory and descriptive in nature. A qualitative research design and methodology is commended for being

useful in detailed studies which unpack particular scenarios, places, communities, settings and/or organizations (Hall and Hall, 1996; Patton 1987; Silverman, 1985).

The qualitative research design and methodology was also employed because of flexibility of the embedded ethnographic data collection methods, particularly individual in-depth interviews and focus group discussions. Silverman (2001) argues that the greatest strength of qualitative research is in its ability to account for and analyse everyday societal practices and activities at length. This is what Patton (1987:19) describes as examination of a particular situation “in depth, in detail and holistically”. Given these advantages, Webster and Engberg-Pedersen (2002:2) observed that “qualitative methodologies enable us to identify and research ... dynamics and dimensions that sustain marginalization and exclusion in ways previously unknown and ignored”. This research took advantage of and capitalised on the positive attributes of the flexible ethnographic data collection methods to obtain credible data, and hence make informed conclusions.

Third, the nature of research questions which the study sought to answer determined the research design and methodology employed. A case study approach is sometimes preferred not because of the unique characteristics but because it provides a suitable context in which certain research questions can be answered (Bryman, 2004). This study set out to investigate the contemporary interlocking processes underpinning land grabbing, the diverse land grab types, actors involved and their roles in facilitating the expropriation of community land, interrogate the agrarian and socio-economic consequences as well as mechanisms employed by the local communities of Amuru district to block and resist the expropriation of their land. Detailed responses to these objectives could appropriately be obtained with the use of a qualitative research design and methodology as opposed to a quantitative approach.

5.3. Data collection methods and selection of informants

Given that this study sought to investigate the dynamics and processes which underpin land grabbing, there was a need to use ethnographic methods that would bring out the lived realities and experiences of informants in their own terms. According to Crotty (1998), ethnographic methods are helpful in uncovering the perceptions and meanings of the research problem under investigation from the perspective of informants. Data on people’s experiences and lived realities could appropriately be obtained by the use of qualitative methods. The data collection methods

included secondary sources, individual in-depth interviews and focus group discussions (FGDs). The reasons why interviews and FGDs were considered appropriate for this kind of study, details regarding the categories of informants interviewed, the interview and FGD settings are detailed in the succeeding sections of this chapter.

5.3.1. Secondary sources

Secondary sources of data were important in providing the context to the study in addition to informing the researcher about the history of the country and northern Uganda in particular. In *Marxism and Literature*, Williams (1977:85) justifies the need to make reference to history by arguing that: “We make our history ourselves”. With reference to the history of Uganda, Nkesiga (2013) argues that exploration of rooted histories is still relevant in research because past experiences inform contemporary dynamics. “We [Ugandans] are what our history made us. We interpret our present with the eyes of our past for we have no any other eyes of life apart from what has been constructed by our history. We [also] react to the present through the emotions of our historical past” (Nkesiga, 2013). Secondary sources, particularly non-published and non-scholarly work, published scholarly work, archival records, print and electronic media reports, and memoirs were important in informing chapters 1 (Introduction), 2 (Political History of Uganda and 3 (Evolution of Land Tenure in Uganda) of the dissertation.

Other sources of secondary data included official statements from the government of Uganda, budget speeches and State of the Nation Addresses by President Yoweri Museveni, statutory instruments and policy documents. Resolutions of Parliament of the Republic of Uganda were obtained and used not only to confirm but also cross-validate the fieldwork data. Print and electronic media reports on land grabbing in the northern region and other parts of the country provided invaluable insights into the underlying dynamics, scale of land grabbing in Uganda and the actors involved.

5.3.2. Individual in-depth Interviews

Individual in-depth interviews were important in data collection. Interviews have been credited for allowing “thorough examination of experiences, feelings or opinions that closed questions could never hope to capture” (Kitchin and Tate, 2000:213) and providing a “framework within which respondents can express their own understanding in their own terms” (Patton, 1987: 115). According to Patton (2002), interviews provide researchers with the opportunity to learn and

capture the complexities based on people's perceptions and experiences. Indeed interviews gave room to informants to account for and explain the complexities behind land grabbing within their communities, the consequences and resistance mechanisms based on their lived realities.

The three categories of informants that were interviewed are (i) government officials and traditional authorities from Ker Kwaro Acholi; (ii) community members; and (iii) investors. These informants were purposively selected. Patton (1987:58) argues for and justifies the use of purposive sampling by stating that "purposeful and strategic sampling yields crucial information about critical cases". Given the transitional nature of the households and based on the fact that most of the households in northern Uganda in general and Amuru district in particular were at the time of conducting the fieldwork still reconstructing the households that were destroyed during the over twenty year conflict, it was difficult to keep track of informants, schedule interview sessions and organise FGDs. For these reasons, purposive sampling was the most appropriate method of selecting the research informants as it counteracted the problems highlighted. Although purposive sampling was useful, I still encountered the problem of keeping track of informants. I undertook several follow-up interviews and divided the fieldwork process in three phases. The first phase lasted for six months and was divided in two periods with each lasting three months. A follow-up phase was undertaken for a period of one-and-a-half months.

Three interview guides on issues related to agrarian change to be explored during interview sessions were developed. The guides were important in directing the interview sessions and kept the study focused to the topic under investigation. The first interview guide was applicable to government officials and traditional authorities from Ker Kwaro Acholi. The second interview guide was applicable to members of the local communities of Amuru district affected by land grabbing and evictions arising from these processes. The third guide was for the investors who acquired land in Amuru district (see interview guides in the appendix). Generation of the three interview guides was based on the need to capture and understand the key dynamics around land grabbing from the perspective of government officials and traditional authorities and the affected local communities. The input of investors who were acquiring land in Amuru district was also important because of the need to hear their point of view and side of the story. May (1997) and Kitchin and Tate (2000) emphasize the need to pre-test the data collection instruments. The

interview guides were pre-tested before the actual fieldwork process to examine their appropriateness in generating relevant data. Unclear sections in the interview guides were adjusted before the start of the fieldwork.

The interview guides were not strictly followed as I continuously changed the framing of the questions depending on the orientation of the interview session and the category of informant interviewed. Some questions were omitted at times and new ones posed as I probed the unclear responses and emerging issues. The potential weaknesses of this open-ended approach are inappropriate phrasing of questions and difficulties of keeping the interview process focused on the pertinent issues under investigation (Limb and Dwyer, 2001; Kitchin and Tate, 2002; Silverman, 1985). Mindful of these drawbacks before undertaking the fieldwork, I thus minimised them by formulating and pre-testing the interview guides.

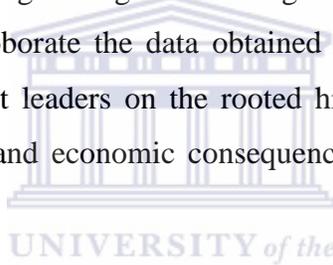
5.3.2.1. Government officials and traditional authorities

Amuru district functions under a two-tier system of administration. The local government system administered by the central government (Ministry of Local government) and customary governance system under the cultural institution of the Acholi, locally known as Ker Kwaro Acholi. Given this type of administrative structure, it was important to explore the view-points of officials from both institutions, starting with government officials. The title 'government officials' is used here to refer to individuals who hold elective and non-elective positions within Amuru district. Government officials that were interviewed are classified into three categories: (i) Members of Parliament (MPs) from Amuru district (2); (ii) MPs from other districts of northern Uganda (3); and (iii) local government officials. The purpose of interviewing the MPs was to understand their own perspectives and the official position of government as regards land grabbing in Amuru district. Because these persons are in positions of authority, their opinions on land grabbing and related evictions in Amuru district was important.

Local government officials from within Amuru district and outside of Amuru district were interviewed. Those interviewed were Amuru District Local Government officials (4), Gulu District Local Government officials (1), Amuru Town Council Area Land Committee members (1), sub-county councillors (2), parish chiefs (2) and Local Council chairpersons (1). These leaders make decisions and hold positions of authority that come with privilege to know and access 'classified and sensitive' information as opposed to the 'ordinary' community members.

Interview sessions with the leadership in the districts elicited information which ‘ordinary’ members of the community could not disclose due to fear of victimisation. The information linking land grabbing to army generals, the elite, and those in high positions in the ruling government emerged from interview sessions with district leaders, issues which ‘ordinary’ community members regarded as ‘politically sensitive’. The ease with which district leaders disclosed ‘politically sensitive’ information can be attributed to ‘immunity’ which comes with holding a position of authority.

Although I obtained substantial relevant information, suspicion and mistrust from informants at the start of the fieldwork complicated the data collection process. I minimised these challenges by living in the same community with the informants for 8 months as this was important in building trust and confidence. I also made repeated visits to the informants and conducted follow-up interviews as a way of negotiating the challenges related to access but repeated visits helped to cross-validate and corroborate the data obtained from earlier interviews and FGDs. Insights and opinions from district leaders on the rooted histories of the contested land, land grabbing mechanisms and social and economic consequences of enclosures in Amuru district were invaluable.



The third category of informants that were interviewed under the cluster of government officials are those from the Uganda Wildlife Authority (3) and the High Court at Gulu (1). The Uganda Wildlife Authority (UWA) officials were interviewed because the land grabbing case investigated in chapter 7 of this dissertation focuses on large-scale land grabbing for conservation and the UWA oversees wildlife conservation in Uganda. The local communities of Apaa in Amuru district claimed that the UWA grabbed community land which it subsequently allocated to Lake Albert Safaris Limited to establish a privately-run conservation area. Therefore, the viewpoints from the UWA officials were not only important in informing the thesis but also clarified and cross-validating the data obtained from the local communities of Apaa village. The reason for interviewing the official from the High Court at Gulu and reviewing court records was because land-related cases from Amuru district were at the time of the research heard at Gulu High Court. The large-scale land grabbing cases examined in the dissertation were heard at the High Court sitting in Gulu.

Regarding the cultural institution of the Acholi (Ker Kwaro Acholi), a total of 2 officials were interviewed. Inclusion of officials from Ker Kwaro Acholi was the need to explore and understand the land tenure histories, cultural importance of the contested land and the effects of the alienation of community land to investors to the local people of Amuru district in particular and northern Uganda in general. The information which I obtained from the officials at Ker Kwaro Acholi was insightful on the historical migration patterns of the people in Acholiland, land tenure histories as well as the socio-cultural importance of the contested land, particularly in Lakang and Apaa areas of Amuru district.

5.3.2.2. Members of local community

The second category of informants comprised members of the local community. An exploration of the lived social realities, perspectives and opinions about land acquisition by local elites and external investors was important in understanding the mechanisms underpinning large-scale and small-scale localised land acquisitions within Amuru district. Interaction with grassroots communities elicited the impacts of land grabbing on livelihood, survival and identity. Inclusion of the local people also provided data regarding land tenure histories and the changes over time. This provided a clear sense of who owned what land, when and how in time and space. A total of 20 in-depth interviews were conducted with community members. In terms of characterisation, members of the local communities of Amuru district who were interviewed included women, men and youths from the contested areas of Apaa and Lakang.

5.3.2.4. Investors

The third category of informants that were interviewed was local and foreign investors who acquired large tracts of land in Amuru district. One (1) local investor — a former MP— who is involved in large-scale rice cultivation in Nwoya district was included in the study. Inclusion of the informant from Nwoya, a district which neighbours Amuru, was important because of the need to understand the mechanisms which domestic investors and local elites employ to acquire land that belongs to the poor peoples of Amuru district. The viewpoints from the informant were important given his positionality in the Acholi and Ugandan societies, that is, an Acholi, former MP and Leader of Opposition. Besides, Nwoya district was parcelled out of Amuru district in 2010, which means that there are similarities in land tenure issues across the two districts.

One (1) foreign investor, Bruce Martin from South Africa, one of the proprietors of Lake Albert Safaris Limited (LASL) and the manager of LASL were interviewed. The reason for interviewing the two informants was because the local informants from Apaa village of Amuru district claimed that expansion of the operations of LASL into northern Uganda was the cause of their eviction. It was important to seek the viewpoints and opinions of the officials from LASL but also understand the process through which LASL acquired the land in Apaa village. Moreover, it was important to cross-validate the data that was obtained from the local communities in Amuru district. I endeavoured to contact and interview officials from the Madhvani Group, as this company acquired the land in Lakang village of Amuru district for the establishment of a sugarcane factory industry but with no success. I sought an appointment with officials from the Madhvani Group but my request was not honoured. I sent several emails to the Public Relations Officer of the Madhavani Group but I did not get any response. However, interviews with local people and officials from Amuru district, MPs from Amuru district and other districts of northern Uganda as well as opinion leaders who were invited to Kakira Sugar Works by the Madhvani Group provided the needed information. Moreover, the articles written by Mayur Madhvani and published in the print and electronic media sources in Uganda were also insightful on the land grabbing case in Lakang village interrogated in this dissertation.

5.3.3. Focus Group Discussions (FGDs)

The third method of data collection was through the use of FGDs. Due to the need to elicit the lived realities, experiences and perceptions that were not revealed during ‘one-on-one’ interviews, FGDs were considered necessary. Limb and Dwyer (2001), Kitchin and Tate (2000), and Valentine (2001) argue that unequal power relations emanating from gender, education, age and class differences which often exist between the researcher and informants during interview sessions have an impact on the manner in which interviews are conducted and affect the data obtained. Differences in power relations were counteracted by the use of a participatory and empowering data collection method, the FGD. I realised during the fieldwork that when informants discussed the complexities surrounding land grab incidences in their communities in the presence of fellow village members, fear and resentment reduced. FGDs also corroborated, clarified and cross-validated the data that was obtained from interviews.

A total of eight (8) FGDs were conducted in Amuru district and each of the FGDs was comprised of between 5 to 8 participants. Participants were drawn from four sub-counties which comprise Amuru district, namely Pabbo, Lamogi, Atiak and Amuru. In terms of characterisation, FGD participants included local community members from the contested areas of Apana and Lakang, widows, young female abductees (mothers as they bore children while in captivity), elders and cultural leaders of the five chiefdoms of Parabong, Toro, Pagak, Boro and Lamogi.

Women and men were constituted in separate FGDs and this was undertaken for two reasons. First, need to create a good environment where women could freely speak about specific gender issues related to land grabbing within families and the wider community. The assumption was that because Uganda is patriarchal society women would not have freely expressed themselves in the presence of men, and even if they could, men would still dominate (Boyd, 1989; Byanyima, 2001; Tripp, 2012). Second, separation of men and women counteracted the unequal power relations which exist between men and women in society. Two FGDs comprised of both men and women were also organised. The first reason for mixing both men and women was to validate the data that was obtained from individual in-depth interviews and gender specific FGDs. Secondly, mixing of both men and women was undertaken so as to explore non-sensitive issues including the eviction processes, the history and cultural attributes of the areas under contestation between communities and investors. The data presented in this dissertation incorporates the views and opinions of both men and women. The next section describes the study area of Amuru district.

5.4. Study area and its characteristics

5.4.1. Location and coverage of Amuru district

Geographically, Amuru district is located in the broader Acholi sub-region of northern Uganda, also called Acholiland. This geo-political area is comprised of seven districts which are Nwoya, Pader, Amuru, Gulu, Kitgum, Lamwo, and Agago. Amuru district was parcelled out of Gulu district in 2006 and it is bordered by River Nile to the South-West, Adjumani district to the North West, South Sudan in the North, Gulu district to the East, Kitgum to the North-East and Nwoya district in the South (Amuru District Local Government, 2010; Muyomba-Tamale et.al., (2010). In respect to land cover, the district covers a total area of 4,851.68sq.km. The housing

and population census of 2002³¹ indicated that Amuru district had a population of 176,733 people and population density of 21 per Sq.km as well as household size of 4.5 people (Amuru District Local Government, 2010: 45-57).

5.4.2. Governance and administration of Amuru district

From a governance perspective, the district operates under a two-tier system of administration; the local government establishment which is under the central government and the traditional governance system (Ker Kwaro Acholi). The district is divided into five lower local governments; four sub-counties which include Atiak (1, 052.61km²), Pabbo (480.76km²), Amuru (2,536.26km²) and Lamogi (422.05km²) and one town council called Amuru Town Council (Muyomba-Tamale et.al, 2010). Each of the 4 sub-counties is headed by a sub-county chairperson and the town council is headed by a Mayor. Below the sub-counties are 28 Parishes which are administered LC11 Chairpersons. The town council is divided into 4 Wards and 8 Cells. At the lowest local level are 59 villages and each of the villages is headed by an LC1 Chairperson. This structure is an extension of central government to the grassroots and implemented under the decentralisation policy.

Meanwhile, the traditional administrative structure operates side by side with the central government establishment and these sometimes compete notably on land administration issues. Existence of the traditional administrative structure and central government establishment is what Benda-Beckmann (1981) and Bond (2010) call legal pluralism. There are 54 chiefdoms in the Acholi Sub-region and these make up the cultural institution of Acholi traditionally referred to as Ker-Kwaro Acholi. Each of the chiefdoms is headed by a Rwot — loosely translated as ‘chiefdom chief’— and the head of all the 54 chiefdoms is called Rwodi³² (Atkinson, 1989, 2010b). There are five chiefdoms in Amuru district which are Parabong, Toro, Pagak, Boro and Lamogi. Each of the chiefdoms is divided into sub-chiefdoms which are headed by an elder or chiefdom chief.

The major role of traditional authorities is to handle cultural issues, including resolving land and related disputes through the use of ‘cultural’ means, popularly known as mediation. The mechanism for resolving land-related disputes is called land mediation and this is a process

³¹ The Housing and Population Census census in Uganda was last conducted in 2002.

³² Rwot is singular and Rwodi is plural. The head of Ker Kwaro Acholi takes the plural connotation because he heads all the other cultural leaders.

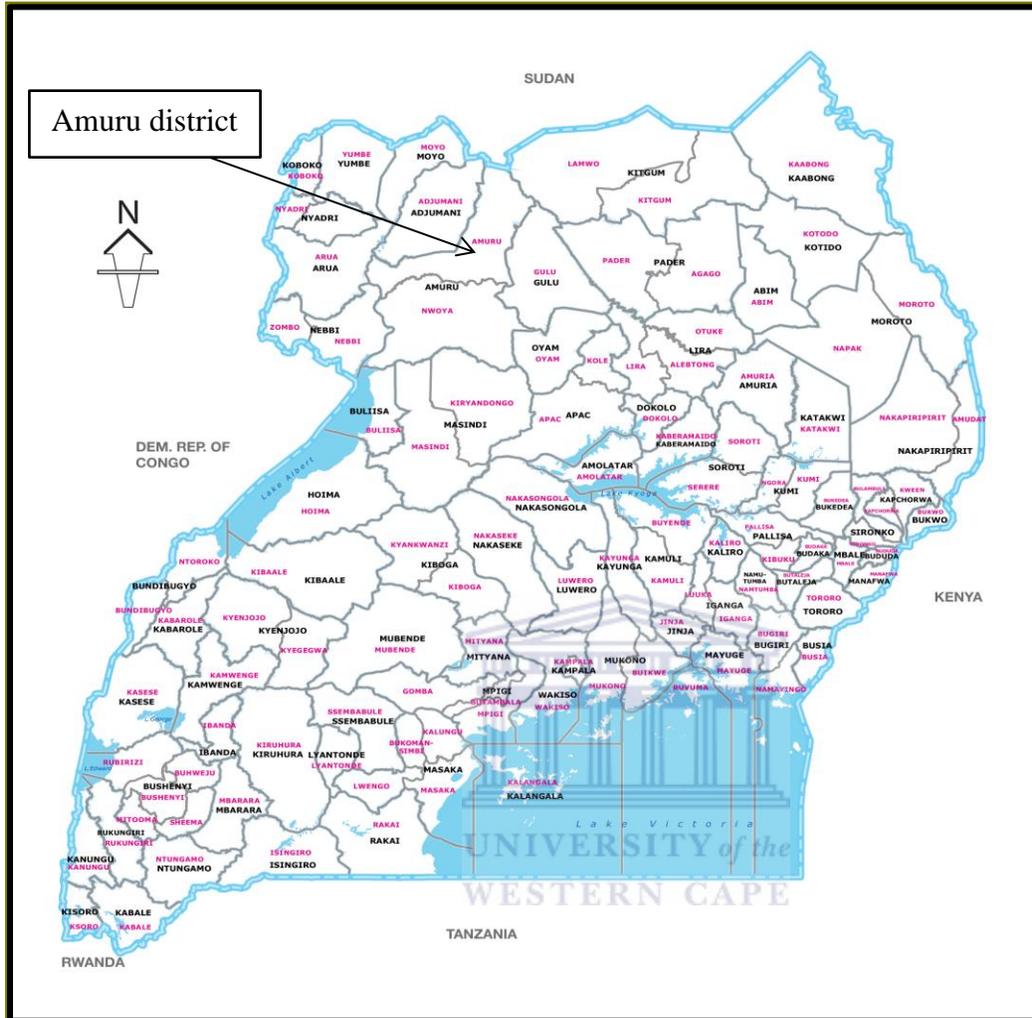
where Ker Kwaro Acholi through the traditional authorities brings together the conflicting parties in the presence of other members of the community so that a land-related problem can be resolved. The leaders from Ker Kwaro Acholi and the wider community try to find a solution to the problem.

5.4.3. Socio-economic indicators

There are limited social services in Amuru district. As of 2010, Amuru district had 92 primary schools, 10 secondary schools, 5 vocational schools and no tertiary institution (Muyomba-Tamale et.al, 2010:6). The teacher-pupil ratio was 1:111; pupil-classroom ratio was 1:87, the dropout rate in primary schools stood at 48%, while the average completion rate in primary was at 33%. The dropout rate in secondary schools was 49% while the average completion rate in secondary schools was 45% (Amuru District Local Government, 2010:49). Within the health sector, there are 35 health centre IIs, no health clinics and no hospital. In terms of water availability, there were 310 boreholes, 48 shallow wells, 152 protected springs but no piped water. Life expectancy in Amuru district was at 43.7 compared to a national figure of 50, fertility rate stood at 7.4 compared to a national average of 6.7, infant mortality rate was 172 per 1000 while the national rate was 76 per 1000 (Amuru District Local Government, 2010:49).

Agriculture is the most important economic activity in Amuru district. Muyomba-Tamale et al (2010) claim that approximately 98% of the local communities in Amuru district are engaged in 'subsistence agriculture' signifying that it constitutes a significant part of people's livelihood and survival. About 90% of the land is arable, and the major crops grown include maize, sorghum, sweet potatoes, millet, cassava, ground nuts, beans and sunflower (Amuru District Local Government, 2010). The average poverty rate in Amuru district stands at 57% (Amuru District Local Government, 2010) while other sources put the figure at 63% compared the national average of 31% (Muyomba-Tamale et al., 2010). The overall picture is that the poverty rate is high in Amuru district. The high poverty rates are attributable to marginalisation and underdevelopment which are rooted in Uganda's colonial and post-independence history and the protracted LRA conflict as well as contestations over land and land-related resources. Overall, social services provision and the economic base of Amuru district are lacking compared to national averages and in comparison with other districts of Uganda.

Map 3: The location of Amuru District in Uganda



Source: UNICEF Uganda (n.d.)

5.5. Reflections on the fieldwork process

The term ‘reflection’ is used here to mean a critical evaluation of the processes which transpired prior to, during and after undertaking the fieldwork process. The fieldwork process involves innovation, creativity, craftsmanship and negotiating the challenges encountered during the research process. A critical reflection on the data collection process, fieldwork experiences and challenges encountered, including how they were negotiated is important as these influence the research processes, analysis and findings. These attributes have an impact on the validity and reliability of findings and conclusions hence their inclusion in the write-up (Oya, 2013). The issues discussed in this section include positionality, cross-cultural research, gate opener and ethical considerations.

5.5.1. Positionality during fieldwork

Limb and Dwyer (2001) indicate that unequal power relations, gender, level of education, age and class differences have an impact on the authenticity and nature of data obtained. Valentine (2001) and May (1997) suggest that researchers should always reflect on how their identity, gender and values influence their interactions with informants. This is because such attributes influence the manner in which research is conducted, the ways in which researchers perceive informants and vice versa, thereby affecting the research process and the data obtained. I negotiated these challenges by being cautious and taking a 'neutral' position. Repeated visits to informants were also helpful in building confidence and establishing rapport, and in so doing, the divide between informants and the researcher was minimised. I also explained in detail the purpose of the research to the informants and how the results *may* be beneficial to them thereby bridging the differences.

Related to positionality were notions of insider and outsider perspectives. Attributes such as differences in ancestry, language, region of origin and skin complexion influenced my acceptability in the communities of Amuru district and could have affected the data obtained.³³ At particular moments I was treated as an 'outsider' based on the aforementioned differences while in some cases I was treated as an insider because I am Ugandan. The double positionalities — insider and outsider — were advantageous at some points and detrimental at other times. Some informants opened up and freely expressed their opinions on land grabbing events in their community without fear of being 'criminalised' since I do not come from the Amuru district. Meanwhile others were suspicious and thus questioned why a 'foreigner' — in this case referring to a person who does not originate from northern Uganda — conducted research on land issues in the northern region. They argued that the data may be used against them. The two parallel positionalities could have affected the data obtained. I negotiated the problems of acceptability and insider-outsider perspective by explaining the aims of the research to the informants and presenting the introduction letters from the University of the Western Cape to show that I am a student and explained to every informant that the data was purely for academic purposes. I also explained to the informants the aims of the research and emphasised that the data is purely for academic purposes. The explanations were done with the aid of an interpreter whom I recruited

³³ I come from Jinja district in Eastern Uganda and speak both Lusoga and Luganda.

from the local community of Amuru district given that I do not speak Acholi. The interpreter translated from English to the local language — Acholi — and vice versa.

5.5.2. Cross cultural research

By ‘cross cultural research’ I refer to conducting research in another location and setting other than one’s home area and on informants from a different ethnic background. Cultural differences influence not only the manner in which the research is conducted but the entire fieldwork process and data obtained (Holmes, 1998; Limb and Dwyer, 2001). Originating from the Eastern part of Uganda and conducting research in northern region meant negotiating cultural barriers, acceptability challenges and language problems. I negotiated these differences by having prior knowledge about the social, economic and political attributes of the communities in the study area. In so doing, I was very sensitive not to offend the informants during fieldwork. In addition, because land is a contentious issue in northern Uganda, the informants always wanted to know why I did not conduct research in Eastern Uganda from where I come. With the aid of an interpreter — who spoke both Acholi and English — I often explained why I chose that research site, explained the objectives of the research and that the research was purely for academic purposes.

5.5.3. Gate Keepers

Owing to the sensitivity of the topic and the ‘politicised nature of land’ in Uganda in general and northern region in particular, access to informants was difficult. Suspicion towards ‘foreigners’ — communities used the label ‘foreigner’ to refer both to people who come from other parts of Uganda and out of the country — made access to the informants at local/community level difficult. Accessing data from the High Court at Gulu was also difficult due to the sensitive nature of land grab cases which this study investigated. These challenges were however negotiated by the use of ‘intermediaries’ whom I refer to as ‘gate keepers’.

First, I took a volunteer position at the cultural institution of Acholi. The volunteer position which I took at the cultural institution of the Acholi in Gulu — known as Ker Kwaro Acholi — was useful in ‘opening the gates’ into the community. Ker Kwaro Acholi is involved in resolving land-related disputes and in so doing it established land mitigation committees in the seven districts which comprise Acholiland. By being affiliated to Ker Kwaro Acholi I counteracted the insider-outsider perspectives, thus acceptance in the local communities. Second, accessing data

from the High Court at Gulu was made possible through a personal contact, who is a legal practitioner in Uganda. Through this ‘gate opener’ I obtained a letter from the High Court at Kampala which granted me the permission to access the data from the High Court at Gulu (see the letter in the Appendices). The ‘gate openers’ were invaluable.

5.6. Ethical issues

Ethics in research is about following the principles of good research practice and clarity on the nature of interaction between the researcher and research informants (Limb and Dwyer, 2001). Ethical issues remind researchers of their roles, responsibilities and cannons of good research practice that ought to be respected while undertaking fieldwork (May, 1997; Bell, 1999). Robson (1993) advises researchers to conduct research in a responsible manner which respects and does not, in any way, cause harm to informants.

Research ethics is about being clear about the nature of the agreement you have entered into with your research subjects or contacts. ... Ethical research involves getting informed consent of those you are going to interview, question, observe or take materials from. It involves reaching an agreement about the uses of this data, and how its analysis will be reported and disseminated. And it is about keeping to such agreement when they have been reached (Bell, 1999:39).

In Uganda like any other county, a researcher is required to obtain permission before undertaking any form of research. I sought permission from the Chief Administrative Officer of Amuru district (although it was not in writing) to conduct fieldwork in Amuru district. The UWC identity card and a letter from the Director of the School of Government, University of the Western Cape were presented when seeking permission to conduct research in the district. Permission to access and use data on land-related cases at the High Court in Gulu district was obtained from the Chief Registrar of the Courts of Judicature in Kampala (see research permission in the Appendix).

Other ethical issues that were observed included informed consent, confidentiality of the data and anonymity of informants. Before the start of every interview or FGD, the aims, purpose and objectives of the study were explicitly explained to the informants and they also were informed of their rights, including the option of withdrawing from the interview and/or FGD at any time.

Consent to be interviewed and permission to record the proceeding of the interview and FGD processes was sought from all informants. As regards to identity, the names of the informants who are included in the write-up have been changed (gave them fictitious names). Where the names of informants and positions of authority are mentioned, permission was sought from the informants while in the field. The fieldwork note book is kept under 'lock' and 'key', meaning that it is out of sight from external parties.

5.7. Study limitations

Although many of the problems encountered in the field were negotiated, I encountered difficulties in getting access to government reports and agreements signed between investors and the government of Uganda. This could be attributed to three factors. First is sensitivity of land-related matters in Amuru district in particular and Uganda in general. Land issues in Uganda are closely related to the politics of the country. For instance when the Uganda Land Alliance and Oxfam reported about land grabbing involving the State and its officials, the ruling NRM government responded by asking these organisations to explain their anti-land grabbing campaigns or be deregistered (Matsiko, 2012b). Due to the politicised nature of land grab-related studies, I was not able to obtain some of the data. The second problem emanated from poor keeping of records in northern Uganda. In the study titled '*A Hard Homecoming*', Allen and Schomerus (2006) argue that the problem of poor record keeping and non-prioritisation of data collection hinder the comprehensive understanding of the resettlement processes that go on in northern Uganda. Information on what takes place in the northern part of Uganda including land grabbing is hard to access even from government departments.

This dissertation is based on information that was derived from lived social realities, opinions and perspectives of informants from Amuru district of northern Uganda. Thus, the findings from this research are not representative of all the seven districts that comprise Acholiland even though they were also affected by the LRA conflict. This research is applicable to the specific study informants and study areas within Amuru district where the research was undertaken because knowledge attained through qualitative research methodologies is situated and partial (Bryman, 2004). Moreover, the data is based on opinions and perspectives of the informants which are themselves dependent on peoples' memories. Despite this, corroboration, cross-

validation and repeated visits were undertaken to minimise the errors, dishonest reflections and opinions.

5.8. Validity

Validity is used to refer to the extent to which the research findings reflect the reality as seen in the eyes of informants (Kirk and Muller, 1985; Cohen and Manion, 1980). Researchers need to show that their data is reliable in order to come up with valid research findings (Silverman, 2005; Kirk and Muller, 1985; Scoones et al., 2013). To realise these objectives, interview sessions were always organised in a quiet setting that was free of intruders. This permitted the informants to speak freely without interruption and fear, and it also permitted recording. Interview sessions were recorded and data transcribed every evening when the researcher could remember the issues discussed. Notes were taken at the time of the interview session to avoid any losses of the data which often occurs during and after the interview session. Recording and note taking complemented each other thereby avoiding loss of valuable data. A variety of methods (methodological triangulation), that is, individual in-depth interviews and focus group discussions, were employed and I adhered to the principles of good research practice throughout the fieldwork period.

To enhance the validity and reliability of the data, I also lived in the same community with the informants for a period of 8 months and made repeated visits to the informants. Residence in the community was useful in that I had the opportunity to know most of the ‘development’ as regards to the land grabbing cases explored in this dissertation ‘first hand’. Meanwhile, repeated visits were not only central in corroborating and cross-validating the information that was obtained in earlier interviews but also important in bridging the divide between the researcher and the respondents.

5.9. Data analysis and presentation

The recorded data was transcribed every day after fieldwork to guard against any losses. The transcribed data was thereafter harmonised with the notes in the fieldwork note book to ensure that all the data is captured. The subsequent stage entailed familiarisation with the transcripts and editing which were realised by going over the data again. A critical synthesis of the transcribed data was carried out and this permitted the assignment of codes to the data. Considering that the research was guided by four research questions (RQ), the codes assigned to the data took the

form of RQ1, RQ2, RQ3 and RQ4. Whenever a section of the transcribed data was applicable to a specific research question, that specific transcript was assigned a relevant code, copied and pasted under the applicable research question.

After coding all the data, another round that entailed familiarisation with the coded and categorised data was undertaken. Coding and categorisation of data based on research questions made it possible to generate analytical themes and sub-themes which, in turn, formed the basis for deriving the meanings from the data, what Silverman (1993:59) terms content analysis. These stages of analysis overlapped as I often moved back and forth through the transcribed and coded data. The transcribed responses are presented in the form of analytical discussions and quoted verbatim where appropriate. A brief characterisation of the informant, the location where the interview session or FGD was conducted and the date of the interview are provided in the write-up. For confidentiality and anonymity reasons, as agreed on prior to obtaining the permission from the Chief Administrative Officer of Amuru district and the Chief Registrar of the Courts of Judicature in Uganda (see the research permission in the Appendix), the names of the informants are not included in the write-up.

5.10. Conclusion

This chapter has enumerated how the research was undertaken, the methods that were used in the selection of informants and justified why those particular approaches were appropriate. In the next three chapters that present the findings of this study, I examine three case studies: first, land grabbing for large-scale sugarcane cultivation; second, seizure of land for conservation and related tourism purposes; and third localised small-scale land grabs between and within the local communities of Amuru district. The three cases showcase the multidimensional nature of land grabs, different mechanisms through which the enclosure of land plays out in contrasting contexts, multiplicity of actors involved and the diversity of uses to which the enclosed land is put. The three cases also elucidate the agrarian and social and economic transformations that have, and are likely to arise from the appropriation of community land and explore the mechanisms that are employed by the rural poor communities of Amuru to block and resist the expropriation of their land.

CHAPTER 6: LAND GRABBING FOR SUGARCANE CULTIVATION IN LAKANG VILLAGE BY THE MADHVANI GROUP

6.1. Introduction

As relative peace and normalcy gradually returned to northern Uganda from 2006 onwards, the displaced communities began the processes of returning to their pre-conflict areas of residence (Atkinson, 2009). In turn, the GoU devised ways and means to redevelop Acholiland and the plausible way to do this, those within the ruling NRM government argued, was to establish large-scale commercial agricultural farms and agro-processing industries (Museveni 2012, 2013; Wesonga, 2013a). While meeting the leaders from northern Uganda, President Museveni argued that “modernisation lies in factories [because]...factories act as magnets to the people and this translates into development” (Wesonga, 2013a). Redevelopment of the Northern Region through large-scale agriculture also echoes the current vision of the GoU which is to ‘transform the country from a predominantly peasant society into a competitive upper middle income country by 2040’ (Museveni 2013:1; Government of Uganda, 2013).

The GoU argues that acquisition of large tracts of land by local and foreign investors and its utilisation for large-scale commercial agriculture is one of the ways through which economic development can be stimulated in Uganda (Museveni, 2012; Madhvani, 2012; Museveni 2013; Odeke, 2013). Large-scale land acquisition by investors with the support of the state has however been dubbed by critics as ‘land grabbing’ given that it deprives the local communities of access to land and there are often parallel and competing tenure claims over the same piece of land (Mabikke, 2011). In Lakang village of Amuru district, the Madhvani Group — a family-owned Ugandan company — acquired 40,000 hectares of land to establish a sugarcane plantation under Amuru Sugar Works Limited (ASWL). The Madhvani Group acquired the land in November 2008 *but* the growing of sugarcane and establishment of the sugar industry had not commenced as of April 2014. This chapter shows the manner in which wealth, power and differences in power relations facilitate the processes of capital accumulation and how the state is a major player in facilitating ‘accumulation by dispossession’. The land expropriation processes that are underway further indicate that decisions taken by those in power and authority benefit some over others, and that it is the rural poor in peripheral areas of developing countries who are the most affected by these processes, through loss of the means of production and reproduction. The next

section examines the development of the sugar industry in Uganda and shows how land acquisition for sugarcane growing has been increasing over time, with the Madhvani Group as one of the major actors.

6.2. The history of sugar production in Uganda

Sugarcane growing in Uganda started before the colonial period although at a small scale (Baker, 1956; Hoyle, 1963). In 1921, relatively large sugarcane estates were established around Jinja in the South-eastern part of Uganda (Smith 1978). The warm and wet climate and fertile soils supported the cultivation of sugarcane in Jinja (O'Connor, 1965, 1975). In the same year (1921), commercial sugarcane growing began but was limited to two companies owned by two Asian families (Jorgensen, 1981:64). The two companies were Kakira Sugar Works (KSW) in Jinja owned by the Madhvani family and Lugazi Sugar Estates — known as the Sugar Corporation of Uganda (SCOUL) as of 2013 — owned by the Nanji Kalidas Mehta family (Hoyle, 1963; Frank, 1965; O'Connor, 1975; Smith, 1970). Kakira Sugar Works in Jinja was the biggest employer in the South-eastern region at the time with several subsidiaries including edible oils, grain mills, steel rolling mills, soap and glass factories (Hoyle, 1963; Stoutjesdijk, 1967). Lugazi sugar estate in Buganda was the main source of employment in central Uganda (Baker, 1956:175). In terms of labour force, the workers on both sugarcane plantations were largely drawn from northern Uganda (Baker, 1956; Hoyle, 1963), a region that was demarcated by the colonial government as a labour reserve (Mamdani, 1976, Atkinson, 2010b). The demarcation of Lakang village in Amuru district for sugarcane growing seems to further the colonial stereotype of the north being a labour reserve. The new dynamic however is that the primary production has moved to the labour reserve, removing land that formed the basis for social reproduction in a remittance-based migrant labour economy. These processes are to heighten underdevelopment of the north.

Even by the 1950s, “plantations in Uganda were limited to two enormous Asian-owned sugar plantations producing for the East African market” (Jorgensen, 1981:64). By 1964, sugar production from Uganda, Kenya and Tanzania, as a percentage of total sugar production in the East African region, was 56%, 16% and 28% respectively (Frank, 1965). From the 1920s through to the 1970s, Uganda produced much more sugar than all of the countries in East, Central and West Africa (O'Connor, 1975:26). There were four white sugar producing factories in Uganda in the 1970s and 53 small-scale factories that produced ‘impure’ brown sugar

(Ogendo and Obiero, 1978:347). The total acreage under sugar production in the country as of 1974/75 was 64,500 hectares of which 31,800 hectares were utilised as a nucleus estate and 32,700 hectares were for out-growers schemes (Ogendo and Obiero, 1978:348). As a cash crop commodity, much of the sugar produced in Uganda was exported to the metropolitan economy in England, while the remainder was exported to Kenya and Tanzania (Frank, 1965; Jamal, 1993). The production of sugar in Uganda was affected by the expulsion of Asians during the Idi Amin regime in 1972 (Ogendo and Obiero, 1978). Due to economic stagnation and wars that took place in Uganda between 1972 and 1986, Kakira sugar works owned by the Madhvani Group “stopped the production of sugar and most of the nucleus estate had reverted to bush” (Madhvani, M. (n.d.:2).

Sugar production increased from 1986 onwards and the upsurge is attributed to the return of industries to the original owners under the NRM government and entry of new players in the sugar industry. As of 2013, there were 13 licenced sugar-producing companies in Uganda as opposed to only 4 in the 1970s (Matsiko, 2013). The total production of sugar in the country was 350,000 tonnes per year as of 2013, with production expected to double by 2030 (Matsiko, 2013). As of 2013, sugar production in Uganda was largely under three private companies, Kakira Sugar Works Limited owned by the Madhvani Group of Companies; the Sugar Corporation of Uganda (SCOUL) previously known as Lugazi Sugar Estates owned by the Mehta family; and Kinyara Sugar Works co-owned by the Rain Group from Mauritius (70%) and the GoU (30%). In the East African region, Uganda ranks after Kenya and Tanzania in the production of sugar. Within Africa, South Africa is the leading producer of sugar followed by Egypt, Sudan, Swaziland, Mauritius and Kenya (Hassan, 2008; Richardson, 2010a).

With the increasing entry of private players from within and outside of Africa, projections show that the production of sugar could increase across the continent (Richardson, 2010a). The number of private players in the sugar industry in Africa is growing, the consequence of which is the intensification of acquisition of land for sugarcane growing (Richardson et al., 2012; Oxfam 2013). At a global scale, 31 million hectares of land are utilised for sugar growing and over 4 million hectares of land have been acquired by private individuals and companies for sugarcane cultivation since 2000 (Oxfam, 2013). Approximately \$3bn was in the last decade set aside for investment in sugar production in southern Africa (Richardson, 2010b). Investment in the sugar

industry is undertaken on three fronts. First, capitalists within Africa, especially from South Africa, are expanding production on the continent (Richardson, 2010a). Second, investors from outside of the continent particularly Brazil and the United Kingdom are moving into sub-Saharan Africa (Oxfam, 2013). Third, local investors within individual countries are expanding production into the undercapitalised countryside (Borras et al., 2010; Richardson, 2010a). These interrelated factors have accentuated land grabbing for sugarcane production in African countries, including Uganda.

6.3. Background of Amuru Sugar Works Limited (ASWL)

The initiative to establish a large-scale sugarcane plantation and industry called Amuru Sugar Works Limited (ASWL) in Lakang village of Amuru district was presented by the GoU as part of the broader plan to redevelop the north (Atkinson 2009a; International Alert, 2009b; Sjögren, 2011).³⁴ Three companies — Kinyara Sugar Works, Kakira Sugar Works Limited and NileCan (Eco-Gestion International) — expressed interest in the project but the government ‘directed’ that the project be undertaken by the Madhvani Group (Lucima, 2011). The Madhvani Group obtained the backing of the GoU and the right to establish its second sugar plantation and industry in Uganda under a new label — Amuru Sugar Works Limited (Rugadya and Kamusiime, 2010; Sjögren, 2011).

Amuru Sugar Works Limited (ASWL) is a joint venture between the GoU and the Madhvani Group and the projected total cost of the project is US \$80 million dollars (Madhvani, 2012; International Alert, 2009a). Mayur Madhvani, the joint Managing director of Kakira Sugar Works, indicates that the GoU would ‘at the initial stage’ hold a 40% share in ASWL on behalf of the public and the people of Amuru district, while Madhvani Group would own 60 percent (Madhvani, 2012). But Madhvani does not explain the duration of the ‘initial stage’ and clarify what would happen to the shares held by the GoU after expiry of the ‘initial stage’. The 40% and 60% is required to raise US\$ 30 million needed for the initial part of the project. In addition, the Madhvani Group would borrow an extra US\$ 50 million from the African Development Bank (AfDB) to cover the remaining cost of the project (Rugadya and Kamusiime, 2010).

³⁴ On many occasions the president has been linked to ‘land give a ways’ and has backed ‘investors to acquire land in Uganda. The Daily Monitor newspaper articles points out how the President ordered for the allocation of land belonging to a Kitante Primary school in Kampala to an investor (Ahimbisibwe, 2013). While the New Vision article noted that land belonging to Kyambogo University in Kampala was also allocated to an investor on the directive of president Museveni (Walubiri, 2013).

The joint venture is reported to involve acquisition of 40,000ha of land in Lakang village of Amuru district in perpetuity and at no cost (Alert International 2009b). In November 2008, Amuru District Land Board allocated 10,000ha of land in Lakang village to the Madhvani Group and the remaining 30,000ha were yet to be acquired at the time of writing. Implementation of the sugarcane project was meant to commence with an official launch by President Yoweri Museveni on 15th October 2012 but was halted due to resistance by the local communities of Lakang village (Otto, 2012; Onono, 2012). As of April 2014, the project had not commenced although the Madhvani Group acquired the land.

As regards the selection of Lakang village, Mayur Madhvani argued that fertile soils and proximity to the river Nile which is a potential source of water for irrigation makes the area suitable for sugarcane growing (Madhvani, 2012).³⁵ A former MP for Agago County in Pader district and Leader of the Opposition in the 8th Parliament claimed the Madhvani Group is interested in the land in Lakang village because of the proximity of the land to River Nile.³⁶ Madhvani (2012) also argued that Lakang village was “totally free of inhabitants and is extremely isolated with no infrastructure such as electricity, water or proper roads”.

The resident communities of Lakang village however argued, it appeared that there were no people in Lakang because aerial surveys of the land were done in 2006 when the communities were in IDP camps. In an interview, the former chairperson of Amuru Town Council Area Land Committee pointed out that:

They [Madhvani Group] surveyed the area when people were still in IDP camps. They started their tour from West Nile, and from their findings, West Nile was relatively dry and ... not favourable for sugarcane growing. Thereafter, they moved to Adjumani district ... but the area was largely forested, so the project would have met a lot of encumbrances because of too many forests. They finally moved to Amuru. The area was found favourable and the soil type was suitable for sugarcane growing.³⁷

The use of aerial surveys and mapping to identify suitable and ‘free’ land for investment was problematic. Aerial mapping only captures settlement patterns but does not focus on the social

³⁵ In an article which appeared in the Daily Monitor on 09/02/2012 and titled ‘Amuru Sugar will bring development to northern Uganda’, Mayur Madhvani provides details of how the land was identified and why this project will bring development to northern Uganda.

³⁶ Interview, 27/07/2013.

³⁷ Interview, 08/02/2012.

relations which take place on the targeted 'spaces' despite their importance and immense impacts on the local living conditions in rural poor communities (Borras et al., 2011:13). Moreover, governments and investors often claim that the land of interest is 'free, uninhabited and unoccupied' as a justification for appropriation when such land is occupied and utilised by the local communities (Borras and Franco, 2012). In this case, the GoU and the Madhvani Group claimed that Lakang is empty but the communities argued otherwise.

In terms of the nature of the plantation model that would be employed, the proposal from the Madhvani Group was that 20,000ha would be utilised for the establishment of a Central Business District (CBD) or the nucleus estate of the sugar factory (Alert International, 2009a). The CBD would entirely be under the management of the Madhvani Group, while the remaining 20,000ha would be leased to the local communities of Lakang village Amuru district for the cultivation of sugarcane under an outgrower scheme. This seems contradictory because the Madhvani Group and the Judge who handled this case claimed that Lakang village was "empty and totally free of inhabitants".³⁸ Five settlement camps each with 200 farmers and 1000 housing units would be built by the Madhvani Group to accommodate labourers and small growers (Alert International, 2009a).

Each outgrower would be allotted 10ha of which 8ha would be utilised for sugarcane growing and the remaining 2ha utilised for food production (Lucima, 2012). ASWL would provide the required agricultural inputs, including clearing the farms, ploughing, sugarcane seeds, agricultural extension services, and a development fund to support outgrowers would be established (Alert International, 2009a; Lucima, 2012). Each outgrower would pay for the farm inputs and extension services to be provided by the Madhvani Group. The estimated monthly income of the out-growers would be 340,000 Uganda Shillings per month, an equivalent of US\$ 133 (Lucima, 2012). Social services including schools and healthcare facilities would be provided by ASWL but these would have to be paid for akin to the parent industry at Kakira in Jinja. This project, the government and Madhvani Group argued, would stimulate development not only in Amuru district but the whole of northern Uganda.

³⁸ The judgment of the case HCT-02-CV-MA-No.126 of 2008 is on file with the author.

In spite of the arguments from the GoU and the Madhvani Group, ASWL has received criticisms from the local communities of Lakang village, Members of Parliament (MP) from northern Uganda under their umbrella group called the Acholi Parliamentary Group (APG) and people from the seven districts that make up the Acholi sub-region. The major concerns are that the displaced peoples should be allowed to resettle in their pre-conflict communities and that they should have been consulted before the land was allocated to the Madhvani Group (Otto, 2012; Odeke, 2013; Sserunjogi, 2013). In an interview, the MP from Amuru district argued that “instead of using the president to front the sugarcane project, the Madhvani Group should directly dialogue with communities that own the land. The Acholi are not against development and whoever has ideas on how to redevelop the conflict affected region should approach the local community but not to force their way through the president.”³⁹ An official from Amuru District Local Government (position withheld for anonymity and confidentiality) argued that the “land is too big to be allocated to a single investor and the existing rights of the local communities ought to be respected by the State and the Madhvani Group”.⁴⁰

Owing to the critiques, the terms of the joint venture agreement were revised in 2012 and made more ‘inclusive’ in what some commentators termed as a ‘win-win’ situation (Masembe, 2012). While presenting the revised position to the communities in Lakang village of Amuru on 9th May 2012 in an effort to secure community acceptance, President Museveni indicated that the Madhvani Group and the GoU would each hold 50% shares.⁴¹ The GoU would thereafter discuss the modalities of how the 50% share would be owned by the communities of Amuru district on behalf of the GoU (Masembe, 2012). But after the failure to officially launch ASWL on October 15th 2012, President Museveni invited the MPs, elders, opinion leaders from northern Uganda and the leadership of Amuru district to State House — the official residence of the President in Kampala. In the meeting, the president pointed out that Amuru district would be a major stakeholder in the sugar project (Onono, 2012). Benjaminsen and Bryceson (2012:337) have argued elsewhere that promises and win-win arguments are often employed to facilitate dispossession when in reality there are limited and in some cases no explicit mechanisms instituted to ensure that the benefits trickle down to communities. Next is map 4 showing the

³⁹ Interview, 20/03/2012.

⁴⁰ Interview, 08/02/2012.

⁴¹ State House Uganda [@StateHouseUg] tweeted “Government, Amuru residents close to deal on Madhvani Sugar factory” Details at <https://twitter.com/StateHouseUg/status/200471701484601344> (Accessed October 12 2013).

location of Lakang village in Amuru district and it is followed by a description of the family-owned Madhvani Group.

Map 4: Location of Lakang Village in Amuru District



Source: Author's modification from UNOCHA (April 2009).

6.4. The Madhvani Group

The Kakira Sugar Works website indicates that Muljibhai Madhvani was born in India on 14th May 1894.⁴² At the age of 14 in 1908, Muljibhai Madhvani joined Vithaldas Madhvani (his uncle) who had earlier on opened up several shops in the eastern part of Uganda (Daily Monitor, 2012b). Aged 18 in 1912, Muljibhai Madhvani arrived in Jinja⁴³ — along the shores of Lake Victoria in South-Eastern Uganda — and with Vithaldas Madhvani they opened a shop in Jinja (Daily Monitor, 2012). With capital accumulated from their businesses, Muljibhai Madhvani and company bought 800 acres of land at Kakira village in Jinja where they established a cotton ginnery in 1914 (Madhvani, n.d.).⁴⁴ Madhvani started growing sugarcane in Jinja in 1921⁴⁵ (Baker, 1956; Hoyle, 1963; O'Connor, 1965; Smith 1978). The production of sugar at Kakira went on until 1972 when Idi Amin expelled the Ugandans of Asian origin (Ogendo and Obiero, 1978). The Madhvani family moved to the United Kingdom and returned to Uganda in 1985.

As part of the repossession process, the Madhvani Group entered into a joint venture with the GoU in 1985 whereby the GoU acquired 51% shares and the Madhvani Group owned 49% shares in Kakira Sugar Works.⁴⁶ In 2000, the Madhvani Group acquired 100% shareholding in Kakira Sugar Works Ltd. As of 2013, the Madhvani Group was the largest private sector business in Uganda with various enterprises, including sugarcane and tea plantations with processing industries, and floriculture, packaging, commercial property development, hotel and

⁴²The history of the Madhvani family is available at URL: <http://www.kakirasugar.com/content/our-history> [Accessed October 11 2013].

⁴³The history of the Madhvani family is available at URL: <http://www.kakirasugar.com/content/our-history> [Accessed October 11 2013].

⁴⁴ Also see <http://www.madhvanifoundation.com/madhvani-group.html> (Accessed 17 April 2014)

⁴⁵An article from the Daily Monitor newspaper titled ‘Madhvani’s land acquisition in Busoga’ indicates that at the start of the sugarcane industry but much more was acquired by buying ‘non-African freehold land’ (Daily Monitor, 2012). Available at: <http://www.monitor.co.ug/SpecialReports/ugandaat50/Madhvani-s-land-acquisition-in-Busoga/-/1370466/1410908/-/7hipudz/-/index.html> (Accessed 2 May 2012). A related article “Between a rock and a distant, unknown place: Origin of the Madhvani empire” points out how the Madhvani family arrived from India and the nature of businesses setup in Uganda. Available at: <http://www.monitor.co.ug/SpecialReports/ugandaat50/Between-a-rock-distant--unknown-place-origin-of-Madhvani-empire/-/1370466/1410098/-/m4jff2z/-/index.html> (Accessed 21 May 2012).

⁴⁶The history of the Madhvani family is available at URL: <http://www.kakirasugar.com/content/our-history> [Accessed October 11 2013].

tourism as well as construction. The turnover of the Madhvani Group in 2013 was in excess of US\$ 100 million, with assets valued at US\$ 200 million (Madhvani, n.d.). By 2013, the Madhvani Group was expanding the sugar business to northern Uganda by establishing ASWL. As part of the broader expansion plan, the Madhvani Group intends to produce ‘anhydrous ethanol’ from molasses which would be blended with petrol. “Jatropha cultivation to produce biodiesel (another renewable biodiesel” was being considered as an option (Madhvani, n.d.:3).

The businesses of the Madhvani Group are spread in various countries in Africa, the Middle East, India and North America. In 1997, the Madhvani Group bought Kabuye Sugar Works from the Government of Rwanda when the government implemented the privatisation programme (Madhvani Group Magazine, 2011). Kabuye Sugar Works produces 16,000 tonnes of sugar per year. The nucleus estate encompasses 3,158 ha, while the acreage under the private smallholder out-grower schemes is 2,200ha (Madhvani Group Magazine, 2011). The Madhvani Group also invested in hotel and tourism sectors in Uganda, Kenya and Tanzania. In 2009, the Madhvani Group signed a memorandum of understanding with the Government of South Sudan to acquire 60,000ha at Mongala in Central Equatoria state. The land is to be utilised for the establishment of a sugarcane industry (Madhvani Group Magazine, 2011:4). The corporate offices of the Madhvani Group are located in Uganda, London and India (Madhvani, n.d.).The subsequent section presents the development narratives of the GoU which justify the expropriation of the land in Lakang village.

6.5. The ‘development narratives’ of the Government of Uganda

The ‘development narratives’ notion used here characterises the arguments fronted by the GoU to legitimate land allocation to investors, including the Madhvani Group, in the country. In an article which justified land allocations but also responded to land grabbing critics, the president argued that “I [Museveni] have been involved in these land allocations” [because Uganda’s] backwardness ... is on account of the absence of industries” (Museveni, 2007).⁴⁷ The ruling NRM government argues that its long-term objective is to transform the Ugandan economy from dependence on subsistence forms of production to large-scale commercial agriculture

⁴⁷ See the statement on the proposed give away of Mabira forest presented to the president of the Republic of Uganda by the Save Mabira Team at a meeting held in Ntungamo held on 4th September 2011 at Ntungamo. Available at: URL: http://www.acode-u.org/documents/Statement_to_H.E_President.pdf [Accessed October 12 2013]

(Government of Uganda, 2013; Museveni 2013). Allocation of land to investors which the GoU categorised as ‘surplus, plenty, unproductive and idle’ is aimed at realising this objective.⁴⁸

During his State of the Nation Address in 2012, President Museveni justified the allocation of land to local and foreign investors for sugar production by arguing that:

The three sugar factories in Uganda i.e. Kakira, Lugazi and Kinyara save Uganda US\$ 232 million in import substitution per annum. They paid 400 billion shillings in taxes in the Financial Year 2010/2011. They employ 19,000 Ugandans and engage over 200,000 people in indirect employment including out-growers, transporters, traders, stockists, etc. In the Financial Year 2010/2011, they earned US\$ 41 million in export earnings. When all the three expand as they plan to, these factories will earn about US\$ 60 million in export earnings and will pay over 600 billion shillings in taxes per annum. The three factories will also employ 25,000 Ugandans and produce a total of 450,000 metric tonnes of sugar per annum instead of the present 290,000 metric tonnes per annum (Museveni, 2012:7).

This ‘development narrative’ shows the ways in which government policies and programs act as avenues for the enclosure of the commons and support domestic and foreign investors to acquire community land at the expense of land rights of rural agrarian societies and smallholder farmers. White et al. (2012) have argued elsewhere that connections between the state, its officials and local elites facilitate the appropriation of resources, particularly land. Compared to the period before the introduction of neoliberal policies in the 1980s when the state was the major driver of development, protected the citizenry through macroeconomic policies and provided social services (Harvey, 2003; Akram-Lodhi et al., 2009), the state has in the post 1980-period been compelled to retreat from these roles thereby leaving most of them to the market and the private sector. The current roles of the Ugandan state are facilitation, regulation and coordination of local and foreign investment. These new roles have continued to facilitate land grabbing (Hall et al, 2011).

Land appropriation initiatives in developing countries are often backed by individual states (Zoomers, 2010). Indeed, the GoU through its ‘visions of development’ created the conditions for large-scale land acquisition by local and foreign investors in the country. The alliance

⁴⁸ The Chinadaily USA explains the development strategy of the State towards large-scale agriculture in Uganda and illustrates how land in northern Uganda is framed as ‘surplus, plenty and idle’. Available at: http://usa.chinadaily.com.cn/epaper/2013-09/23/content_16988183.htm (Accessed 17 December 2013).

between the GoU and the Madhvani Group exposed the rural agrarian communities of Lakang village to land grabbing. Based on the inextricable relationship between the state and private capitalists in the neoliberal era, Harvey (1982) argues, nation-states relate to private capital in diverse ways including establishment of institutions and putting in place legal mechanisms that facilitate expropriation of land. The state also facilitates enclosure processes through privatisation of assets and establishment of other channels which investors can exploit to gain access to land and related natural resources. The seizure of resources owned by the rural poor including land, by capital for the sake of expanding investment prospects is what Harvey calls “primitive accumulation” and goes on to argue that the state with “its monopoly of violence and definitions of legality, plays a crucial role in backing and promoting these processes” (Harvey, 2003:145). The subsequent section examines the land ownership dynamics, transformations and cycles of displacement that have taken place in Lakang village from the colonial to the post-independence periods. The intention is to understand how the land in question was owned as well as the people that owned it as this data is important in cross validating the land ownership claims made by the UWA, LASL and the local communities.

6.6. Land tenure history of Lakang village in Amuru district

Before the colonial period, Lakang village and the adjacent areas were inhabited by semi-autonomous, decentralised but hierarchically organised polities. The first peoples to settle in this area were the River-Lake Nilotic Luo speaking communities who are believed to have migrated southwards from the Bahr-el-Ghazel provinces of the Sudan towards the end of the 15th century to parts of north western Uganda (Odhiambo et al, 1977; Shipton, 2007, 2009). As the River-Lake Nilotic Luo speaking communities migrated into Uganda, they not only absorbed other groups but were also absorbed thus the emergence of a common dialect (Luo) which thereafter dominated Acholiland where Lakang Village is located. The different migrating communities settled in “small centralised states” called chiefdoms and these socio-political societies were characterised by similar social structures and governance frameworks (Odhiambo et al, 1977: 33; see also Atkinson, 1989, 2010b).

While in Uganda, the River-Lake Nilotic communities first settled at Pubungu near present-day Pakwach in North-Western Uganda before dispersing to various directions. One group moved to the West Nile area, other peoples retreated southwards to parts of Bunyoro (Mid-Western

Uganda, some moved Eastwards from where they crossed into the western part of Kenya to form the Luo of Kenya and the fourth category stayed in northern Uganda (Evans-Pritchard, 1969; Atkinson, 1989; Karugire, 2010; Shipton, 2009). The focus of this chapter is the communities that stayed in northern Uganda and specifically the groups that settled along river Nile because these later on gave rise to particular communities that occupy Lakang village and the adjacent areas of Amuru district.

Although it is beyond the study to examine the causes of migration and settlement patterns that ensued thereafter, it is important to give an insight into the settlement history of the study area. The Rwot⁴⁹ of the Pagak clan, which is one of the six chiefdoms which constitute Amuru district, pointed out that the “groups of people that remained behind during the migration period settled close to the River Nile over 100 years ago”.⁵⁰ In the course of migration, the different Luo speaking peoples established distinct decentralised chiefdoms in the new settlement areas (also known as clans) and in the case of northern Uganda, such settlements stretched for several kilometres from the River Nile (Atkinson, 1989, 2010b; UWA Monitoring Unit, 1998).

The migrating Luo peoples preferred to settle along banks of rivers and other water bodies, for that reason, Odhiambo et al. (1977) referred to them as ‘River-Lake Nilotes’. Those that remained in northern Uganda (present-day Acholiland) settled along river Nile and those that crossed to Western Kenya live around Lake Victoria (Luo of Kenya) (Shipton, 2009; Evans-Pritchard, 1969; Atkinson, 1989, 2010b). Preference to settle along the river Nile was based on the presence of the water that was an important means of transport and source of food (fish). Atkinson (2010b:56) indicates that fish was among the “non-domesticated food resources” in Acholiland. The communities that settled around the Lakang area — distinctive chiefdoms in Amuru and Nwoya districts as of 2013 — are Pabit, Ariya, Patira, Tebiro, Alero, Payira, Bwobo, Parabong, Toro, Boro, Pagak and Lamogi, Pabbo (Uma-Owiny, 2012:4). The latter six chiefdoms — Parabong, Toro, Boro, Pagak, Pabbo and Lamogi — are the focus of this chapter because the communities of Lakang argued they collectively utilised Lakang village for communal hunting and grazing.

⁴⁹ Rwot means head of the clan/chiefdom. Rwot is singular and Rwodi is plural.

⁵⁰ Interview, 10/05/2012.

Information from a FGD with the Rwodi that head the six chiefdoms in Amuru district shows that each cluster of communities occupied a particular hill but this settlement pattern was determined by “social factors and security problems that mainly stemmed from wild animals”.⁵¹ Settlement according to clans and in an isolated manner ‘set free’ much of the land for other activities including farming, although subsistence agriculture was also practiced within the vicinities of the homestead (Odhiambo et al, 1977). Large swathes of land were also set aside for communal hunting and grazing, harvesting of honey, wild fruits and medicines. The main livelihood sources for the communities in the area were agriculture, hunting of wild game and rearing of livestock (Atkinson, 2010).

Hunting and grazing areas were owned and accessed in a communal manner without any chiefdom claiming exclusive rights to these areas of common interest. A Rwot pointed out that: “All the clans utilized the land in Lakang. It was strictly for hunting and no clan claimed ownership of it. We all recognized that this was for the benefit of all clans surrounding that area. That is how we utilised the land anyway”.⁵² The land tenure changes in Lakang village and the adjacent areas are presented in the next section.

6.6.1. Cycles of dispossession in Lakang

In 1911, the colonial government forced the communities that were settled in and around the areas of Lakang to leave the land. The reasons for the displacement were threefold. First, the colonial government claimed that the area was infested with tsetse flies and small pox and thus all people that occupied this area were relocated to other areas that were free from disease⁵³ (Rugadya and Kamusiime, 2010:1). Second, the colonial policy of administration aimed at bringing the communities closer to each other for administrative purposes, that is, easy administration (Atkinson, 1989). Third, the people from the Lamogi clan rebelled against the colonial government by refusing to participate in government programmes particularly the grading of roads (Uma-Owiny, 2012). Thus, eviction was among the tactics employed by the colonial government to contain diseases and overcome the revolt (Uma-Owiny, 2012).

⁵¹ FGD with the Rwodi was held on 26/04 /2012.

⁵² Interview, 10/05/2012.

⁵³ A detailed discussion on sleeping sickness in Acholiland between 191 and 1925 can be found in Amuru Sugar Works Investment by Madhvani Group Response 2: Stakeholders Briefing KKA/01/04/001.

In a FGD, the Rwodi from Amuru district recounted that “the colonial administrators forced the communities to leave their land and the evicted people were confined in camps near present-day Gulu town. They [colonial administrators] claimed that the land was infested with tsetse flies ... that cause sleeping sickness and that the area was not fit for human occupation”.⁵⁴ Historical literature on northern Uganda reaffirms that there was sleeping sickness in northern Uganda in 1911 and that the communities that lived in the areas that were infested with tsetse flies were forcefully moved to other areas (Atkinson, 2010b; Rugadya and Kamusiime, 2010; Uma-Owiny, 2012). Thus “evacuation and resettlement processes marked the severe disconnect with ancestral lands previously used for settlement, cultivation, hunting and grazing.” (Rugadya and Kamusiime, 2010:1). These viewpoints confirm that the land in Lakang village was owned and occupied by the local communities even though they were forcefully evicted in 1911 and brings to question the state’s claims that the land is free, empty and unoccupied.

6.6.2. Establishment of the conservation area

After containing sleeping sickness and tsetse flies, the communities that previously inhabited Lakang village and the adjacent areas were not allowed to return to their land. The colonial administration established a wildlife sanctuary on community land with the intention of promoting sport hunting tourism. According to Atkinson (1989, 2010b), there were varieties of wild animals in Acholi at the time including but not limited to water buffaloes, rhinos, giraffes and elephants. The colonial government issued sport hunting permits to a few licenced gun holders, mainly colonial administrators, foreign tourists and a few privileged Ugandans to hunt game in the established conservation area (Nampindo et al., 2005).

In an interview, the former Leader of Opposition in the 8th Parliament of the Republic of Uganda and Member of Parliament representing Agago County in Pader district of Northern Uganda who is a large-scale farmer in Nwoya district explained that:

Part of tourism during the colonial days was about getting animal trophies. Someone could not shoot animals in the [national] park. [He therefore went to] such areas that had a reasonable population of various animals for trophy hunting and one would need a

⁵⁴ Focus Group Discussion with the Rwodi was held on 26th/04 /2012. The Senior Land Management officer of Amuru district reiterated the same statement when she argued that “People lived on the land for a long time even before the colonialists came to Uganda, the people left the area of Lakang in 1911 because of tsetse flies” (08th 02 2012). Detailed discussions on land in Acholiland can be found in Amuru Sugar Works Investment by Madhvani Group Response 2: Stakeholders Briefing KKA/01/04/001.

license to shoot them. When you killed a big Buffalo, they would decorate the head of the animal into a trophy for the hunter. Tourists used to come, get the trophies prepared and thereafter send them to Europe.⁵⁵

At the beginning of conservation the areas which formed part of the game reserve were called 'Wangalaya', a name that was coined based on large 'metallic saucepan-like structures'. The 'Wangalayas' were hung on big trees to indicate the boundary between the game reserve and the communities. The evicted communities were not meant to move closer, cross or settle beyond the point where the 'Wangalayas' lay. The fortress nature of conservation (Drockington, 2002; Adams, 2004) was employed with the 'Wangalayas' acting as the boundary markers separating human settlement from the conservation area beyond which the communities were not supposed to settle. The 'Wangalayas' constantly reminded the local communities of the boundary of the conservation area. The game reserve was called Kilak Controlled Hunting Area and it covered the areas of Lakang, Kinene, Anaka and Lamogi (see Map 4 on page 132). To the south of Lakang village was Murchison Falls National Park established in 1936.

In the 1950s, another project of establishing a migratory route with the view of protecting the elephants that strayed north of Murchison Falls National Park was conceived by the colonial government (Nampindo, et al., 2009). Since the area had a considerable number of wildlife, it was formally converted into a wildlife sanctuary through the enactment of the Game (Preservation and Control) Ordinance No. 14 of 1959 (GoU, 1959; UWA, 1998; Nampindo, et al., 2009). The ordinance gazetted a migratory corridor of approximately 15 kilometres for elephants and the gazetted area was called "Aswa/Lorim Game Reserve."⁵⁶ The ordinance defined the boundaries of Aswa/Lorim Game Reserve thereby bringing the conservation areas to two, that is, Kilak Controlled Hunting Area and Aswa/Lorim Game Reserve. The local communities were not allowed to hunt game in both conservation sanctuaries except the licenced gun holders. Although it was illegal for the local communities to access the area, some local communities illegally hunted game in the nature conservancy (Rugadya and Kamusiime, 2010). The continued hunting in the restricted area arose from the fact that, a Rwot argues, "Lakang formed our

⁵⁵ Interview, 17/03/2013. A Rwot also indicated that the "colonial government used to give [hunting] permits to licensed gun holders to hunt game" 910th /05/20120.

⁵⁶ See The Game (Preservation and Control) Ordinance Number 14 of 1959 in the appendices.

communal ground; so we shared it with the licensed land owners. That was the status of the land”.⁵⁷

6.6.3. The Milton Obote Government 1962 to 1971

The first post-independence government implemented the plans of the colonial government. In 1963, The Game (Preservation and Control) Act which contained the Game (Kilak Hunting Area) Order was enacted by the Uganda Game Department. The order contained Legal Notice (L.N.) 364 of 1963 that was thereafter amended by Statutory Instrument (S.I.) 17 of 1964 (GoU, 1964).⁵⁸ These regulations officially gazetted the game reserve into Kilak Controlled Hunting Area thereby compelling the local communities that had gradually returned to Lakang and the adjacent areas to retreat to other parts of northern Uganda. The order stipulated the types and numbers of animals that could and could not be hunted by licenced gun holders in a calendar year. It also specified the fees payable to Acholi District Administration by licenced hunters and mapped out the area where hunting would take place. The status quo remained until Idi Amin assumed office as the head of State in 1971.

6.6.4. The Idi Amin Regime 1971 -1979

Through the radical-populist land reform policies Idi Amin revoked Statutory Instrument 17 of 1964 by issuing Statutory Instrument No. 54 of 1972 called “The Game (Preservation and Control) (Abolition of Game Reserves) Instrument, 1972 and Statutory Instrument No.55 of 1972 called “The Game (Kilak Hunting Area), (Revocation) Order, 1972 (GoU, 1972).⁵⁹ Section 1 of Statutory Instrument No. 54 of 1972 stated that “Aswa/Lorim Game Reserve specified in the sixth schedule of the Act is hereby abolished” on 30th of March 1972 (GoU, 1972). Similarly, Statutory Instrument No. 55 issued on 30th of March 1972 specifically decreed that: “The Game (Kilak Hunting Area) Order is hereby revoked” (GoU, 1972). Degazettement of Kilak Hunting Area and Aswa/Lorim Game Reserve ostensibly paved the way for the return of the displaced communities of Lakang and allowed them to return to their ‘old’ ways of living that were centred on communal hunting and grazing.

⁵⁷ Interview, 10/05/2012.

⁵⁸ See The Game (Preservation and Control) Act in the appendices.

⁵⁹ See Statutory Instrument No. 54 of 1972 called “The Game (preservation and Control) (Abolition of Game Reserves) Instrument, 1972 and Statutory Instrument No.55 of 1972 called “The Game (Kilak Hunting Area) (Revocation) Order, 1972 in the appendices for the Statutory Instruments.

Although most of the communities that were displaced during the establishment of the conservation area managed to return to their land, others did not as the elite within the Idi Amin regime had already acquired large tracts of land in Lakang (Barrows and Kisamba-Mugerwa, 1989; Kisamba-Mugerwa, 1991). The state officials did not consider the fact that part of the land was privately owned and the large part was a common resource used for hunting, grazing and collection of wild fruits. The de-gazettement process was a ‘polite’ way of seizing community land by the elite in government as opposed to outright use of force. Large tracts of land were acquired in 1972 in the districts of Amuru and Nwoya districts (Gulu district at the time) by South Sudanic speaking groups, military personnel and other people from the west Nile area from where Idi Amin came.

In an interview, the former Chief of Pabbo sub-county and an elder in Amuru district at the time of fieldwork pointed to categories of people in the Idi Amin government who seized community land and processes that were involved.

In 1972, there were some knowledgeable people in government who were aware of the presence of the vast land that was unoccupied and in particular those from west Nile were interested in the land. People like Onegi Obel, then Governor of Bank of Uganda, Omar and Hassan were among the first beneficiaries. They arranged for the whole of that area to be de-gazetted to give way for commercial farming. That is how those individuals were able to get land without consulting the local people.⁶⁰

The Uganda Land Commission which managed all land in Uganda was used by military personnel and government elite to acquire land in various parts of the country including present-day Amuru district. A 70 year-old informant from Lamogi sub-county noted: “Whoever wanted to acquire land in this area applied to the Uganda Land Commission through Gulu district. [After the LRD of] ... 1975 leases were granted [on the land] for a period of five years”.⁶¹ In a FGD at Pabbo sub-county a 65 year-old woman recounted that: “During Idi Amin’s time, it [land grab] was worse. When Hassan, a military officer during the Idi Amin regime, acquired land in Lakang, five people were killed in the process”.⁶² Another participant in the FGD argued: “The people tried to resist the expropriation of land by Idi Amin’s military men, government officials

⁶⁰ Interview, 10/05/2012.

⁶¹ Interview, 08/02/2013.

⁶² FGD held on 07/03/2012.

and West Nilers as they established the commercial farms”.⁶³ Related research shows that during the reign of Idi Amin, the Uganda Land Commission issued land titles to officials in his government on communal hunting and grazing land; 22 titles in Amuru (currently Amuru district), 50 in Purongo and 20 in Koch-Goma during the same period. The acreage of land that was either surveyed or titled totalled about 23,838 hectares (Rugadya and Kamusiime, 2010:4). Some communities returned to Lakang as a slight window of normalcy returned to the area after the fall of the Idi Amin regime in 1979. Those who returned continued to access parts of the grazing and hunting grounds in a communal manner up to the start of the LRA conflict in 1986.

At the time of resettlement after two decades of LRA conflict, the former hunting and grazing ground was at the centre of competing tenure claims as five categories of people claimed to own the land in Lakang village. First are the six clans that form the six chiefdoms of Parabong, Toro, Boro, Pagak, Pabbo and Lamogi. These chiefdoms claimed the grazing and hunting grounds in Lakang village based on customary tenure, ancestry and belonging. Second was the Uganda Wildlife Authority on the basis of the game reserve. Third are persons that got the land during Idi Amin’s regime. The fourth category includes politicians, members of parliament and local chiefs that got access to the land after the LRA war. Fifth is the Madhvani Group that was allocated the land by Amuru District Land Board. This seems to suggest that the contemporary processes of land grabbing in Lakang village of northern Uganda are an outcome of a combination of past experiences and present processes (see Benjaminsen and Bryceson, 2012; Peluso and Lund, 2011; Alden Wily, 2012)

The cycles of dispossession, gazetting the land for conservation and de-gazetting the same land created a complex land tenure regime in Amuru district. Disentangling the parallel, overlapping and competing land tenure rights in Lakang village has continued to be a challenge. The state through Amuru District Land Board capitalised on these complexities and confusion in land tenure to claim ownership of the land in Lakang village and subsequently allocate it to the Madhvani Group for sugarcane growing. Allocation of land to the Madhvani Group was undertaken against the will of the local communities and the chiefdoms that claim to own the land, a process which contradicted the provisions of the Constitution of the Republic of Uganda and the Land Act (see chapter 3 for a detailed discussion on the Constitution and Land Act). The

⁶³ FGD held on 07/03/2012.

next section examines whether the sugarcane growing in Amuru district is a development opportunity from the perspective of the Madhvani Group.

6.7. ASWL as a development opportunity

According to the Madhvani Group, the sugarcane industry will stimulate development not only in the 'extremely remote area' of Amuru district but the whole of northern Uganda and the entire country (Madhvani Group Magazine, 2010). Developments within 50-100 kilometres around the nucleus estate would be stimulated given that the industry will act as a rural growth centre and an outlying business district where a stream of other developments would emanate. Moreover, a 200km network of roads connecting the sugarcane plantation and the nucleus estate in Amuru district to the regional town (Gulu) would be established. At the parent industry at Kakira Jinja district, 22 Megawatts (MW) of renewable energy are generated every day from the sugarcane waste of which 12-13 MW are supplied to the national power grid on a 24 hour basis (Madhvani, 2012). A similar approach has been proposed for ASWL whereby the electricity generated from sugarcane waste would supply the sugar factory, satellite towns and the trading centres that would emerge within and around the sugar complex (Madhvani, 2012).

Given that Kakira Sugar Works Limited in Jinja district transformed production from the use of fossil fuels to production based on renewable energy, the Madhvani Group benefited from carbon emission reduction credits from the World Bank, the Global Environment Fund (US\$ 3.3 million) and a loan of US\$ 8.6 million from the East African Development Bank.⁶⁴ Mayur Madhvani argues that the Madhvani Group expects to emulate a similar model in Lakang village meaning that renewable energy would be generated from the bagasse (Madhvani, 2012). Employment of clean energy in the proposed ASWL could put the Madhvani Group in a better position to receive additional finance from the World Bank under the carbon emission reduction credits. As noted in chapter 1, carbon emission reduction credit financing schemes have become a major driver of large-scale land grabbing by national and multinational companies in the developing economies.

The proposal from the Madhvani Group indicates that a water treatment plant and reservoir, mechanical workshops, fuel stations, administrative infrastructure and other amenities would be

⁶⁴ Details about the Madhvani group can be accessed from their brochure available at <http://www.madhvanifoundation.com/downloads/mgbrochure-08.pdf> (Accessed April 18 2014).

constructed in Lakang village (International Alert, 2009b). Five villages to house staff in the nucleus estate, hospitals, educational and recreational facilities are to be provided to the workers in the sugarcane industry and their children (International Alert, 2009a). The communities involved in the outgrower scheme are to benefit from agricultural extension services, equipment for clearing, ploughing and a development fund which would be used to support out-growers (International Alert, 2009a). However, there is a need for the communities of Amuru district to be cautious about this agricultural model as agricultural projects in Uganda that distribute seeds and provide agricultural inputs to outgrowers end up grabbing people's land because of their failure to pay for the inputs. In Kalangala, smallholder farmers were compelled to sell their lands to a palm oil company (BIDCO) because of failure to pay for fertilizers and other inputs received (NAPE and Friends of the Earth International, 2012).

To the communities of northern Uganda in general and Amuru district in particular, establishment of the sugarcane industry would provide direct employment to 7,000-8,000 individuals as sugarcane cutters, mechanics and transporters (Madhvani, 2012). An additional 7,000 people would benefit from the outgrower scheme and small-scale business enterprises which are likely to emerge in the sugar complex, thus improving the livelihoods and providing alternative sources of income to communities (Madhvani, 2012). The assertions from the Madhvani Group suggest that the local people of Lakang village would benefit from the sugarcane plantation and sugar industry. However, promises of employment, infrastructure development and improvement of rural livelihoods are often used to persuade developing countries and the local communities to accept and conclude the land deal but not much is provided at the end (Wolford et al., 2013). Non-adherence to the specificities embedded in land deals arises from the fact that developing countries do not have the regulatory mechanisms to compel the investors to abide by the conditionalities in agreements and often springs from unequal power relations between the foreign investor and developing countries (Prague Global Policy Initiative, 2012). In a few cases where investors provide the promised infrastructure, it is often below the acceptable standard and are plagued by sustainability problems (Julia and White, 2012; White et al., 2012).

Before providing the opinions of the local communities of Lakang village as regards to ASWL, it is important to analyse the 'closed production system' that is employed by the Madhvani Group at Kakira Sugar Works Limited in Jinja district. This analysis is essential in situating the counter arguments made hereinafter and sheds light on the reservations of the local communities of Lakang village. The Madhvani Group is self-sufficient and independent of the surrounding environment in Jinja district where Kakira Sugar Works is located. The families which comprise the Madhvani Group live in guarded complexes in the nucleus estate at Kakira in Jinja district. Within the complex, each family resides in a high-wall gated enclosure from where they ride horses and play polo. This gated area is essentially detached from the rest of the communities around the industry, the workers and Jinja where the industry is located. The only 'spaces' of interaction with the local community are the factory outlets, areas where the processed sugar is loaded on to trucks and cane offloaded and a few servants that work in their homes.

The Madhvani's have a private airstrip, water system and electricity generated from the bagasse. Within the industrial complex, there are banks, private hospitals and schools from where the workers receive soft loans, subsidised treatment and children of labourers attend school respectively. They have their own security, shops, and grow vegetables which they supply themselves within the nucleated estate. In essence, the Madhvanis have limited contact with the communities and workers within the industrial complex apart from the 'space' where outgrowers offload the sugarcane and the factory outlets. It is this model of production that would be replicated in Lakang village (Madhvani 2012). Ferguson characterises closed systems similar to the one used by the Madhvani Group at the parent industry at Kakira as "resource-extraction enclaves" and further argues that such areas emerged in Africa after the withdrawal of the state under the neoliberal era (Ferguson, 2006:13). The retraction of the state left "production concentrated in guarded enclaves that are increasingly detached from their surrounding societies" (Ferguson, 2006:13). Although numerous economic activities take place within and around these production centres, direct and indirect benefits that accrue to the local communities are often limited given that such closed establishments aim at extraction of resources and accumulation of more capital for capitalists rather than improving the lives of the local communities and developing the areas where production activities are based.

While examining agricultural modernisation during the era of structural adjustment in sub-Saharan Africa, Bernstein (1990:9) argues that large-scale agricultural projects are more likely to “accelerate spatial or regional differentiation, social differentiation (or class formation), and gender differentiation” meaning that few individuals benefit at the expense of the masses hence class formation. Using Angola as the case, Ferguson (2006) echoes Bernstein (1990) when he concludes that closed industrial establishments often have little impact on the wider society. Ferguson (2006:13) went on to categorise the areas where closed production is undertaken as “resource-extraction enclaves” (Ferguson, 2006:13), while Li (2010:68) called the local communities therein a “surplus population”, denoting that the resources are needed but the local labour is not required in the production chain. The primary interests of the capitalists are the resources, sugarcane in the case of the Madhvani Group.

The captivating issue which emerges from the closed production system employed by the Madhvani Group is how the local communities of Lakang are to negotiate this closed nature of establishment to improve their lives and reconstitute the households that were shattered by the over 20 year LRA conflict. Informal discussions with sugarcane cutters at Kakira Sugar Works (KSW) in Jinja district revealed that casual labourers earn about US\$ 80 per month but much of it is taken up in the form of food rations. Given the little pay, workers are compelled to sign off their salary in advance before the end of the month in order to sustain their families. The workers are constantly in debt, and for this reason, they are held at ransom every year. These dynamics imply that even with better ‘terms of inclusion’ (White et al., 2012), peasants and small-scale farmers in Lakang village are more likely to remain marginal and disempowered as long as there are no clear mechanisms put in place to ensure that the local communities of Amuru district benefit. ASWL could obstruct the displaced communities from returning to their land and may not provide the anticipated jobs as Harvey (2003:141) argues that “capitalism can utilize its powers of technological change and investment to induce unemployment (lay-offs) thus creating an industrial reserve army of unemployed workers directly”. This assertion means that the expected job opportunities may not be created. The next section examines the consequences of the enclosure and ASWL on the local communities of Lakang village and Amuru district.

6.8. What is at stake for the rural agrarian economy in Lakang village?

The seizure of community land in Lakang village by the Madhvani Group with the support of the state and the subsequent commoditization of livelihoods continues to raise mixed reactions about the politics of investment in post-conflict northern Uganda. The concerns are not just about land rights but transcend the politics of large-scale land acquisition into issues of land, livelihood, identity, spirituality and belonging. The local people in Lakang village whom I interviewed argued that based on the deprivation that was caused by the LRA conflict for over twenty years, they can hardly be meaningful players in the out-growers scheme since they are yet to resettle and reconstitute all that was lost during the LRA conflict. Considering that re-establishment after conflict is a slow, gradual and phased process, they further claimed that they need time to reposition themselves in the social, economic and political realms of the country before being able to effectively participate in the industry.

A 50 year-old informant, a land owner and farmer in Lakang village put it that: “Let us first go back to our former places of abode before we can consider whether we need investors or developers. Some of us are interested in developers. The difference is that investors come with short-term goals and want to make quick profits while developers come with long-term objectives”.⁶⁵ The introduction of private capital through ASWL may not benefit the local communities of Lakang village but the business community and politicians from within the district as well as ‘outsiders’ from other areas of the country. These people are to seize the opportunities in the industry as opposed to the people of Lakang and northern Uganda in general. The communities of Lakang village lived in IDP camps for more than two decades so they do not have the required education, technical skills and financial base to reasonably compete for jobs and emerging opportunities in ASWL with the peoples from other regions of Uganda that have been stable for a long time.

6.8.1. Agrarian livelihood systems

Large-scale sugarcane growing in Lakang village has raised mixed reactions in the local communities with some people arguing that it could stimulate development, while others contested this claim. In an interview, a former MP and member of the Acholi Parliamentary

⁶⁵ Interview, 10/01/2012.

Group⁶⁶ (APG) argued that large-scale agriculture could be beneficial but it has to be cautiously managed. “Commercial farming is good but it has to be managed so that one balances the interests of the local people with those of the investor. If not, ASWL may end up breaking the social security and distort the culture of the region which has been built around land”.⁶⁷

Asked if ASWL will enhance the livelihoods of the communities in Amuru district, a 45-year old farmer from the Lamogi clan argued in a FGD that was held at Lamogi sub-county of Amuru district:

No, the factory will not bring any benefit to the common man; the factory will do nothing for us. We shall be outgrowers but it is not easy to grow sugarcane. When they want to buy it [sugarcane] from you they dictate their own price. That is tedious work. The way we are doing it [subsistence farming] here is more productive. He [Madhvani Group] can employ our people, but cannot pay the wages which could adequately sustain someone’s family. The general infrastructure established will be used by the whole community; indirectly we shall benefit but directly not. A few individuals are likely to benefit from the sugarcane establishment.⁶⁸

Investors often promise improvements in infrastructure, stimulation of development and provision of access to new technologies but this rarely materialises (White et al., 2012). In many cases, investment can result in further marginalisation and obstruction of rural agrarian economies. Research on palm oil plantations in West Kalimantan, Indonesia, revealed that projects of this nature produce contradictory outcomes with the rural poor and smallholder farmers largely losing out (Julia and White, 2012). The findings further showed that communal land was enclosed to pave the way for palm oil plantation expansion based on promises of infrastructure provision, smallholder plots planted with palm oil seeds, and employment. But the communities received the promised plots after 14-15 years of waiting. Moreover, the smallholder plots that were distributed to the communities were not only far away from people’s areas of residence but were small compared to those held before the introduction of palm oil. The infrastructure that was established in the villages was below standard compared to that built in

⁶⁶ Acholi Parliamentary Group (APG) is an organization which brings together MPs from the Acholi sub-region of northern Uganda.

⁶⁷ Interview, 17/03/2013.

⁶⁸ FGD, 21/03/2012.

the nucleus estate and the palm oil seeds planted on the new plots were below the number promised (Julia and White, 2012).

As regards to employment, studies elsewhere demonstrate that modern agro-processing industries tend to be “more capital-intensive and less labour-absorbing” (Akram-Lodhi, 2009:226) implying that limited formal and informal employment opportunities are provided to local communities. If the Madhvani Group decides to mechanise the production chain, retrenchment and subsequently unemployment would be the likely result. Although it may not be easy to mechanise, Scott argues that when it is undertaken, “the ex-wage labourer simply ceases to be relevant; there is no further season-by-season struggle because the poor [would] have become redundant” (Scott, 1986:13). The unwanted potential labourers are what Li (2010: 68) classifies as “surplus population” and Tucker (1978:422) dubbed them as an “industrial reserve army” given that they are not required in the production processes.

The people of northern Uganda are traditional hunters (Atkinson, 1989; 2010b). Hunting is a “social activity, a source of meat for people generally and a source of tribute for the *rwodi* (Atkinson, 2010b:57). Utilisation of 40,000 hectares of the communal hunting and grazing land for sugarcane growing could bring the traditional forms of livelihood on which most people depend for game meat, wild fruits, honey and root tubers to an end. Related research by Hart (1991:109) in the Muda region of Malaysia found that capitalisation through mechanisation of rice production compelled the men to shift from agricultural to non-agricultural occupation and other forms of labour for survival. The loss of livelihood systems in Lakang village has started to produce negative externalities. The men have resorted to seeking alternative paid labour in and round Gulu town so as to continue providing for their households because part (10,000ha) of the hunting and grazing grounds was alienated to the Madhvani Group. The transformation from peasant subsistence forms of production to paid labour, what Bernstein (2010:104) dubbed the ‘commodification of subsistence’ and Akram-Lodhi et al. (2009) called ‘commodification of labour’ has restructured the local peasant economy in Lakang village.

Deprivation of rural agrarian communities of land affects women much more than men given the role of women in production and reproduction processes at household level (Harvey (2003). Women who shoulder much of the burden at household level — the triple responsibilities of

reproduction, caring, nursing and providing for the families (Moser, 1993) — have to devise new means of feeding the households. While discussing the alienation of land to the Madhvani Group, the Rwot of Pagak chiefdom in Amuru district pointed out that, “women made overnight fishing expeditions; the women had their own fishing groups, they fished from river Achwa, Ome and Apaa, but the factory will stop this activity. These rivers are still an important source of fish”.⁶⁹ The women of Lakang village expressed the fear that they may not be allowed to fish in the rivers and streams in Lakang village anymore as the land and the resources therein will be private property.

When the sugarcane plantation is established and sugar industry constructed there is a high likelihood that they could be penalised for trespassing on private land thus risking harassment, rape and/or imprisonment. Expropriation of land and introduction of private capital could disrupt the social cohesion and community understandings which emerged as a result of women working in groups. As Julia and White (2012) observed in West Kalimantan Indonesia, loss of customary land due to expansion of oil-palm plantations had far-reaching impacts on women. The company guards often stopped women from fishing in the streams on the oil-palm plantation compared to the period before the land expropriation when they fished freely. Women were often victimised and others raped whenever they picked oil palm fruits that were scattered during harvesting. Many of the women lost rights to land as male household heads were registered as sole owners of the smallholder plots that were distributed during restitution and compensation (Julia and White, 2012). Capitalisation and privatisation of land in Lakang village could adversely affect women.

6.8.2. Land rights

Alienation of the land in Lakang village by the Amuru District Land Board (ADLB) to the Madhvani Group in perpetuity and at no cost undermined the land tenure rights of the local communities. The Senior Officer of Amuru district argued that:

Much as the board [Amuru District Land Board] has authority over land in Lakang village, the people that owe their identity to the land need to be considered. There are people who used to hunt in this area. In the Acholi customary setting we used to have communal hunting areas and this is where other people used to practice their rituals and

⁶⁹ Interview, 10/05/2012.

all that. For the communities, the person who owns the land is not their problem. According to the local people that is their land. They owe their identity to it. So, even when the board [Amuru District Land Board] is exercising its powers, it takes these issues in consideration.⁷⁰

Although the 1995 Constitution of the Republic of Uganda, the Land Act of 1998 and UNLP of 2013 recognise customary tenure and indicate that communities should receive any form of compensation or restitution for loss of their interest in the land, this has not been considered as an option (see chapter 3 for a detailed discussion on the provisions of the Constitution of the Republic of Uganda, 1995 the Land Acts, 1998 and the UNLP, 2013).

Immediately after ADLB allocated 10,000 hectares to the Madhvani Group in 2008, the local communities of Lakang village and the MPs from Amuru district challenged the land allocation by seeking legal redress at Gulu High Court. Their main argument in this case was that the land in Lakang village is held under customary tenure and that ADLB did not have the authority to allocate customary land to the Madhvani Group.⁷¹ On 3rd February 2012, the High Court sitting at Gulu ruled that the land in Lakang village is not held under customary tenure.⁷² The judge argued that the land under contention is “not only very vast, but it was empty and bushy all the way up to river Nile... The Police vehicle literally opened a new road through the bush and it reached a point where the vehicle could not go any further”.⁷³ On these grounds the local communities lost the case. The ruling gave the Madhvani Group the right to continue with ASWL, which the communities oppose. The local people of Lakang village challenged the judgement by seeking legal redress in the Court of Appeal but as of April 2014, the case was yet to be heard. On the issue of investment in Uganda, Lunyiigo (2007:7) concludes that: “Investment is all the rage; ... investor[s]...are king[s] in Uganda today, and Government bends over backwards to accommodate their wildest dreams. Where the investor calls the environment and conservation in general can go to hell”.

6.8.3. Cultural heritage

The land under contention is of cultural significance to the communities of Lakang village and the ‘Acholi’ as a people. To ‘outsiders’ — meaning those from other parts of Uganda and outside

⁷⁰ Interview, 08/02/2012.

⁷¹ A copy of the judgment of the case HCT-02-CV-MA-No.126 of 2008 is on file with the author.

⁷² Ibid

⁷³ Ibid

of Uganda — the land in Lakang village is viewed through an investment lens. However, the communities indicated that there are particular spots in Lakang village where sacrificial ceremonies are conducted for specific reasons. By establishing the sugar complex, the sacred points will be destroyed. The loss of areas of significant cultural importance could prevent the continuation of traditional customary practices. This could, in turn, transform the cultural heritage of the area and the identity of the local communities given that land is not only economic but also has social, cultural and religious connotations to the peoples of Africa (Okoth-Ogendo, 2006; FAO, 2012a).

In an interview, a former MP of Chwa County in Lamwo district of Northern Uganda and Chairperson of the APG in the 8th Parliament explained the implication of establishing the sugarcane industry in Lakang Village from a cultural perspective by noting that:

We shall not have any culture anymore. Our land is part of our culture. We are now suffering because this war destroyed the culture we had. Our greatest strength [as a people] was our culture. With livestock gone, the children do not look at the parents as being responsible and respectful people, because in the past, all animals belonged to the head of the family. The parents married wives for their sons. But now children are getting their own money [for these ceremonies] because we do not have livestock anymore. That respect for the parents is no longer existent. The culture has failed completely. Even the wives that are married have no affinity and linkage to other family members and the entire clan. They belong to their husbands and that is all. In the past, the woman would look after the husband and other family members because they [all] contributed to her marriage. All this has been completely changed. Now that the communities have gone back home, they are beginning to reunite with their land.⁷⁴

Land is not simply a factor of production or an economic good but forms part of the culture of the people of northern Uganda. Restructuring the terms and conditions of land tenure in the communities of northern Uganda indirectly denotes alteration in the cultural foundation of the people (Okoth-Ogendo, 2006). Reconfiguration in land tenure means reconfiguring the economic base and livelihoods of communities (Shipton, 2007, 2009). The LRA conflict reconfigured the nested social, economic and cultural structures of households, the broader family and wider society by compelling the people of Lakang village to abandon the land. The return and resettlement processes that are underway are forming the basis for the revival of the local culture.

⁷⁴ Interview, 17/03/2012.

However, the expropriation of land in Lakang village by the Madhvani Group is obstructing the culture revival processes that are underway in the households, families and the broader community of Amuru district.

6.8.4. Identity, belonging and spirituality

The Rwoth of the Pagak chiefdom pointed out that:

My great grandfathers were buried in the hills in Lakang; you find cultural sites, graves and the like. We all know the hills that were and are occupied by particular clans and places where our ancestors lived. All these attempts [to block ASWL] are aimed at reclaiming our ancestral land”.⁷⁵

The land in contention has important fixed markers, that is, spiritual areas and burial grounds which local communities in Amuru district consider sacred. Although the people of Amuru district and Lakang village in particular have undergone successive waves of dispossession, they claimed that there are special identity markers which give them a strong sense of connection and belonging to their land. In northern Uganda, akin to most parts of Africa, family burial grounds are sacred areas which connect the living and the dead (Okoth-Ogendo, 2006; Shipton, 2009). The Acholi people believe in the presence of ancestors in their homes, and this in turn defines their identity as a people and strengthens their belonging to the land.

The Luo communities have special connections to the land of their ancestors. “Burial of the dead — male and female — within [Luo] homesteads provides crucial fixed points on the landscape for the reckoning of personal, familial, and political identities and allegiances. Luo people make it clear that they look upon graves and the old homestead sites of their forebears as their anchors — in time, in space and in culture and society” (Shipton, 2009:14). The Acholi communities belong to the broader Luo ancestry, and for this reason, they believe in being buried on their ancestral land. If they are not buried on the ancestral land, the spirit of the deceased remains “earthbound in an intermediate state, unable to reach the afterlife, and forever haunting the deceased’s family” (IOM et al, 2010:7). In light of these inextricable connections, disruptions of the spiritual connection between the living and the dead is not only filled with emotion but also characterised by violence, the reason being that it “challenges the attachments of rural-dwelling people to their kin, to ancestral land, and through ancestors to divinity” (Shipton, 2009: xi).

⁷⁵ Interview, 10/05/2012.

The same understanding holds for the people of Lakang village who argued that land connects them to the ancestors and forebears who are always present to provide and intervene in their daily routine, for instance, during communal hunting sessions. In a FGD, a 65-year-old male elder and farmer from Amuru sub-county said:

The land [in Lakang which is] of cultural importance will be no more. When the hunters are going to hunt and coming back, they have to perform sacrifices, communicate to the ancestors [that] we are now going to hunt, please protect and give us luck. Traditional ceremonies are done to thank the gods for the bounty. Traditional hunting ceremonies are done to appease the gods when they are returning home with the big animal hunted. They also consult when going and coming back, praise the gods and ancestors.⁷⁶

The above informant further pointed out that “sacrifices are performed [in Lakang] to protect people from diseases, grant fertility to women so they can bear children”.⁷⁷ Although the sugarcane industry could provide alternative livelihoods, the sacred features seem to hold more value for the local communities and cannot be equated with money. The establishment of the sugarcane complex is to permanently disconnect the communities from the land of cultural importance, thereby interfere with people’s identity and belonging.

To the Rwot of Pagak Chiefdom, seizure of Lakang means:

It is essentially part of our heritage gone because we have always looked at this land as a backup and as a reserve. We were thinking not just in ten or twenty years to come but for generations to come. We have always been relaxed knowing that our people are secure for life and generations to come. But now commercial and other processes have come in and thrown that concept out of the window. It is a heritage that was meant to provide livelihood for generations to come. The war introduced individualism and the concept of collective ownership does not make sense anymore.⁷⁸

Other than validating their land tenure claims based on identity, spirituality and indigeneity, the land in Lakang village embodies a multiplicity of attributes including being a resource that will meet the needs of the future generation. In a dialogue on investment in the Acholi sub-region, the women MP for Nwoya district claimed that “land in Acholi is owned by the dead and the living. So how are we going to deal with identity issues including land ownership by the dead and the

⁷⁶ FGD, 07/03/12.

⁷⁷ FGD, 07/03/12.

⁷⁸ Interview, 10 /05/2012.

unborn?⁷⁹ Like elsewhere in Africa, “land is not simply a factor of production, but a multiplex social, cultural and political phenomenon on which the process of production and reproduction of social relations depends” (Okoth-Ogendo, 2006:5-6). The diverse attributes which are buttressed around land in Lakang village are being reconfigured with the introduction of ASWL. As a consequence, the existing political economy and social relations are gradually undergoing transformation and, in turn, newer sets of social relations are being reproduced thereby restructuring the identity of the existing communities in Lakang village. The next section examines mechanisms which the local communities of Amuru district have adopted in a bid to block the enclosure of community land.

6.9. Resistance mechanisms employed in Lakang Village

The processes of ‘accumulation by dispossession’ (Harvey, 2003:162) and intrusion of capital in the countryside often provoke political and social discontent thereby kindling peasant resistance within communities (Bernstein 1990; Borras, and Franco, 2012). Peasant resistance, according to Scott (1986:22), “is any act(s) by member(s) of the class that is (are) intended either to mitigate or to deny claims (e.g. rents, taxes, deference) made on that class by superordinate classes (e.g. landlords, the state, owners of machinery, money lenders) or to advance its own claims (e.g. work, land, charity, respect) vis-à-vis these superordinate classes”. The “cries of ‘bread’, ‘land’ and ‘no taxes’” are often at the centre of peasant resistance because these are among the primary foundations of livelihood for most households (Scott, 1986:26). The resistance mechanisms adopted by the rural poor communities differ from those that the elite class employs. That is, the poor people utilise ‘everyday resistance methods’ (Scott, 1985), while the elite employ political power, connections, and ability to bribe and bully (Scott 1986; Holmes, 2007).

Land grabbing in Lakang village kindled peasant struggles between the Madhvani Group and local communities. To the peoples of Lakang village, the “everyday forms of peasant resistance”, as Scott (1986:6) calls such dissenting actions, are struggles against dispossession, monetisation of livelihood and survival. Resistance has also been provoked by fears of the negative impacts that are likely to emerge with the transformation in the local political economy and social relations of production. Some of the dissenting voices have been buttressed within broader calls for transparency and rejection of adverse incorporation in the overall land deal. Instead of being

⁷⁹ The dialogue meeting on investment was held at Churchill Court Hotel in Gulu town on 17/03 2012.

at the periphery, the communities of Lakang argued that they should grow the sugarcane with the Madhvani Group purchasing the mature cane from local communities instead of outright acquisition of their land (Wesonga, 2013a).

Drawing on Asian and Latin American experiences, Scott (1986) and Teubal (2009) argue that land lies at the core of struggles between the rural poor and capitalists. The competing class interests, that is, survival for the rural poor vis-à-vis accumulation of wealth for the Madhvani Group is often the source of contention. The local people of Lakang village indicated that development from national and/or foreign capitalists was welcome and many informants argued that they are interested in having the northern region revitalised through agriculture or other means.⁸⁰ The major points of contention are the lack of respect of land rights of local communities, lack of engagement with the owners of the land and non-adherence to the constitutional procedure of land acquisition. Other issues are lack of a clear outline as to how the local people will benefit, and failure to reveal the ‘real’ stakeholders in the land deal. As in many land deals elsewhere (Oakland Institute, 2011b; Oxfam 2011) those aligned to the ruling government and in high positions of governance have had the privilege of accessing the details embedded in the share agreement between the central government and the Madhvani Group while the communities of Lakang are left in the dark.

Moreover, the unwavering support provided to the Madhvani Group by the ‘politically correct’ individuals and the elite within the ruling NRM government has brought into question the authenticity of ASWL (Masembe, 2012; Rugadya and Kamusiime, 2010). A 50-year-old man and farmer from Amuru district, for instance, claimed that “Madhvani is being used as a front; [but] there are other forces behind Madhvani”⁸¹, meaning that other government officials may be behind the project but not the Madhvani Group. Meanwhile, the Chairman of the Acholi Parliamentary Group (APG) in the 9th Parliament argued that: “Our concern is president Museveni’s double standards. In Buganda, President Museveni sides with squatters against investors. However, in Acholi he wants to do the opposite” (Wesonga 2012b). A woman MP

⁸⁰ In the Daily Monitor article dated May 2 2013 and titled ‘Museveni, Acholi leaders’ meet over Amuru land flops again’, it is noted the leadership of northern Uganda clearly indicated that the people are interested in the revitalization of northern Uganda to the pre-conflict glory. However, the procedure of land acquisition, the terms as spelled out in the proposal and lack of consultation with land owners are some of the major issues stalling the project.

⁸¹ Interview, 10/01/2012.

from Northern Uganda stated that: “People with money bypass the real owners of land. They approach State House — the official residence of president Museveni — and come with eviction orders” (Habati, 2012). The contradictory and double positionalities of the state and the bypassing of the local people who claimed to own the land in Lakang village show how certain decisions are taken to benefit some classes over others (Mill, 1965; Collinson, 2003). Those mixed reactions and the continued backing of the Madhvani Group by the state to go ahead with the sugarcane project ‘even in the face of resistance’ (Mosco, 1996) have provoked formal and informal resistance in Lakang village.

6.9.1. Stripping by women

The women in Lakang are part of the broader struggles intended to block the grabbing of the land on which their households depend for production and reproduction. Unlike in the past where women in Uganda were not seen in public places and hardly participated in social struggles (Tripp, 2000) the position of women in Ugandan society particularly improved in the present period (Tamale, 1999). Women have become more involved in the broader social, economic and political fabric of the country and more particularly in matters that affect their daily lives. In 1994, Uganda became the first country in Africa to have a female Vice President (Ahikire, 1994). The rise of women in Uganda has come with freedom to participate in struggles which agitate for their inclusion and being part of the social protests, for instance, against land grabbing.

On 18th April 2012, representatives of the Madhvani Group and the Resident District Commissioner (RDC) for Amuru district went to inspect the contested land in Lakang village and to convince the communities to vacate the land. However, women from the communities of Lakang village that had gathered at Kololo where the meeting was slated to take place protested against the alienation of the land to the Madhvani Group and blocked the road. About 60 old women stripped naked and wailed in protest of the appropriation of the land. Their actions compelled the Madhvani Group officials and the official representative of the ruling government in Amuru district to abandon the meeting. During the protest, a woman stated:

It is painful because we have just left camps for our villages. This is (aimed) at causing us mental anguish. We are widows and have many orphans to cater for, we are not sure there is another land they would relocate us to. We are very sad with the President for giving

away our land. If he comes, we will do an abomination, we will strip naked again to show our anger (Lawino, 2012a).

As the women undressed, the men wielded spears, bows and arrows to defend the women and attack whoever crossed to Lakgang village. The open display of nudity by elderly in protest in Africa is ‘an expression of unparalleled anger, displeasure and the climax of anger regarding any matter’ (Abimanyi, 2012). A Rwot from the cultural institution of the Acholi (ker Kwaro Acholi) claimed that ‘open display of nudity by an elderly woman in a disgusting way as an expression of anger and unhappiness is considered a taboo and a curse in the Acholi culture’.⁸² The Acholi believe that when nudity is displayed in protest, the person to whom the action is directed could die or something strange could happen to him. After the incident, the government transferred the RDC of Amuru district (Milton Odongo) who accompanied the Madhvani Group to Kasese district of western Uganda, an issue that the women who participated in the protest attributed to the curse which emanated from their display of nudity (Lawino, 2012a).

Involvement of women in resistance in Lakang village reveals: First, a transformation in gender relations in Ugandan society which permitted the involvement of women in resistance. Involvement of women in social protests was not possible before the ruling NRM government came to power given that women were not only regarded as passive recipients but not allowed to participate in public activities that were regarded as masculine (Tamale, 1999; Tripp, 2000). The social and cultural stereotypes centred on patriarchy viewed women through the lenses of their marital duties and in the context of domestic work with little attention accorded to their agency as active human beings. Involvement of women in public spaces including participation in gatherings, protests and political action was considered “too dangerous and turbulent for women” (Ukeje, 2004:609). However, these socio-cultural practices seem to be changing even in the rural areas of Uganda in the sense that the voices of women can be heard in the public sphere and are taking up active roles in social, economic and political struggles as seen in Lakang village.

Second, although contrasting gender-tailored strategies were employed, participation of women and men in peasant resistance at almost an equal footing shows that the gender gap is reducing. The social and cultural stereotypes which characterise most traditional societies are changing as

⁸² Interview, 22/04/2012.

seen in the increasing involvement of women in resistance and social protests in developing countries (Ukeje, 2004; Pelican, 2009). Research on social protests in the Niger Delta indicates that “a rare display of nudity as a weapon of protest” was employed by women in 1984 in an attempt to challenge the management but also call for responsible oil drilling (Ukeje, 2004:610). In the end, the demands of women were met as petroleum companies compensated the families living within and around the Niger Delta for the loss of farmland, pollution and environmental degradation (Ukeje, 2004; Cyril, 2010).

Third, involvement of women as a category in social protests shows that they (women) are engaged in broader struggles over the central source of livelihood — land — on which their households depend. Due to their vulnerable status and powerlessness, the women of Lakang deployed the available resource — their bodies or nudity — to express their displeasure over the seizure of the land in Lakang village by the Madhvani Group. This is the only ‘weapon’ which they possess and control as poor people as opposed to the elite who monopolise state machinery and have state resources at their disposal. The elderly women therefore deployed the ‘weapon’ under their possession to block and resist the Madhvani Group from taking over the land on which they depend.

6.9.2. Statutory Court

Apart from obstructing the Madhvani Group from inspecting the land, the communities of Amuru district including MPs, elders and opinion leaders filed a case in the High Court of Uganda at Gulu in 2008.⁸³ The issues of concern in the suit centred on whether the land in question is customary or public and if ADLB lawfully allocated it to the interested individuals. On February 03 2012, the High Court sitting at Gulu ruled that the land in question is public because it was “not only very vast, but it was empty, and bushy all the way up to river Nile. [The Judge further noted that:] The Police vehicle literally opened a new road through the bush and it reached a point where the vehicle could not go any further”.⁸⁴ Moreover, Lakang village was characterised by a “forest, tall grassland and bush. There was no sign of settlement or grazing of cattle. It was virgin land”.⁸⁵ Other issues which influenced the judgement were that Lakang village was largely characterised by trees and tall savannah grass and in a few cases where there

⁸³ The judgment of the case HCT-02-CV-MA-No.126 of 2008 is on file with the author.

⁸⁴ Reference is made to page 29 of the judgment (HCT-02-CV-MA-No.126 of 2008) that is on file with the author.

⁸⁵ Ibid

was some form of settlement, the huts were “very few and scattered”, pointing to sparse settlement pattern. The judge further argued that “after the few huts referred to above, one moves miles and miles without seeing any settlement”⁸⁶, implying that his conceptualisation of customary tenure was concentrated human settlement and active cultivation.

The Senior Land Management Officer of Amuru district reiterated the issues of land being idle and underutilised.

“Land in Amuru district is being held for prestigious reasons without utilizing the land. There are absentee landlords who own land titles. People should not hold papers when the land is not being put under good use. We do not want to have idle land”.⁸⁷

Bernstein (1990), Ferguson (2006) and Shivji (2006) argue that the characterisation of land of as ‘unoccupied, empty, unutilised and vast’ has been employed as a justification to allocation of land mainly in developing countries to prospective investors. Increased interest in land on the African continent has emerged from the perception that land is not only abundant but much of it is “available, idle, or waste” (Cotula, et al., 2009:62). According to Peters (2013:547), states previously allocated land to prospective investors in the name of ‘public interest or development’ but the rationale for enclosure has been changed to ‘unused, marginal or idle, waste lands’. Shivji (2006) argues that the language used to characterise land in Tanzania has changed over time. During the colonial period, land was classified as “uninhabited or un-owned” as a justification for its expropriation but terms like ‘idle, waste and underutilised’ land are used in recent times (Shivji, 2006:177). Although land is characterised as ‘unoccupied, empty unutilised, underutilised or uninhabited’, it does not necessarily mean that such land is ‘free and available’.

Besides, considering the history of contestation, the continuous cycles of displacement and evictions that have taken place over time in Lakang village, there could not have been permanent and dense settlement in this area as argued in the judgement. The displacement and encampment processes that took place in Northern Uganda for more than twenty years indirectly meant that Lakang village could not have well-established infrastructure such as roads. Unfortunately, the lack of well-established infrastructure, according to the judgement, was a major factor in the

⁸⁶ Ibid

⁸⁷ Interview, 08/02/2012.

case. However, the wide-spread opinion within the communities of Amuru district was that they did not receive a fair judgement and judgement was not in their favour because of political pressure from government officials and the state. This issue was also highlighted by the leading advocate in this case who pointed out that political peddling in the instruments of justice characterised this particular case making it difficult for the applicants to have a fair hearing.⁸⁸

An official from the High Court at Gulu who preferred to be interviewed on condition of anonymity pointed out that land cases are often characterised by political interference from senior government officials and politicians. These people use their power and authority to influence cases. “A case may be scheduled for June but a politician will tell you that I want the case to be heard next week”.⁸⁹ While commissioning the Land Committee of the Ministry of Lands Housing and Urban Development responsible for protecting peasants who are increasingly being evicted from land by grabbers and encroachers, President Museveni acknowledged that politicians and army personnel interfere with the work of the judiciary and are involved in land grabbing (New Vision, 2013).⁹⁰ This case shows that wealth, power and authority, and levels of connectedness to the ruling government and its officials are central in winning land-related cases and obtaining ‘justice’. Indeed, this case indicates that the government mediates and fosters the dispossession of poor people’s land (Wolford et al., 2013) and it is the rural poor who are the most affected by these processes (Harvey, 2003). The applicants appealed the ruling but the case was yet to be heard as of April 2014.

6.9.3. Questioning transparency of the land deal

Unless authorised, government officials are prohibited from making public statements on particular contentious matters but can express their own opinions about the state of affairs in the country.⁹¹ Government officials from Amuru district and other areas of Acholiland expressed their dissatisfaction by questioning the intention of the state and why land issues in northern Uganda have become political. A government official in Amuru district pointed out that: “In

⁸⁸ Interview, 01/03/2012.

⁸⁹ Interview, 09/03/2012.

⁹⁰ In the New Vision dated May 11 2013, president Museveni while commissioning the Land Committee of the Ministry of lands Housing and Urban Development also acknowledged that army personnel and politicians interfere in the work of the judiciary and also grab peoples land. He further pointed out that some judges and magistrates are also corrupt. URL: <http://www.newvision.co.ug/news/642599-museveni-freezes-state-house-land-unit.html> [Accessed May 11 2013].

⁹¹ The phrase ‘government official’ is used for purposes of anonymity and confidentiality as agreed with informants during fieldwork

Amuru, things [land] tend to be politicized; I do not know what interest is in that area”⁹², while another district official from Gulu district wondered why the Madhvani Group is interested in that particular land in Lakang village. “The people [Acholi] offered land in other areas of northern Uganda but the Madhvani Group is interested in that particular land, why?”⁹³

The persistence of the GoU to have the land in Lakang village acquired by the Madhvani Group has fomented the argument among the people of northern Uganda that the Madhvani Group is fronted and used by the elite in government as a proxy and that after the acquisition of the land in question, the interested government officials that are really behind the land deal would take over. The complex manner in which the land acquisition process has played out in Lakang indicates that land deals are multi-layered and operate in diverse and complex ways with different actors playing different roles at specific points in time.

Another point of concern from government officials relates to the procedure employed in land acquisition as they argue that government did not follow the procedures of land acquisition as outlined in the Constitution of the Republic of Uganda, 1995 and the Land Act, 1998. “Government mishandled the Amuru case”, claimed an MP from northern Uganda.⁹⁴ In a FGD, a Rwot of Parabong Chiefdom asserted that:

The idea is not bad but the approach of establishing the sugarcane factory [was wrong, and besides the project] is imposed on the people. The project should be started when the people have returned to their land. The priority should be to give a chance to the locals to resettle before establishment of the sugarcane factory.⁹⁵

Meanwhile a senior district official in Amuru District argued:

You cannot bring a project and you expect the local people to receive your project when you just come and throw it on them. They have to be ready. What are the benefits? What are they going to do in terms of corporate social responsibility? We [district officials] in these positions need to ensure that much of the interests of the local people are catered for. You cannot ignore them, it cannot happen.⁹⁶

⁹² Interview, 08/02/2012.

⁹³ Interview, 02/03/2012.

⁹⁴ Interview, 17/03/2012.

⁹⁵ FGD held on, 26/04/2012.

⁹⁶ Interview, 08/02/2012.

The Constitution of the Republic of Uganda, 1995, and the Land Act, 1998, recognise customary tenure as one of the forms of land holding in Uganda. The issues of restitution and compensation particularly in conflict and post-conflict areas are also explicitly spelt out (see chapter 1 and 3 for specificities and a detailed discussion). The implication of recognising customary tenure as a form of land ownership means that communities have the right to hold and utilise land in a customary manner or to dispose of land as deemed appropriate, including outright sale, lease or give out the land as a gift. The government has the obligation to undertake restitution or compensate the displaced people in case of loss of land and related property. Although the law is clear on land issues in conflict affected and conflict-free areas, it has not been followed. The state and the investors have instead continued to expropriate land that is held under customary tenure without considering restitution or compensation as part of the options to deal with the interests of the local communities.

At the international level, the Universal Declaration of Human Rights (UDHR) and the Pinheiro Principles emphasize the need to return land and related property to the rightful pre-war owners after the end of hostilities (FAO et al., 2007; United Nations Department of Public Information, November 2007; Anderson, 2011). In such a case where restitution is not possible, compensation is the other option. In relation to investment, the Principles for Responsible Agricultural Investment (FAO et al., 2010a) and Voluntary Guidelines (FAO, 2012b; Seufert and Suarez, 2012) take the discussion further by advising capitalists to invest in a responsible manner. Land tenure rights of existing land users have to be respected and compensation as well as restitution should be considered as viable options. However, these guidelines are rarely respected by investors and the respective governments. For this reason, land grabbing continues to increase in developing countries with the poor in the countryside being the most affected through the loss of land.

6.10. Conclusion

One of the reasons advanced for the genesis of the LRA conflict is the under and uneven development which ensued from the demarcation of northern Uganda as a labour reserve by the colonial government (Branch, 2007b; Gersony, 1997). The construction of communities in northern Uganda as ‘inferior, martial and warlike’ by the colonial government determined the nature of employment they were allocated. Whereas the peoples from the south took on less

demanding work or the ‘white collar’ professions, demanding and challenging manual labour jobs on tea, coffee, cotton and sugarcane plantations, including Kakira Sugar Works Limited were allocated to the peoples from the northern region.

The appropriation of community land and the establishment of labour camps mean that wealth and power will be centred on the Madhvani Group, business community, politicians, political elite and a few land owners that would have the potential to engage in the out-grower scheme as opposed to the local communities of northern Uganda. These processes could serve to reinforce and entrench the colonial stereotypes which resulted in the delineation of the north as a source of manual labour, police and army recruits. Having ASWL in the north, a region which has continued to be a major supplier of manual labourers to Kakira Sugar Works over the years, could thus subjugate the northern region even further since the land on which agrarian communities depend for subsistence livelihoods would be under sugarcane cultivation.

A Rwot raised a captivating question: “How will my uncle who lives locally in Lakang ever be a participant in the out grower scheme? He hasn’t got the skills and education. The out grower business is completely out of his league”.⁹⁷ The Rwot meant that the sugar industry is to benefit the local elites, MPs, state officials, businessmen and other government bureaucrats as opposed to the local poor people from Lakang village. The ‘masked’ benefits may not transcend into tangible trickle down effects which could deliver the very poor communities of Lakang village from the point of marginalisation to having a better life even in the midst of the sugarcane factory. For such a person (uncle to the Rwot), there may be limited options but to offer labour based on terms and conditions set by the Madhvani Group as there will be no land to cultivate and other alternatives to making a living apart from offering cheap labour to ASWL. These conditions could drain the Acholi community which has socially, economically and politically been disenfranchised by repeated cycles, histories of dispossession and conflict right from the colonial to the post-independence period.

The state has not considered revitalising and harnessing the unique communal tenure which has operated outside of the capitalist system for centuries in order to give the communities of Lakang village another window of opportunity to reconstitute the shattered livelihoods after years of

⁹⁷ Interview, 22/05/2012.

encampment. The sense of togetherness as evidenced through resistance can be capitalised on and turned into a foundation for the formation of cooperative farmers unions. With the cooperative in place, the GoU can go on to establish the sugar factory with the communities as suppliers of mature sugarcane to be bought at the factory gate. This chapter has elucidated that land grabbing in Lakang village of Amuru district is an outcome of intertwined mechanisms and processes that involve a variety of actors, with different roles and visions of development but it is the rural agrarian communities are affected the most. The chapter that follows presents the findings of the second case study which is about appropriation of land in Apaa village by Lake Albert Safaris Ltd for environmental conservation and tourism purposes.



CHAPTER 7: GREEN LAND GRABBING IN APAA VILLAGE BY LAKE ALBERT SAFARIS LIMITED

7.1. Introduction

The case study of Apaa village in Pabbo sub-county of Amuru district highlights the dynamics surrounding the expropriation of land by the Uganda Wildlife Authority (UWA). It also interrogates the processes through which Lake Albert Safaris Ltd (LASL), which is owned by South African nationals, was awarded a concession to manage the land in Apaa village and the adjacent areas for sport hunting tourism and conservation purposes. The land management concession covers what the UWA calls 'state conservation land' but the local people of Apaa village claimed that their land was illegitimately seized under unclear circumstances to pave the way for the creation of a private game reserve. The expropriation of community land, including the eviction processes and its subsequent alienation to LASL are the central concerns and source of contention between the communities on the one hand, and the UWA (an extension of the state) as well as LASL on the other hand. The land acquisition processes present a highly complex set of issues and point to the sophisticated mechanisms through which land acquisition ostensibly for conservation and tourism purposes has taken place in Amuru district.

After the reduction in LRA attacks in 2006, the displaced peoples of Apaa village who were in IDP camps at Pabbo and Amuru sub-counties and outside of Amuru district moved to transit sites that were close to their pre-conflict villages. These transit centres acted as temporary shelters where the returnees based as they began the processes of rebuilding the households and livelihood systems that were disrupted by the LRA conflict. However, the land to which the communities of Apaa village hoped to 'finally' return was the subject of overlapping and competing tenure claims. At the time of fieldwork in 2013, Apaa village was divided into 42 sub-villages and had about 2,500 households and an estimated 17,541 people.⁹⁸ However, the sub-villages of Apaa which are under contention are home to about 2,000 people.⁹⁹

In an interview, the Public Relations Officer (PRO) of the UWA claimed that UWA in collaboration with Adjumani District Local Government (ADLG) gazetted Apaa village and the

⁹⁸ The data was extracted from the book containing household data that was obtained from the Apaa village Local Council one (LC1) chairperson, 27/05/2013.

⁹⁹ The details are available at URL: <http://ugandaradionetwork.com/a/story.php?s=40243> (Accessed 23 October, 2013).

adjacent areas as a game reserve called East Madi Game Reserve in 2002.¹⁰⁰ On 25th November 2009 the two government entities —the UWA and ADLG — signed a 20-year management concession with Lake Albert Safaris Ltd (LASL) to manage the game reserve which, according to them, includes Apaa village and the adjacent areas. Though the evicted people claimed that Apaa village is not part of the conservation area. These complex and intertwined issues which have been at the roots of the evictions in Apaa village, what Harvey (3003:149) and Bernstein (1990:8) call ‘enclosure-induced displacement’, are creating new forms of environment-induced IDPs as green land grabbing intensifies.

The experiences in Apaa village mirror other places across Africa where community land is increasingly enclosed for conservation purposes (Büscher and Schoon, 2009; Büscher, 2011).¹⁰¹ In more recent times, the amount of land under conservation and related activities continues to increase on the African continent as new lands are demarcated, and areas that have for long been degazetted are re-gazetted for conservation purposes (Fairhead et al., 2012). By implication, this means that governments are extending their rights to ‘new’ areas and reclaiming land tenure rights that they had relinquished. The land under conservation which, for instance, accounted for 36% of Tanzania’s total land mass in 2007 increased to 40% in 2012 (Benjaminsen and Bryceson, 2012:336; see also Neumann, 2000), while more than 8% of the total land mass in Kenya is under some form of conservation (Watson et al., 2010: 7). Meanwhile the World Bank (2011a:120) indicates that the land under conservation in Ethiopia could be about 20%. Nature conservancies occupy approximately one sixth of South Africa’s land mass and more land continues to be earmarked for private wildlife conservation initiatives (Snijders (2012). Ecotourism initiatives, sport hunting and trade in live wildlife have increased in South Africa, and much more wildlife is under private ownership where *its* movement is restricted (Snijders, 2012:504).

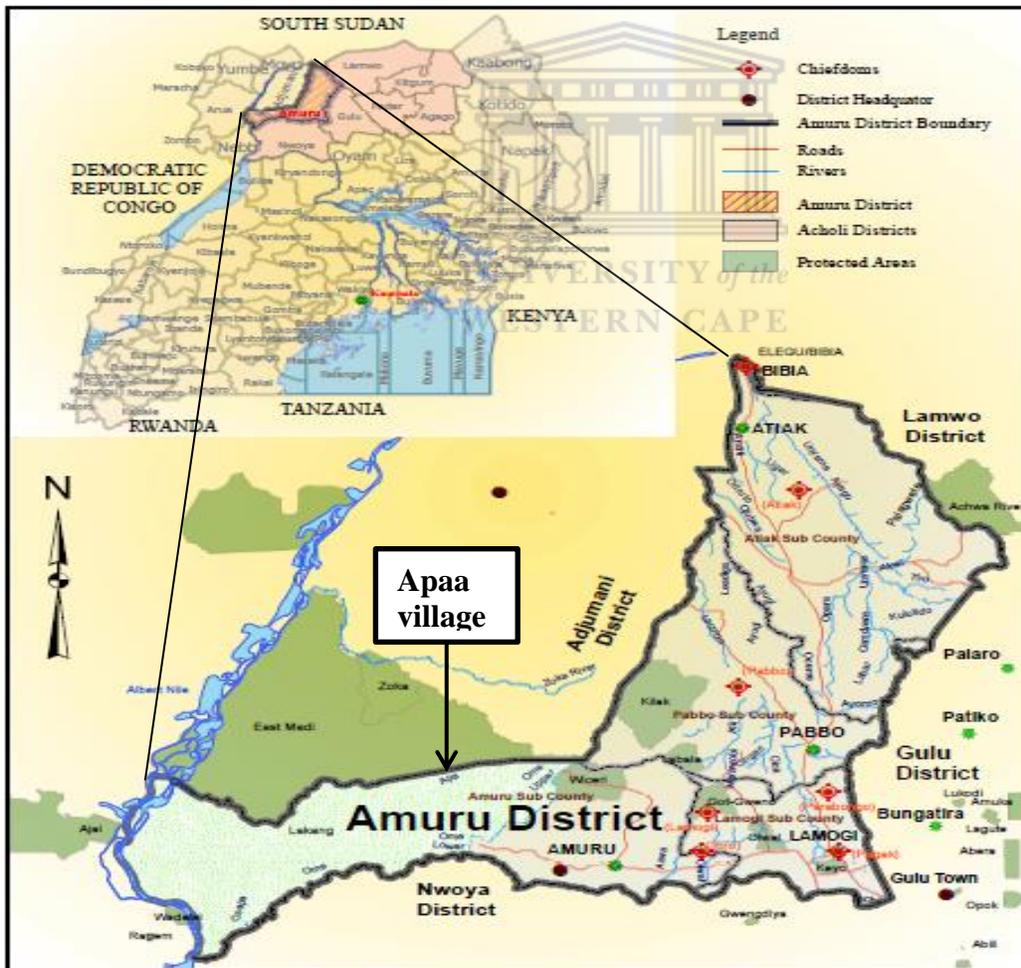
This chapter examines the processes surrounding the expropriation of community land for conservation and tourism purposes, what Corson and MacDonald (2012) and Filer (2012) have

¹⁰⁰ Interview, 15/02/2012.

¹⁰¹ Similar experiences have been witnessed for instance in Kenya where the ‘forests communities’ were evicted by the Kenyan government from their ancestral land in Embobut forest in 2014 to make way for a World Bank funded Natural Resource Management Project. Details available at URL: http://www.theecologist.org/News/news_analysis/2230122/kenya_forest_people_facing_violent_eviction.html (Accessed 18 February 2014).

termed ‘green land grabbing’. It shows how the involvement of new players in the tourism industry, facilitated by the state through its institutions, has increased land grabbing for conservation purposes in Uganda. Moreover, it sheds light on how these processes have divorced producers from the means of production and reproduction, precipitated marginalisation and the mechanisms through which the state and its institutions play a key role in facilitating land grabbing across the country, including in our case study area of Apaa village. It further illustrates that the enclosure of land has obstructed the returning communities from successfully rebuilding their households and reconstituting the livelihood systems that were destroyed by the over 20 year conflict. Map 5 below shows the location of Apaa village in Amuru district and it is followed by an examination of the trend of conservation in Uganda.

Map 5: Location of Apaa Village in Amuru district.



Source: Author’s modification from UNOCHA (2009).

7.2. Conservation in Uganda

An estimated 11% of Uganda's total landmass of 241,000 square kilometres is under conservation (Kaggwa, et al., 2009). As of April 2014, Uganda had 10 national parks, 12 wildlife reserves, 13 wildlife sanctuaries and 5 community wildlife areas. The Uganda Investment Authority (UIA) reports that conservation-related tourism is the fastest growing industry in Uganda with a growth rate of 21%.¹⁰² The *Lonely Planet* named Uganda as the best country to visit in 2012 out of a list of top ten tourist destinations in the world (Lonely Planet, 2012). The tourism industry and related conservation activities directly and indirectly contribute to Uganda's Gross Domestic Product (GDP). The direct contribution of tourism to Uganda's GDP in 2011 was 3.2% (Mwaura and Ssekitoleko, 2012:4) and this figure increased to 3.7% of the total GDP in 2012 (World Travel and Tourism Council, 2013:3). In 2013, the contribution of the tourism sector was projected to increase by 2.8% and that would bring the overall contribution to 6.5%. Future predictions suggest that the output from the industry will further increase by 3.4% by 2023 thereby bringing the cumulative contribution to 9.9% (World Travel and Tourism Council, 2013:3). The available statistics further show that the tourism sector directly generated 225,300 jobs in 2011 (GoU and World Bank, 2012).

In terms of indirect benefits to Uganda, conservation and tourism-related activities contributed 7.6% to the overall GDP of the country in 2011 (Mwaura and Ssekitoleko, 2012:4) and this share increased to 8.8% in 2012 (World Travel and Tourism Council, 2012:3). Moreover, the input of the tourism industry was expected to increase by 3.2% in 2013, which implies that its contribution would stand at 12% of GDP (World Travel and Tourism Council, 2012). Future projections suggest that the share of indirect benefits from the tourism industry could rise by 5.8% by 2023, and this would bring the contribution of the sector to the country to 17.8% (World Travel and Tourism Council, 2012:3). These projections are premised on the optimism that the tourism sector thrives on the back of new conservation-related enterprises (Kaggwa et al., 2009; Mampindo et al., 2005). Table 1 on page 170 summarises the direct and indirect contribution of the tourism industry to the Ugandan economy.

¹⁰² The data is provided by the Uganda Investment Authority. URL: <http://www.ugandainvest.go.ug/index.php/unique-selling-prepositions/41-usp-tourism/file> [Accessed October 20 2013].

Table 1: Direct and indirect contribution of tourism and conservation-related activities

Years	Direct contribution as % total GDP	Indirect contribution as % of total GDP
2011	3.2	7.6
2012	3.7	8.8
2013	6.5	12.0
2023	9.9	17.8

Source: Mwaura and Ssekitoaleko (2012) and World Travel and Tourism Council (2012)

Although the contribution of tourism to the country's GDP is increasing, the overall revenue generated from Uganda's tourism sector is far less compared to other countries in East Africa such as Kenya and Tanzania (GoU and World Bank, 2012). This is surprising given that Uganda has much more diversified tourism attractions and wildlife compared to Kenya and Tanzania (GoU and World Bank, 2012). Policy reforms have thus been introduced in Uganda's tourism sector as a way of responding to the shortfall in the revenue derived from conservation-related tourism and a means of increasing the contribution of the sector to the economy. The reforms are underscored by the quest to increase the total acreage under wildlife conservations and the need to adopt 'new' approaches to wildlife conservation. These 'new' dynamics have brought in private sector actors and related investments as opposed to the period before the 1980s where conservation was solely undertaken by the state (Nampindo et al., 2005; Uganda Tourism Association (UTA) and World Conservation Society (WCS), 2011; see also Büscher, 2010, 2011). Scholars argue that the neoliberal economic policies have influenced the shift in conservation policies in developing countries mainly in the last two decades, that is, from the state to the private sector (Büscher, 2010, 2011; Ojeda, 2012). This has been the case for Uganda in that the liberalisation of conservation-related tourism has permitted the entry of private players who run conservation and related tourism activities as businesses (Kaggwa et al., 2009).

The UWA has responded to the socio-economic pressures and policy changes within the sector by not only changing the manner in which wildlife management in Uganda is carried out but also encouraging private sector investment in conservation initiatives (Kaggwa et al., 2009). According to the UTA and WCS (2011), the UWA granted management concessions to foreign private entrepreneurs to manage wildlife reserves in various parts of the country (see Table 2 on

page 171). The changes in policies related to conservation and the involvement of private investors have however produced negative impacts with heavy costs borne by rural agrarian economies and small-holder farmers. As different actors compete for available land, and as the UWA involves the private sector in the management of wildlife resources in the country, the end result has been the expropriation of land belonging to rural poor communities ostensibly for environmental ends. Table 2 below shows the identity of private companies that were awarded concessions to operate private wildlife conservancies in Uganda, including the particulars of their managing directors and their nationalities.

Table 2: Private Tourism Operators in Uganda

No	Name of Company	Particulars of the Directors/owners	
		Name	Nationality
1	Game Trails (U) Ltd	Kaka Swaran Matama	Ugandan
2	Uganda Wildlife Safaris Ltd	Christian Weth	Germany
		Elly Karuhanga	Ugandan
3	Karamojo Safaris Limited	Philip Chollet	Italian
		Nigel Theisin	Zimbabwean
4	Karimojong Overland Safaris Ltd	Prince Albrecht Zu Oettingen	Germany
5	Lake Albert Safaris Ltd	Bruce David Martin	South African
		Nicole Hamilton Martin	South African

Source: Interview with George.¹⁰³

7.3. Waves of displacement in Apaa village to create a game reserve

Apaa village in Pabbo sub-county of Amuru district was characterised by waves of evictions between 2010 and 2013 that were conducted by the UWA to facilitate the alienation of community land to Lake Albert Safaris Ltd. Critics like Araghi (2009:112) contextualised the processes which entail the displacement of people from land for conservation purposes and other uses as “enclosure-induced displacement”. In effect, ‘enclosure-induced displacement’ (Araghi, 2009:112) involves expelling the resident local peoples from their land, through forceful means or otherwise, in an effort to facilitate the creation of space for conservation. In 2007, the estimated 1,500 people of Apaa village who were settled in transit sites were blocked by the UWA from returning to their pre-conflict villages, while those who had already returned to their

¹⁰³ Interview, 30/07/2013.

homes were evicted by UWA game rangers and game wardens. This compelled the local communities to return to the harsh realities of the former IDP camps in Pabbo and Amuru sub-counties.¹⁰⁴

The 2010 report from the Centre for Justice and Forced Migrants of Makerere University (2010) indicates that UWA game rangers and wardens burnt 170 huts that housed about 800 people in Apaa village in July 2010. Burning of houses was part of the broader plans to force the local communities that had ignored the earlier eviction notices to leave the land. Between May and June of 2011, the households and livelihood systems that were under reconstruction were destroyed and crops were slashed by the UWA game rangers and wardens. The destruction of houses and crops was carried out in an attempt to force the communities of Apaa village to leave the land (Centre for Justice and Forced Migrants, 2012).

Another eviction was carried out in February 2012 by a combined force which involved officials from the UWA, Uganda Police Force and the UPDF (Lawino and Okudi, 2012; Makumbi, 2012). During the eviction process, about 2,500 people of Apaa village remained without shelter as their houses were torched, 11 people were injured and property was looted just before the huts were burnt down (Lawino, 2012). The eviction processes were characterised by gross human rights violations (Centre for Justice and Forced Migrants, 2013). A 42-year-old woman, who was evicted from Apaa village in February 2012 and went on to live with relatives at Pabbo sub-county in Amuru district before returning to Apaa village, described the eviction processes.

They forcefully evicted us with full force and loaded us on their trucks with some of our belongings. Other property was stolen by UWA people. We were dumped at Pabbo sub-country. We stayed there for weeks and we decided to come back to Apaa as this is our land. We lost everything; we are in total poverty now.¹⁰⁵

In August 2012, surveyors from the Ministry of Lands, Housing and Urban Development started to demarcate the boundary of the game reserve and this entailed the erection of mark stones in the disputed land in Apaa (Akena and Lawino, 2012). The demarcation of the wildlife reserve was however vehemently opposed by the communities and leadership of Apaa village because it

¹⁰⁴ These details are contained in a memorandum presented to the president by the communities of Apaa dated April 20 2012. The document is on file with the author.

¹⁰⁵ Interview, 04/03/2012.

meant the official incorporation of Apaa into the wildlife reserve and designating this area as part of Adjumani District. As of December 2013, Apaa village continued to be a scene of land-related violence originating from the contention between the UWA and local communities that had returned home after the cessation of hostilities and closure of IDP camps in 2006. Table 3 on page 173-174 summarises the eviction trends in Apaa village over a two-year period, between July 2010 and August 2012.

Table 3: Evictions trends in Apaa village of Amuru district

Time period	Details related to the evictions in Apaa village
July 17 2010	170 huts burnt by UWA game rangers to force the Apaa communities to leave the area
August 3 2011	Minister of Tourism Trade and Industry temporarily halts the evictions
August 29 2011	Three senior Ugandan Government Ministers were caught up in chaos as the residents turn rowdy
January 30 2012	Amuru residents invade the Madi communities of Itirikwa sub county Adjumani injuring five people
February 8 2012	UWA evicts 6,000 residents of Apaa in Amuru district
February 13 2012	UWA, UPDF and Uganda police evict the communities of Apaa leaving one person dead, many injured and communities of Apaa transported on UWA trucks to Pabbo sub-county offices where they spent the night.
February 15 2012	Members of Parliament from the Acholi sub-region visit the area to assess the damage caused during the eviction processes.
March 12 2012	UWA, UPDF and Uganda police continue with the eviction process. This eviction was characterised by gross human rights violations.
August 16 2012	A team of surveyors from the Ministry of Lands Housing and Urban Development visits the area of Apaa.
August 20 2012	The surveyors from the Ministry of Lands Housing and Urban Development clash with the communities of Apaa as they attempted to plant mark stones in the disputed area.

Source: Centre for Justice and Forced Migrants (2012)

The processes of land grabbing through eviction similar to those carried out in Apaa village show the manner in which the state and the institutions therein are the “prime agent[s] in the politics of accumulation by dispossession” (Harvey, 2003:189). States and the embedded institutions use force to protect the interests of foreign and local investors while keeping the peasants and smallholder farmers off the land (Shivji, 2006; Harvey, 2003). According to Harvey (2003:89), “A strong state armed with police powers and a monopoly over the means of violence can guarantee such an institutional framework and back it up with definite constitutional arrangements”. Indeed, the dispossession of the rural communities of Apaa village of their land was effected through the state and its machinery which are the UWA game rangers and wardens, Uganda Police Forces and the UPDF. These institutions of the state were responsible for safeguarding the interests of the LASL, while community land was turned into a game reserve and people’s livelihoods and households were brought to an end in a violent manner. Conservation and related tourism activities have played an important role in the victimisation, exclusion and eviction of the local peoples of Apaa village.

7.4. Inter-district and institutional politics related to the creation of the wildlife reserve in Apaa village

The processes of creating a game reserve in Apaa village of Pabbo sub-county Amuru district has underlying histories which are explored in this section in order to understand the arguments made by the local communities and contextualise the land grabbing processes in Apaa village. In 1998, the UWA submitted a proposal to Gulu district, as Amuru district was not yet formed at the time, suggesting that a wildlife reserve be established in Apaa and the adjacent areas.¹⁰⁶ In the proposal, UWA claimed that the northern part of Gulu district — that encompasses Apaa village and the adjacent areas — had peculiar flora and fauna which needed to be conserved. Moreover, UWA pointed out that all land holdings in Apaa village and the adjacent areas were abandoned as a result of insecurity and that limited encumbrances would be encountered during the processes of establishing a game reserve (UWA, 1998).

The UWA further indicated that it had agreed with the neighbouring district of Adjumani, which shares the boundary with Gulu district to the north (see Map 5 on page 168), to establish a game reserve on 800km² of land in its southern border. It was important to establish a game reserve to

¹⁰⁶ The proposal submitted by the UWA to Gulu district is on file with the author.

the north of Gulu district, the UWA (1998:2) argued, the result of which would be a ‘trans-boundary’ game reserve stretching between Gulu and Adjumani districts. However, Gulu district administration rejected the proposal to establish a conservation area because part of the land was privately owned while the remaining part was under communal tenure. Rejection of the proposal from the UWA was also attributed to the security situation at the time as the leadership of Gulu district prioritised security concerns and problems within the IDP camps as opposed to the creation of a game reserve (Nampindo et al., 2005). Despite the fact that Gulu district rejected the proposal, the UWA remained interested in establishing a wildlife sanctuary in the northern part of Gulu district, which is the present-day Amuru district.

While meeting Members of the Acholi Parliamentary Group (APG) in Apaa village in the midst of the evictions which took place on February 15th 2012, the Public Relations Officer (PRO) of the UWA claimed that Apaa village was under a game reserve called East Madi, and that the game reserve was created in 2002 by an Act of Parliament.¹⁰⁷ The PRO further claimed that East Madi Game Reserve encompasses Apaa village and is in Adjumani district but not Amuru district as argued by the local communities of Apaa village. The claims and contestations — creation of East Madi Game Reserve in 2002 and with Apaa village as part of the game reserve — were however not backed by any documentation. Attempts to obtain the statutory instrument or other records of Parliament which indicate that East Madi Game Reserve was in 2002 created in the Apaa village of Amuru district were unsuccessful. The failure to obtain the documentation was because there was no Act of Parliament enacted in 2002 and certainly none which indicates that East Madi Game Reserve was created in 2002.

I however managed to obtain related records of Parliament that could shed more light on the issue of the game reserve and the evictions in Apaa village. The resolution of Parliament dated 27th March 2002 de-gazetted East Madi Controlled Hunting Area found in Adjumani district, a district which shares an administrative boundary with Amuru district¹⁰⁸ (see the 5 Map on page 168). In addition, a related resolution of Parliament dated 2nd May 2002 shows that permission was granted to the Minister of Tourism, Trade and Industry to alter the boundaries of the East Madi Wildlife Reserve but details as to when the wildlife reserve was established and an explicit

¹⁰⁷ The Public Relations Officer indicated that the resolution was passed in 2002 but there was no record to back the claim.

¹⁰⁸ The resolution of Parliament is on file with the author.

description of the new boundaries of the wildlife sanctuary were not detailed in the resolution.¹⁰⁹ Related studies on wildlife conservation in northern Uganda however show that the wildlife reserve called East Madi Wildlife Reserve is located in Adjumani district but not Amuru district as claimed by the UWA (Nampindo et al., 2005:65; UTA and WCS, 2011).

The central concern here is to understand the mechanisms and processes through which Apaa village was converted into a game reserve as claimed by the UWA. Similar to land deals elsewhere where the embedded details and actors involved including specificities are only privy to the ruling elite and those in high circles of government but rarely exposed to local communities (Cotula, et al., 2009; Daniel and Mittal, 2009; Hallam, 2009), the explicit circumstances under which Apaa village was enclosed for conservation purposes and sport hunting remain unclear. The impreciseness is attributed to secrecy and confidentiality clauses that are often included in land deals (FAO, 2012a; Prague Global Policy Initiative, 2012; Scoones et al., 2013). During the 2012 State of the Nation Address, President Museveni reaffirmed the issues of confidentiality and secrecy while discussing investment related issues. He put it that: “All the Ugandan leaders must learn how to woo investors. You do not hold press conferences to discuss the issues [of investment]. Matters are discussed confidentially and with respect. You may not agree, you may modify arrangements, but it is all done with seriousness and courtesy” (Museveni, 2012:15). By implication, it means that the specificities of land deals are confidential and not accessible by the local communities and the general public.

The UWA and ADLG signed a management concession with Lake Albert Safaris Limited to manage East Madi Wildlife reserve in 2009 without the involvement and consultation of the local communities that occupy the land. Implementation of the project started with the eviction of the resident communities of Apaa village. Interviews with the Manager of LASL, George (fictitious name) confirmed that sport hunting continued to take place, although on a limited scale, despite the court injunction and resistance from local communities.¹¹⁰ The rationale for introducing sport hunting, an activity which the International Union for Conservation of Nature (IUCN) categorises as sustainable wildlife tourism (Damm, 2008:5), is that it creates incentives

¹⁰⁹ The resolution of Parliament is on file with the author.

¹¹⁰ Interview, 01/08/2013.

for wildlife conservation and improves the lives of communities within and around the wildlife resource (Lindsey, 2008).

In an interview, the Principal Wildlife Officer of the Ministry of Tourism, Wildlife and Antiquities in Uganda argued that sport hunting is important given that it generates revenue and enhances wildlife resources within the conservation area.

Sport hunting is an innovative approach to conservation. Sport hunting tourism is condemned as an immoral act but for us [ministry of tourism] we appreciate its use. It's a business which adds more value on the wildlife and generates income. Sport hunting tourism is lucrative as it targets 'high end tourists', people with a lot of money that they can spend on hunting for pleasure. It is also an innovative way of ensuring that the species which are threatened increase and is a good way of dealing with problematic animals.¹¹¹

Meanwhile, Bruce Martin, the proprietor of Lake Albert Safaris Ltd claimed that:

Sport hunting contributes to income in the remote areas of Uganda where we [LASL] operate. Sport hunting provides employment to local communities where the hunting takes place and the animal population is controlled. Some people say that sport hunting is bad, but the animal is killed in less than ten minutes. The client takes the skin and the horns. The meat is given to the local communities. The client pays a lot of money for the privilege of hunting. For every animal taken [killed] we generate about 6,000 USD but the local hunters obtain only 30,000 Uganda shillings [about US\$ 12] from the sale of meat after hunting an animal for the whole day. You can compare the benefits.¹¹²

The two informants argued that sport hunting improves the livelihoods of the local communities, meaning that the peoples of Apaa are likely to benefit from conservation. But studies elsewhere reveal that land deals often promise much more than what can be provided after the acquisition of land (Julia and White, 2012). Developing countries and the local communities therein often lose from land deals because states view foreign investment as a favour. While urging the people of Uganda to embrace foreign investment, the President stated: "Do not mislead yourselves that investors are dying to come here [in Uganda]. They have got many places to go to" (Museveni 2012:15). The implication of this statement is that foreign investment in Uganda, like in many other developing countries, is considered a favour which should be seized at the earliest

¹¹¹ Interview, 22/07/2013.

¹¹² Interview, 30/07/2013.

opportunity or else the investor could shift the resources to other countries that may easily sanction the investment. This competition for foreign individual and corporate investment among developing countries has been conceptualised by some commentators as the ‘race to the bottom’ (Fischel, 1981; Brueckner, 2000). The statement further shows the manner in the Ugandan state is often ready to embrace and support foreign investment even when the rights of the local communities are undermined or trampled upon. The next section examines the views of the local communities of Apaa village as regards the contested land.

7.5. Views of the evicted communities on land ownership in Apaa village

Members of the community of Apaa village authenticated their land tenure claims by presenting land titles and lease holds. For instance, the family of Olenso Obur — the local people of Apaa claimed that Olenso Obur was the first Jago (parish chief) of Apaa village — presented a land title that was processed through Gulu district Local Government as Amuru district was only created in 2006.¹¹³ The family of Jusafino Ojok — an elder in Apaa village — presented a copy of the lease that was granted to them by Gulu district Local Government.¹¹⁴ However, given that much of the land in Apaa village is held under communal tenure with a few families holding freehold and leasehold land titles (Ker Kwaro Acholi, 2008), the rest of the communities made reference to particular histories in an effort to validate their land ownership claims.

The historical narratives from the local communities indicated that the resident communities settled in Apaa village before the colonial period. However, at the time of colonialism, a tribal conflict aimed at territorial expansion occurred between the communities on the Acholi side (Gulu district at the time) and the Madi peoples of present-day Adjumani district ensued.¹¹⁵ Many people from Adjumani district, including their cultural leader, were killed in the course of the war. Due to the continued loss of lives amidst the conflict, the leaders of the Acholi and Madi communities held a reconciliatory meeting at Nimule — the administrative headquarters of northern Uganda at the time — in order to resolve the lingering problems. From the meeting, it was concluded that River Juka — a name which is loosely translated as ‘put to an end or stop

¹¹³ A copy of one of the land title is on file with the author but for confidentiality I have not attached it in the Appendix.

¹¹⁴ A copy of one of the lease agreement is on file with the author but for confidentiality I have not attached it in the Appendix.

¹¹⁵ This history is also detailed in the memorandum dated 20th April 2013 presented by the community to President Yoweri Museveni during his visit to Amuru district. The memorandum is on file with the author.

me' — should be the boundary between the Acholi and Madi communities.¹¹⁶ In other words, the river acted as a physical marker or boundary between the two conflicting tribal entities and stopped them from engaging in further confrontation. In this context, the two communities have from that period regarded River Juka as the official administrative boundary between the Amuru district and Adjumani district.¹¹⁷ But in the wake of the land grabbing claims between the Madi and Acholi peoples, the River Juka seems to have lost its significance as a boundary marker.

Meanwhile other community members made reference to the rooted migration patterns and family settlement histories by pointing to when and how they occupied Apaa village. A 55-year old man who was evicted from Apaa village and was residing at Pabbo sub-county at the time of fieldwork in March 2013 recounted:

If we are looking at the history of the land we have to realise that right before the colonial period we were already living there [in Apaa]. I was born in Apaa in 1958 and by that time other people were already living there. The gentleman referred to as Alensio Obur was sent there as a Jago [Parish Chief] by the colonial administrators. We people paid taxes to Gulu district and censuses were held there in Apaa village.¹¹⁸

The son of Alensio Obur whom the above informant referred to claimed that:

My father, an old man called Olensia led his family to Apaa in 1972. He was not the first to go there, he just followed and joined other relatives many of whom already lived there like my fore-fathers, grandfathers and great grand fathers who lived, died and were buried there. We lived there until we were forced into the camp by [Joseph] Kony in 1996. We obtained a land title on our land in Apaa village.¹¹⁹

Apart from narrating how and when the different households in Apaa village occupied the land in Apaa village, other community members validated their land tenure claims by making reference to particular historical events and land marks. Population censuses of 1980, 1990 and 2000 were conducted in Apaa village and government provided social services including roads and health centre facilities from the 1970s.¹²⁰ The memorandum that was presented to the

¹¹⁶ This history is also detailed in the memorandum dated 20th April 2013 presented by the community to President Yoweri Museveni during his visit to Amuru district. The memorandum is on file with the Author. This historical account was cross validated with interviews conducted with elders from Adjumani district.

¹¹⁷ The proposal written by the UWA to Gulu district proposing the establishment of a game reserve in Apaa and the other area was often cited as a justification to the fact that Apaa is in Amuru district.

¹¹⁸ FGD held on 29/03/2012.

¹¹⁹ FGD held on 29/03/2012.

¹²⁰ Interview, 30/03/2012.

President on 20th April 2012 by the peoples of Apaa village indicates that presidential and parliamentary elections were held in Apaa village from the 1980s to 2011 without the state and the UWA claiming that the area under contention was a wildlife reserve. Acacia and mango trees as well as banana plantations in Apaa village date from the 1970s.¹²¹ A 49-year-old woman who was evicted from Apaa village and went on to live with relatives in the former IDP camp at Pabbo sub-county after the February 2012 evictions argued that the colonial and all post-independence governments provided social services, including the construction of a health centre in Apaa village without contesting the land tenure rights of the resident communities. The continued provision of social services by the ruling NRM government implied that Apaa village was occupied by people and not wildlife.

The government constructed two health centres in Apaa village. If the government knew that Apaa village is a game reserve, it would not have wasted money in an area where there are no people. The government would not have posted nurses to the health centre. Building the health centres means that here are people in Apaa village but not animals.¹²²

There are those members of the local communities who claimed that they are the legitimate owners of the land and if the government gazetted their land as a wildlife reserve in 2002, it ought to have consulted them as stipulated in the Constitution of the Republic of Uganda, 1995, and Land Act, 1998 (refer to chapter 3 for the details on the Constitution of the Republic of Uganda, 1995, and Land Act, 1998). In a FGD that was held with the evicted communities of Apaa village at Pabbo sub-county headquarters, a 65-year-old woman pointed out that: “If government wants that land [in Apaa] let them find an alternative piece of land that is as big and fertile as this land but if that is not the case then we shall die here”.¹²³ Meanwhile, a 58-year-old FGD participant claimed that “Before the LRA war, no one talked about the game reserve. Whoever wants to kill the people of Apaa should come with enough ammunition. We are ready to die on the land rather than to go away.”¹²⁴

On 3rd February 2012, the local peoples of Apaa filed a case against the UWA and the GoU at the High Court in Gulu district. The residents of Apaa village argued that they were the rightful

¹²¹ These details are contained in a memorandum presented to the President from the communities of Apaa dated April 20 2012. The document is on file with the author.

¹²² FGD held on 07/03/2012.

¹²³ FGD, 04/03/2012.

¹²⁴ FGD, 04/03/2012.

owners of the land in Apaa village and that the UWA violated their rights to land and property and human rights by undertaking the evictions. On 10th February 2012, the High Court sitting at Gulu issued a temporary injunction instructing the UWA and its agents or servants to stop “further eviction, destruction, confiscation or conversion and or interfering with the land rights, occupation and uses of land belonging to the ... [local communities] in the areas of Pabbo and Apaa in Amuru district, pending the determination of the main suit.¹²⁵ Despite validating their land tenure claims and in light of the court injunction, the Uganda police officers, military personnel and game rangers continued to occupy Apaa village and blocked the communities of Apaa village from rebuilding their households and re-establishing their livelihood systems that were destroyed during the LRA conflict and following the evictions. The next section provides the specificities about Lake Albert Safaris Limited which the communities argued was the reason behind their eviction.

7.6. Lake Albert Safaris Limited (LASL)

Records from the registrar of companies in Uganda show that LASL is a Ugandan registered company that is owned by Bruce Martin and Nicole Martin who are South African nationals. The certificate of incorporation, which is on file with the author, indicates that Lake Albert Safaris Limited was registered in Uganda on 19th May 2004.¹²⁶ At the time of inception, the share capital of LASL was one million Uganda shillings (396 USD) of which Bruce Martin holds 80% and Nicole Martin holds 20% shares.¹²⁷ Among the businesses which Lake Albert Safaris Limited was engaged in include tours and travel, operations related to tourism and travel and provision of accommodation as well as lodging services.

In addition, LASL was involved in acquisition by “purchase, lease, exchange, construction or otherwise of any land, factories, buildings and determinants of any tenure of description whatsoever situate and any estate or interests in and to sell or otherwise dispose of the same, and to generally deal in real property.”¹²⁸ After the registration of LASL, Bruce and Nicole Martin went on to negotiate and subsequently sign management concessions with the UWA to manage

¹²⁵ A copy of the court injunction with is on file with the author.

¹²⁶ The certificate of incorporation is on file with the author.

¹²⁷ The Companies Act which also contain the memorandum of understanding and the articles of association of Lake Albert Safaris Limited are on file with the author.

¹²⁸ The Companies Act which also contain the memorandum of understanding and the articles of association of Lake Albert Safaris Limited are on file with the author.

three wildlife sanctuaries with the purpose of promoting sport hunting and wildlife conservation in Uganda. The official website of LASL states that LASL employs tourism as a means to restoration of wildlife populations, conservation of vegetation resources and generation of revenue for the benefit of the nation as well as local communities.¹²⁹

7.6.1. Motivation to invest in Uganda's conservation and tourism industry

The Food and Agriculture Organisation points out that Uganda is open to local and foreign investment (FAO, 2012a). The 2012 Heritage Foundation's Index of Economic Freedom ranked Uganda at number 78 out of 179 countries in terms of openness to trade, property rights, ease of setting up business and fiscal monetary policy (Miller et al., 2012). On the African continent, Uganda occupied the 7th position as the freest country to invest in as of 2012 (Miller et al., 2012). In an interview, Bruce Martin pointed out that motivation to invest in Uganda's tourism sector was based on the 'untapped sport hunting business as opposed to countries like South Africa where several companies are engaged in a similar type of enterprise'.¹³⁰ Bruce Martin further claimed that there are abundant, diverse and unique wildlife species in Uganda which are easy to market especially in the United States and other countries in the Scandinavia.

I came to Uganda 14 years ago as an MTN worker and was in charge of setting up communication masts in the country. I saw the potential of tourism in this country and that is when I decided to shift to wildlife conservation business and sport hunting. I was the first person to set up a privately-run wildlife reserve in Uganda. When I got the reserve in Kabwoya near Lake Albert there were only 43 Uganda Kob and I told the people from UWA that there are no animals but they said that I will be able to get them back. Now there are about 6,000 Uganda Kob, including monkeys, buffaloes. Uganda is the only place in the world with such unique species of animals. They are easy to market in the United States and other countries. The sport hunting business in Uganda is not flooded with many people. Five companies are involved in sport hunting in Uganda compared to South Africa where there are many operators. But the costs of running a private wildlife reserve in Uganda are 10 times more expensive than in South Africa.¹³¹

George shares a similar view with Bruce Martin as he argued that there was a "vacuum in the conservation enterprise in Uganda and this opportunity had to be seized by LASL. There is a lot of wilderness in places like northern Uganda and the area is virgin where everyone interested in

¹²⁹ See URL: <http://www.lakealbertlodge.com/bookings.html> [Accessed November 01 2013]

¹³⁰ Interview, 30/07/2013.

¹³¹ Interview, 30/07/2013.

sport hunting would like to have an experience”.¹³² However, while the costs of running a private wildlife reserve could be high in Uganda as opposed to South Africa as claimed by Bruce Martin, the cost of land and labour as well as other expenses are much higher in South Africa compared to Uganda. In addition, the perception that land and other natural resources are ‘abundant, wilderness, untapped and virgin’ in developing countries including Uganda is among the causes of land grabbing on the African continent (Borras and Franco, 2010, 2012; Peters, 2013). Characterisation of land in northern Uganda as ‘abundant, wilderness, untapped and virgin’ should be “treated with caution” (Cotula et al., 2009:100; see also Hall et al, 2011:204) because most people in the north live in rural areas where shifting cultivation, fallowing and nomadism continue to be practiced (Borras et al., 2011; Peters, 2013). This conceptualisation could be inaccurate in the case of Amuru district given that most of the land was reserved for communal hunting and grazing (Mamdani 1976; Atkinson, 2010b), land uses that are formally recognised by the local communities.

Although not directly pointed out in the interview sessions but indirectly implied, investment in conservation related tourism by LASL in Uganda was based on the ease with which land could be obtained for these purposes. The proprietors of LASL utilised what can be termed as the politics of ‘introduction’, ‘connection’ and ‘social networks’ to acquire the land for conservation. George worked at the UWA from where he was sent for further training in South Africa. Whilst in South Africa, George undertook an internship on a privately-run conservation area owned by the father of Bruce Martin, the major stakeholder in LASL. After the training, he resigned his job at the UWA and joined LASL as manager based on the recommendation of Bruce Martin’s father.¹³³ His roles as manager of LASL include provision of technical guidance on conservation, drawing management plans, revenue sharing agreements and designing of conflict resolution strategies. In this context, it appears that George was not necessarily recruited on merit but on his position as a former employee at the UWA with a lot of insider knowledge and information on the political intricacies involved in acquiring land for the establishment of private conservation areas in Uganda. This process seems to suggest that the ‘politics of introductions’, connections and social networks of this nature were important social capitals and hence motivations for the proprietors of LASL to invest in conservation related tourism in Uganda.

¹³² Interview, 01/08/2013.

¹³³ This inference is based on the interviews sessions I had with Bruce Martin and the Manager of LASL.

7.6.2. Game reserve investments by LASL in Uganda

As of 2013, LASL was in charge of managing three conservation areas in Uganda. The first privately-run conservation area in the country and the first wildlife reserve to be managed by LASL is Kabwoya Wildlife Reserve which is located on the shores of Lake Albert in the mid-western part of Uganda. According to Bruce Martin, Kabwoya Wildlife Reserve covers about 200km² and it has lodging facilities, a private airstrip, fishing area and other facilities.¹³⁴ Kabwoya Wildlife Reserve was acquired by LASL through a tripartite contractual agreement that involved the UWA, Hoima District Local Government and LASL. Although an agreement was signed, the land acquisition process also involved the forceful eviction of cattle keeping communities from Rwanda who had invaded and degraded the wildlife reserve through overgrazing. The police and military personnel were used to forcefully evict the cattle keepers whom the state characterised as encroachers. The aim of signing the management concession was thus to revitalize the wildlife and generate revenue for Hoima District Local Government and the local communities.¹³⁵ LASL acquired Kabwoya Wildlife Reserve in 2005 but it became operational in 2006.¹³⁶

There were approximately 43 animals in 2005 when LASL acquired Kabwoya wildlife reserve and thus the need to increase the wildlife population. In an interview, the Veterinary Coordinator of the UWA pointed out that the wildlife population was increased in the wildlife reserve through translocation from other national parks.¹³⁷ George claimed that translocation of wildlife was at the initial stage financed using private funds from the directors of LASL. He further pointed out that 50% of the total costs involved in the recovery of the ecosystem and translocation of the wildlife from other national parks into Kabwoya Wildlife Reserve was financed under the United States Agency for International Development (USAID) project called 'Prime West'.¹³⁸ Among the activities conducted in Kabwoya Wildlife Reserve include sport hunting, sport fishing, guided nature walks, bird watching and horseback rides.

¹³⁴ Interview, 20/07/2013.

¹³⁵ Interview, 20/07/2013.

¹³⁶ The huntersreport.com provides details on the sport hunting expeditions organized by Bruce Martin under LASL. URL: http://www.huntersreport.com/temp_Uganda_Update_Sesse_Islands_Sitatunga_Reopens_and_More.cfm More information also be obtained from URL: <http://huntnetwork.net/modules/news/article.php?storyid=3807> (Accessed June 16 2013).

¹³⁷ Interview, 23/07/2013.

¹³⁸ Interview, 01/08/2013.

The second wildlife area managed by LASL is Bugala Island, which is one of the 84 Ssesse Islands located in the northwest corner of Lake Victoria (Lindsey, 2008; Flack, 2009). Only 64 of the 84 Ssesse Islands are inhabited, hence the potential size of the hunting area is about 200km². According to Bruce Martin, the hunting area on Bugala Island is owned by the local communities but LASL organises sport hunting sessions for which it pays hunting fees to the local governments and communities on the islands.¹³⁹ LASL secured a concession from UWA to manage and conduct sport hunting activities on Bugala Island in close collaboration with the local communities occupying the island.¹⁴⁰ There are lodging facilities on Bugala Island to accommodate visitors on sport hunting expeditions and these were established by LASL.

In 2009, LASL acquired the third wildlife sanctuary in northern Uganda where it established a sport hunting area. George pointed out that the reserve is called East Madi Wildlife Reserve and it is located in Adjumani district¹⁴¹, although the local communities argued that their land in Apaa village of Amuru district was enclosed as part of the conservation area. Acquisition of the wildlife reserve involved the signing of a tripartite agreement, a similar mechanism that was used to secure Kabwoya Wildlife Reserve in Hoima district. The size of East Madi Wildlife Reserve is about 834km² and LASL was granted the right to manage the wildlife reserve on behalf of the Uganda Wildlife Authority (UWA) and Adjumani District Local Government (ADLG) in 2009.

In an interview, George claimed that investment in northern Uganda is attributable to the unique wildlife species, the expanse of the potential sport hunting area, 'wilderness' and limited encumbrances as opposed to other areas of the country.

There are unique species in northern Uganda and the north is a better place which would stimulate the spirit of sport hunting but unfortunately instability and land grabbing have derailed us [LASL]. There is much greater potential in Northern Uganda as the conservation area covers 834km² compared to Kabwoya Wildlife Reserve which is only 200km². There is a lot of wilderness in the game reserve. The area is virgin following the war that everyone interested in sport hunting would like to experience. But the land conflicts have made it difficult to have such an experience. The other advantage of this

¹³⁹ Interview, 30/07/2013.

¹⁴⁰ More details can be obtained from the official website of Lake Albert Safaris Limited URL:

<http://www.lakealbertlodge.com/bookings.html> and

http://www.huntingreport.com/temp_Uganda_Update_Sesse_Islands_Sitatunga_Reopens_and_More.cfm [Accessed November 01 2013]

¹⁴¹ Interview, 01/08/2013.

game reserve is that there are no significant deposits of oil compared to Kabwoya Wildlife Reserve so northern Uganda could be of great potential. But the land conflicts in this area have made it difficult. We would not want to move out of this wildlife reserve but because of the situation [conflict with the local communities] we may move out.¹⁴²

The conservation area was meant to be ready for the 2010 hunting season but parallel and competing tenure claims delayed the sport hunting expeditions.¹⁴³ George indicated that the directors could cancel the management agreement if the conflict over land between the UWA and the local communities of Apaa village as well as encroachment on the game reserve for the purposes of agriculture continued. Apaa village is part of the conservation area and the communities of Apaa village encroached on conservation land. George further argued that LASL acquired the land at a time when it was free of inhabitants and that the politicians from the Apaa village instigated the local communities to grab land that was vacant even before the LRA conflict.¹⁴⁴ The assumption that land is 'empty, free and abundant' is often inappropriate and is the major cause of land grabbing (Borras et al, 2011; Borras and Franco, 2012). In the Sudan, for instance, oil exploration concessions are granted on land which the government classifies as 'uninhabited' when in reality it is owned by the communities that were forced to leave due to inter-tribal clashes and the on-going conflicts between the Sudan and South Sudan (Ferguson, 2006). Moreover, land can ostensibly be categorised as 'empty, free and abundant' to make the way for its allocation to private capitalists irrespective of the important social relations and land uses which take place in those spaces (Borras et al, 2011).

As of 2013, LASL was in the process of expanding the conservation and sport hunting businesses to the Republic of South Sudan. A delegation from the Republic of South Sudan visited Kabwoya Wildlife Reserve in Hoima district in 2013 and negotiations were on-going to acquire land for the establishment of privately run wildlife areas in the world's newest nation. Bruce claimed that:

The delegation from the Republic of South Sudan was impressed with how we [LASL] are doing the business. They interviewed the people around the areas where we are

¹⁴² Interview, 01/08/2013.

¹⁴³ See URL:

http://www.huntingreport.com/temp_Uganda_Update_Sesse_Islands_Sitatunga_Reopens_and_More.cfm and http://www.huntingreport.com/temp_mel_toponce_jan_2008_uganda.cfm for more details [Accessed November 01 2013]

¹⁴⁴ Interview, 01/08/2013.

working and they were impressed with our work. If I get an agreement in South Sudan, I could, in a year, get more than I have realised in Uganda for the last five years”¹⁴⁵.

These assertions point to the economic viability of the potential sport hunting areas in the Republic of South Sudan and show the manner in which land deals are facilitated through the state and establishment of contacts with government bureaucrats. The next section provides the specificities entailed in the management concession signed between UWA and ADLG on the one hand and LASL on the other which granted the latter the right to manage the wildlife reserve.

7.7. The tripartite management agreement

On 25th November 2009, ADLG and UWA on the one hand and LASL on the other hand signed a tripartite management concession which granted LASL the right to manage East Madi Wildlife reserve covering 834km². The management agreement indicates that the UWA and ADLG, referred to as supervisory partners in the agreement, would oversee the overall implementation of the project. Meanwhile LASL, termed as the management partner in the concession, was awarded the concession to manage East Madi Wildlife Reserve for a period of 20 years, that is, from 25th November 2009 to 24th November 2029. Although I asked the informants about the specific details on the terms of payment and amount involved, none of them was willing to comment on these issues.

The sport hunting enterprise is implemented in two phases. The first phase covers an initial 5-year period and focuses on implementation of ‘immediate management actions’ necessary to start the project. The immediate management plan involves the establishment of accommodation facilities, infrastructure and tourist facilities by LASL. The second phase covers a period of 15 years and the main activities to be undertaken are sport hunting and tourism activities, wildlife and environmental conservation initiatives in the wildlife sanctuary.¹⁴⁶ However, George pointed out that no accommodation and tourist facilities had been put in place at the time of fieldwork in 2013. Tented camps were preferred whenever hunting sessions were arranged because of contestations over land between the UWA and the local communities. Even the infrastructure

¹⁴⁵ Interview, 30/07/2013.

¹⁴⁶ The tripartite agreement is on file with the author.

which has so far been established is ‘basic’ and this includes few bridges across streams and “126 kilometres of road network connecting to sensitive areas in the game reserve”.¹⁴⁷

The management concession indicates that LASL is in charge of developing and managing the conservation area to a level which stimulates sport hunting and tourism activities. Management of the game reserve would be undertaken through the application of principles of ‘good wildlife conservation’ and in a manner which conserves the environment and wildlife resources.¹⁴⁸ Moreover, these developments would be implemented with the aim of benefiting the communities around the conservation area through the provision of employment and sale of souvenirs to tourists. As a strategy to attract visitors and tourists, the concession indicates that LASL would market sport hunting and tourism activities carried out in the wildlife reserve as sustainable enterprises focused predominantly upon enhancement of the natural environment, wildlife biodiversity and the local culture of surrounding communities¹⁴⁹. This marketing strategy would optimise the commercial viability of the wildlife reserve given that it resonates with the contemporary wildlife conservation market trends. In an interview, George claimed that LASL was managing the wildlife reserve as indicated in agreement although at a limited scale due to contestations over land with the local communities within and around the wildlife sanctuary. Given the competing land tenure claims and limited scale of operation, only two animals (one buffalo and one waterbuck) were hunted in the wildlife reserve between 2009 and 2013.¹⁵⁰

7.7.1. Specificities about the management concession

7.7.1.1 Services offered by Lake Albert Safaris Ltd.

The services meant to be provided by LASL are accommodation and lodging, guided nature walks, game drives and viewing, launch trips, bird watching and chimp tracking. LASL would also provide what was termed in the agreement as ‘specialised services’ including photographic/film tours, sport fishing and sport hunting. But, due to the conflicts over land between the local communities of Apaa village vis-à-vis LASL and the UWA, the only activity that was undertaken in the conservation area as of 2013, although at a ‘limited scale’, is sport

¹⁴⁷ Interview, 01/08/2013.

¹⁴⁸ The tripartite agreement is on file with the author.

¹⁴⁹ The tripartite agreement is on file with the author.

¹⁵⁰ Interview, 01/08/2013.

hunting. “We had to scale down the investments in the area because there seems to be no hope to get the area ready for full-scale sport hunting”, pointed out George.¹⁵¹ At the time of fieldwork in 2013, two animals, water buck and buffalo, had been hunted in the game reserve. Undertaking sport hunting at a ‘small scale’ in the game reserve arose from the land grab and land-related conflicts in Apaa village.

7.7.1.2. Land

As regards to the land, the management concession spells out that the land on which the wildlife reserve is located “remains the property of the individuals and community.”¹⁵² But the successive waves of evictions which have been carried out in Apaa village amidst the assertion that the land is the property of individuals and communities raise intriguing questions related the communities which own the land and the nature of enclosure. The emerging questions are: why are the communities of Apaa village evicted from the land when the management concession spells out that the land belongs to communities? If the communities of Apaa village do not own the land, then which ‘individuals and communities’ own the land as pointed out in the management agreement? These questions are not answered in the management concession.

The management concession further indicates that LASL was accorded rights to manage the wildlife resources on the land in Apaa village but did not obtain any interest in the land on which the resources are situated. To operationalize sport hunting, LASL would put in place facilities and assets such as buildings and other movable equipment. Preference has been accorded to the use of tented camps as opposed to the construction of permanent structures because of competing land tenure claims within and around the game reserve. The management concession further spells out that the UWA and ADLG can withdraw the land from LASL for purposes of enhancing the resources in the protected area, protecting visitor safety and in case of breach of the management agreement. When the land is withdrawn from LASL or the concession terminated, ‘full and just compensation for the losses and claims’ would be paid by the UWA and ADLG. At the time of fieldwork in 2013, part of the game reserve was under the management of LASL although George argued that LASL might withdraw from the project because of conflicts over land.

¹⁵¹ Interview, 01/08/2013.

¹⁵² These details are spelt out on Page 11 of the tripartite agreement.

7.7.1.3. Management charges, other fees and revenue sharing modalities

This section is divided into two parts. The first part points out the management charges and other fees that were *meant* to be paid by LASL and how the money would be shared between UWA and ADLG (emphasis mine). The second part indicates the fees that were *in reality* paid by LASL (emphasis mine). This categorisation has been undertaken for comparison purposes. On signing the management agreement, LASL was supposed to pay a commitment fee of \$5,000 and this would be shared by the UWA and ADLG on a 50-50 ratio. In addition, LASL would pay a Variable Fee of \$30 per visitor bed night and the fee would be calculated based on the total number of bed nights occupied by all visitors in a month. The Variable Fee would be subject to review every three years. Moreover, UWA and ADLG would get a 50% discount on accommodation, lodging and other services whenever their staff utilise the facilities in the wildlife conservation area. LASL was meant to pay an unspecified Annual Hunting Block Fee that would be shared between the UWA and ADLG on a 50-50 ratio. But the Annual Hunting Block Fee would be waived for the initial three-year period after signing the agreement to permit the establishment of relevant infrastructure required for the project, market the sport hunting activities and translocate the wildlife. The Annual Hunting Block Fee would be reviewed every five years to consider the emerging dynamics and incorporate the trends in the market of the sport hunting industry.

The UWA would control the entry and exit points of the wildlife reserve and collect an entry fee of \$20 from every tourist/ visitor who would come into the game reserve. From the collected revenue, UWA would remit 20 percent to ADLG. A community development fee of \$50 and \$30 would be paid by licenced hunters and spectators respectively on a daily basis to ADLG. A daily conservation fee of \$50 and \$30 was meant to be paid to the UWA by sport hunters and observers respectively. An unspecified animal fee would be paid for any hunted/wounded animal depending on the species and this revenue was supposed to be shared by UWA, ADLG, and Area Community wildlife Association on a 50%, 10% and 40% basis respectively. The 40% fee paid to the latter was meant to be used for the implementation of community development projects and improvement of incomes of the households where the conservation area is located.

An 'Annual Class A Wildlife Use Right Fee' of \$500 would be paid by LASL to UWA for 'Class A wildlife Use Right'. A Hunting Permit Fee of \$600 is meant to be paid to UWA for

each hunting safari not exceeding 21 days. The fee is meant to be borne by each trophy hunter and it gives that individual the right to hunt the permitted animals. A Professional Hunter's License Fee of \$1, 500 would be paid to the UWA by LASL. And a Trophy Handling Fee of \$300 is meant to be paid to UWA for the purposes of processing trophy export licenses per each hunting safari.

Although the management agreement indicates that various fees were meant to be paid by LASL and how the revenue would be shared between UWA and ADLG, a commitment fee of \$5,000 was the *only* fee paid by LASL as of 2013 (emphasis mine). Other fees such as Variable Fee of \$30 per visitor bed night occupied and Annual Hunting Block Fee were not paid because no accommodation facilities were established in the wildlife reserve and the Annual Hunting Block Fee was waived for the first three years respectively. In an interview, George indicated that LASL had not paid other fees because of encroachment on the conservation area by the local communities of Apaa village.¹⁵³ The subsequent section examines the anticipated benefits and what LASL provided as of 2013.

7.7.1.4. Benefits to local communities

The management concession indicates that local communities within and around the conservation area would benefit from the wildlife resource in two major ways. First, is through employment attained from the provision of manual labour and the sale of crafts to visitors or tourists who visit the conservation area. However, no systematic system is outlined in the concession to explain the ways in which local communities from within and around the conservation areas would be employed, even when they agree to be part of the venture. Besides, there is often a “big gap between theory and practice” meaning that what is promised could be different from the reality on the ground (Cotula, et al, 2009:7). Promises of employment, improvement of infrastructure and livelihood of the communities within and around the area of interest are often made but these opportunities are rarely provided after concluding the land acquisition process (Hallam, 2009; Daniel and Mittal, 2009). Besides, the resident communities that would benefit from the conservation activities through the provision of labour were forcefully evicted from the land. The question which arises from the promise of employment is: which communities would benefit from the conservation-related activities?

¹⁵³ Interview, 01/08/2013.

George claimed that LASL employs a few people from within the communities:

At the start we [LASL] had 23 employees but we were forced to reduce the number to 8 employees because there is no activity going in the conservation area. The people who currently work in the area only maintain the existing roads. The average expenditure by the company [LASL] in East Madi is 2 million Uganda shillings [about 800 USD] per month.¹⁵⁴

However, in a follow-up interview, a 42-year old woman who was evicted from Apaa argued: “People do not eat roads. The roads do not provide the food which the communities of Apaa need the most. We are not allowed to use the roads as we are not allowed in that place [conservation area].”¹⁵⁵ These assertions indicate that the disrupted livelihoods and land rights that were lost by the local people in the wake of the evictions were more important than the roads. Besides, the roads that were established in the claimed conservation area majorly connect to sensitive ecosystems that are essential in facilitating sport hunting as opposed to improving the lives of the local people in Apaa village.

The concession further indicates that local communities would benefit from the sale of crafts to visitors/tourists but it at the same time points out that it is the obligation of LASL to brand the crafts that would be sold to visitors/tourists. The two contradictory positions bring into question how the local communities would benefit from the game reserve when LASL controls the branding and marketing of crafts. While questioning the eviction processes, the former sub-county chief and resident of Pabbo wondered why the communities living within and around other conservation areas in Uganda are allowed to access the resources located in the conservation area while those of Apaa village were evicted.

In western Uganda, the community is allowed to live within the conservation area. The people that manage the conservation area benefit and the local communities also benefit. Why is it that the people of Apaa village were evicted from the land? Why is a different method employed in Amuru district?¹⁵⁶

¹⁵⁴ Interview, 01/08/2013.

¹⁵⁵ Interview, 04/03/2012, follow-up interview, 25/07/2013.

¹⁵⁶ Interview, 05/08/2013; follow-up interview, 25/07/2013.

Studies undertaken on Bwindi Impenetrable National Park of Western Uganda show that a Community Based Natural Resource Management (CBNRM) model (Adams, 2004; Benjaminsen and Bryceson, 2012) is used in conservation whereby the wildlife resources within the conservation area and local communities mutually benefit (Byaruhanga, 2008). The UWA remits 20% of the total revenue generated to the local communities that live within and around Bwindi Impenetrable National Park in addition to establishment of development projects and harvesting of wildlife resources (Byaruhanga, 2008). Local communities are also employed as porters whenever tourists visit the conservation area. Given the approach to conservation used in protected areas in western Uganda, the evicted communities wondered why a fortress approach to conservation was adopted in Apaa village. In other words, the peoples of Apaa village questioned why they are occupying a peripheral position when local people in other conservation areas are fully involved and benefit from the conservation initiatives in their areas.

The green land grabbing experiences in Apaa village resonate with what Ojeda (2012:370) found out in Colombia where peasants, food vendors, transporters, fishing communities and local tour operators who previously accessed Tayrona National Park and the buffer zone without any restriction were suddenly labelled “invaders and illegal occupants”. After the privatisation of ‘strategic areas of the park’, or ‘ecotourist’ areas, the local people were criminalised, excluded and finally evicted from the park by the new private companies that were granted the rights to manage the park (Ojeda, 2012). Similar experiences were observed in Tanzania where village land is increasingly enclosed to pave the way for the establishment of more wildlife conservation areas and water resources are demarcated by conservation authorities as “‘no fishing’ zones” (Benjaminsen and Bryceson, 2012:337; see also Gardner, 2012). These studies illustrate that land grabbing for conservation purposes is increasing in most developing countries with heavy costs shouldered by the rural poor communities therein.

7.8. Counting the costs of the evictions in Apaa village

7.8.1. Destruction and looting of property

Private and public property was destroyed during the eviction processes in Apaa village. The only primary school in Apaa village that was constructed and managed by the community was turned into a police unit thereby blocking the pupils from attending classes. Some of the furniture in Apaa primary school was used as firewood by UWA personnel and the Uganda police as well

as army officers who remained in the area to oversee and implement the evictions. In a FGD, a 55-year old man who was evicted from Apaa village and was living at Pabbo sub-county argued that:

As we speak now [March 29th 2012] the game rangers, police and the army are occupying the only community school in our village and driven off the pupils. They used about 10 desks for firewood and yet there is plenty of dry wood they could have collected for cooking. When you approach them about this, you are treated as if you are not a human being. Where will our children study from? Our children will not go to school. They even disassembled the borehole until the Acholi MPs demanded that this be reversed and yesterday they brought some people from Adjumani to reassemble them.¹⁵⁷

To the children, the immediate consequence of the destruction of the primary school was denial of access to education. The polarisation which arose from the evictions in Apaa village gave rise to impacts that are beyond physical and “economic meaning[s], given that land is not only crucial in terms of generating livelihood[s] but also shapes peoples identity and sense of belonging within the local social milieu” (Ansoms et al, 2014:244). The long-term impacts of the eviction process and destruction of the community school as well as denial of access to education is the distortion of the education foundation of the children, which in turn affects their identity. Enclosure induced displacement (Araghi, 2009:112) disrupted the social networks which the children had built within the school environment and the surrounding communities. Denial of education to children who come from a community that was displaced for over twenty years implies further disempowerment and an ‘uncertain’ future for the children themselves, their families and the wider society.

The borehole in the centre of Apaa village which, according to the local people, was the only source of ‘good’ water was destroyed by game rangers and wardens as well as the military personnel during the evictions that took place in February 2012. Destruction of the borehole was aimed at forcing the communities out of Apaa village. The few local people of Apaa village that managed to return after the eviction processes claimed that they suffered from water-borne and water-related diseases. They pointed out that the destruction of the borehole in the centre of Apaa village left them with no alternative source of ‘good’ water. Waterborne and water-related diseases emanated from the use of unclean water that they collected from alternative water

¹⁵⁷ FGD held on 04/03/2012.

sources mainly streams and ponds. During a follow-up interview, a woman of Apaa village complained of the distance they travel to the alternative water sources. “The game rangers destroyed the borehole. So I move to the stream down the valley which is about 7 kilometres from our [Apaa] trading centre”.¹⁵⁸ Similar experiences of contraction of waterborne and water related diseases as a result of the use of dirty water have been reported elsewhere (see Harvey, 2003:159).

Furthermore, people’s agricultural produce, livestock and other household property were stolen and others destroyed. The *Daily Monitor* assessment found that 2,500 people were without shelter as a result of the evictions which took place in August 2012 (Lawino, 2012; Okudi at al., 2012). In an interview, a 37-year old man interviewed at Pabbo sub-county claimed:

I had crops like sorghum, peanuts, millet and maize. Some it was already harvested but part of it is [was] still in the gardens. Some of the crops were burnt and some crops looted. My house was physically pulled down by the security forces. After the eviction, I together with my family was brought here at Pabbo sub-county without food or shelter. The lucky few are squatting with relatives but I do not have any so I am here at the sub-country with my family waiting to return to Apaa village.¹⁵⁹

Table 4 on page 196 provides the statistics of property that was lost and/or destroyed during the eviction which took place on February 13 2012. When MPs from the Acholi sub-region under the APG visited Apaa village on 15th February 2013 to assess the extent of the eviction and destruction they also visited Pabbo sub-county where the evicted communities were temporarily sheltered. While at Pabbo sub-county, the MPs asked each of the evicted households to register the lost and destroyed property with the Local Council One¹⁶⁰ (LC 1) chairperson of Apaa village. The information was meant to be used by the communities to seek for damages and compensation from the UWA by filing a case in the High Court of Uganda at Gulu. However, as of April 2014, no compensation had been paid by the UWA and the case was yet to be heard.¹⁶¹ The data presented in table 4 below was extracted from the register containing lost and destroyed property. About 102 houses were destroyed, approximately 152 livestock comprising of goats,

¹⁵⁸ Interview, 06/03/2012.

¹⁵⁹ Interview, 04/03/2012.

¹⁶⁰ The lowest administrative unit in Uganda is a village and it is called a local council. Each village is under a council of elected leaders and the council is headed by a chairperson who is called a Local Council 1 Chairperson.

¹⁶¹ Interview, 17/07/2013.

pigs, cattle and rabbits), 170 farm equipment, 419 bags of agricultural produce and 4 items (solar panels and radios) were destroyed/stolen during the February 13 2012 eviction.

Table 4: Items lost during the evictions

Lost Items	Houses	Livestock (goats, pigs, cattle, rabbits)	Farming items (hoe; panga, axe, ox plough)	Farm produce in bags (sesame, pigeon peas, sorghum, white peas)	Other items (radio, solar panel)
Number	102	152	170	419	4

Source: Compiled from Apaa Local Council 1 records (2012).

7.8.2. Loss of life and imprisonment of youths

The eviction of the resident communities of Apaa village resulted in loss of lives. In 2011, three people were killed in the course of the evictions (Centre for Justice and Forced Migrants, 2013). Among the people who died was an expectant mother who suffered a miscarriage and later died because of the cold conditions given that people's houses were destroyed as the UWA game rangers and wardens forced the communities to leave the disputed land. In February 2012, the government forces that oversaw the eviction process shot one person.¹⁶² In a FGD that was held at Pabbo sub-county on March 29th 2012 with the evicted communities of Apaa village, a 43-year old woman pointed:

Last year [2011] when the UWA came pulled down people's homes, it was during the rainy season. So women and children suffered. On the day when the evictions were carried out, two women went into labour but one mother died after delivery and the child also died moments later because the child was born in the open and there was no shelter to protect her from the rain and the cold. One youth called Oyat was arrested at 7am and they detained him until 7pm. But all this time he was enduring beatings. In Apaa trading centre, 6 men were arrested and locked up in a hut while naked.¹⁶³

Moreover, 25 youths of Apaa were arrested on 13 February 2012 for resisting the evictions. The arrested youths were detained in Adjumani district. In an interview, the Speaker of Amuru district Local Government in Gulu district claimed that every person who was arrested and detained paid a bail application fee of 500,000 Uganda Shillings (approximately USD 193) as a requirement for being released on a police bond. The informant further pointed out that the

¹⁶² See the Daily Monitor article titled 'Bereaved family wants police boss prosecuted over death of son', Available at: <http://www.monitor.co.ug/News/National/-/688334/1330314/-/b0a1sjz/-/index.html> (Accessed February 19 2012)

¹⁶³ Interview, 29/03/2012.

political leaders and the business community of Amuru district mobilised the required money for release of the detained persons.¹⁶⁴ Although the youth were arrested and imprisoned, the communities argued that they are the legitimate owners of the land and that they will fight for their land.

7.8.3. Loss of rights to land

A male elder from Apaa village whom I interviewed at Pabbo sub-county after attending a community meeting over the evictions that were carried out by the UWA officials and military personnel pointed out:

We [the people of Apaa village] are still at war, a silent war where you do not hear guns but the community is at war this time with the government. There is no peace. This is our land. This is the only place we have known as home. We do not have any other place where we can get food and live. We had all the legal documents that show that the land in Apaa village is ours and the court injunction but UWA and the police did not respect them.¹⁶⁵

The communities of Appa village argued that they are the rightful owners of the land and that its allocation to LASL and the ensuing eviction processes were contrary to the provisions of the Constitution of the Republic of Uganda, 1995 and the Land Act, 1998. By allocating the land to LASL, the evicted communities of Apaa argued, the UWA deprived them of access to land on which they depend not only for livelihood and survival but also land which defines their identity and belonging. The Constitution of the Republic of Uganda, 1995, and the Land Act of 1998 indicate that compensation should be considered if the local communities are deprived of their rights to land. Even Uganda's National IDP policy clearly points out that the state shall "protect property and possessions left behind by IDPs against ... illegal appropriation, or occupation, or use" (GoU, 2004). Other scholars further argue that restitution be considered especially in post-conflict areas when the repossession of land and property is not possible to realise (Smit, 2006; Williams, 2007; Ballard, 2010). Although the government acknowledges the right of IDPs to property, compensation and restitution have not been considered as options in the case of Apaa village.

¹⁶⁴ Interview, 11/07/2013.

¹⁶⁵ Interview, 29/03/2012.

At the international level, the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO et al., 2010a) and Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Recourses (FAO, 2012b) encourage local and foreign investors to acquire land in a responsible manner by respecting the rights of existing land owners. The dynamics which have underpinned the land grab in Apaa village however indicate that LASL did not respect the rights of the local communities. LASL negotiated with the state, the UWA and ADLG, but the local communities were not involved in the land acquisition process. These issues bring into question the extent to which the voluntary guidelines and RAI can be enforced and whether they are really binding.

7.9. Conclusion

Land grabbing for environmental conservation and tourism or nature's sake is increasing in Uganda and the mechanisms which underpin the appropriation processes take direct and indirect forms. The direct processes include the forceful expulsion of the peasant populations and smallholder farmers sanctioned by the state and its institutions. Even after the eviction of the resident communities, the state continued to facilitate the conversion of the common property resource into a private resource by making sure that the evicted people do not return. In the case of Apaa village of Amuru district, the UWA agents, police and military personnel were employed to evict the local communities. This case shows that land deals are not only 'enforced' from above, but national actors and state institutions, particularly the police and military personnel, play a central role in the facilitation of land grabbing. In contrast, the indirect processes of land appropriation in Apaa village included the use of the 'claimed' statutory instruments and non-adherence to the outcomes of the country's legal system. The UWA claimed that the Parliament of the Republic of Uganda passed a resolution in 2002, and forceful eviction of the local peoples continued in the midst of the injunction from the High Court.

Compared to the pre-1980 period in which conservation was solely undertaken by the State, liberalisation of the conservation industry has played a part in the award of wildlife management concessions to various companies, including LASL, in Uganda. In the maze of these transitions,

it is the local communities who live within and around the wildlife resources that continue to be affected. The conversion of community land in Apaa village into a private conservation area for sport hunting purposes suppressed the land rights of the communities living the area. The expropriation of community land not only brought the subsistence forms of production and utilization of natural resources to an end but also resulted in destruction of communal and private property and loss of lives. The evictions also disrupted the social networks that were under reconstitution after over 20 years of encampment and interfered with the household as well as the livelihood system rebuilding processes.

To set the tone for the chapter that follow, an important caveat is necessary here to the effect that Amuru district and the peoples therein are by no means a monolithic ‘community’ which responds in a uniform manner to large-scale land grabbing by external capitalistic actors — the previous two cases involve large-scale commercial agriculture and conservation. Instead, as the next chapter shows, Amuru district is itself deeply fractured, with different peoples, including the local elite, engaged in the expropriation of, and in intense competition for land, similar to the land grabbing behaviour of the external and big (domestic and foreign) business enterprises. Indeed, an equally vicious form of land-grabbing is already full-blown within and between the different peoples in the local communities of Amuru district — like in the previous encounters with external actors — leading to contentious politics and conflicts over land.

CHAPTER 8: ACCUMULATION ‘FROM BELOW’: Land Grabbing Within and Between Local Communities

8. 1. Introduction

The dynamics which underpin land grabbing within the local communities of Amuru district are intricate as the underlying mechanisms, actors involved and the causal factors vary from place to place depending on the nature of enclosure. The land expropriation processes within local communities, which Borras and Franco (2012:48) refer to as “internal land grabbing”, encompass relatively small pieces of land and involve ‘local elites’ as opposed to large-scale land grabbing cases that entail formidable national and foreign actors and extensive swathes of land. The category of people described as ‘local elites’ are individuals who hold positions of authority within Amuru district. These include a retinue of politically-connected people, local chiefs (Rwodi), landlords, affluent rural farmers and local government officials. In contrast, ‘local communities’ denote the disempowered villagers and poor rural peasants, including elderly men and women, formerly abducted girls and boys, girl children, widows and orphans within Amuru district. This chapter shows how land grabbing initiated ‘from below’¹⁶⁶, in contrast to that ‘from above’, is underway in Amuru district and explores the relationships between these processes. Given that there is a dearth of literature on small-scale land grabbing of the type investigated in this chapter, (Cotula and Polack, 2012; Scoones et al., 2013; Ansoms et al., 2014), the chapter provides a better understanding and contributes to debates and discourses around them vis-à-vis large-scale land grabs in a post-conflict context. It also shows how differences in power relations between the local elite and the powerless members of society are a key factor in facilitating land grabbing within and between the local communities.

In addition to the two previous case studies examined in chapters 6 and 7, land grabbing *within* the communities of Amuru district has been ‘localised and small-scale’ in nature. Although small parcels of land are seized by local elites in Amuru district, the aggregate acreage seized and cumulative negative impacts could be much more compared to large-scale land grabs initiated

¹⁶⁶ Although some of the localised small-scale land grabbing cases presented in this chapter involve relatively affluent and powerful individuals (elites) who are well connected and/or work in the forces (in other words may qualify to be ‘from above’), I use the term ‘from below’ to characterize the land grab processes that take place within and between the local communities and show that there are community members who enclose land belonging to poorer members of the community. All localized small-scale land grab cases presented in this chapter involve people who claimed to be members of the community and Acholi, hence the terminology ‘from below’.

‘from above’. The relatively smaller pieces of land that are seized by local elites are important in the livelihood, survival and sustenance of the returnee communities because land is the major resource that most households in Amuru district depend upon given the massive scale of destruction of properties that happened during the protracted conflict.

As opposed to large-scale land grabs initiated ‘from above’ that have gained currency in scholarship (Scoones et al., 2013), ‘localised small-scale’ land grabs between and within local communities of Amuru district are rarely studied even when they appear to be more prevalent and more vicious (Cotula and Polack, 2012; Ansoms et al., 2014). Land grab cases which involve foreign investors and powerful domestic elites easily make headlines in the print and electronic media even in Uganda (Scoones et al., 2013; Oya, 2013), whereas small-scale “dispossession initiated from below” (Li, 2010:86), although not hidden from the ‘public eye’ and despite the prevalence and overall impact, are disregarded, ignored and do not arouse the interest of critics, scholars and the media (Scoones et al., 2013; Adoko, 2009a). Hall et al. (2011:145) argue that everyday land grabbing processes “do not grab headlines” even when they produce “agrarian classes with differentiated access to means of production”. In a similar manner, scholarship and media attention at the international level follows the same pattern by focusing more on large-scale land grabbing that involves domestic and foreign investors and/or backed by foreign governments or individual states in the global south (Borras et al., 2011; Ansoms et al., 2014).

The limited attention accorded to small-scale land grabs initiated ‘from below’ partly arises from differences in conceptualisation of “what makes a land deal” (Cotula and Polack, 2012:1). For the Land Matrix to qualify an enclosure as a land grab, it should involve over 200 hectares (Anseeuw et al., 2013; Oya 2013). Meanwhile, some scholars classify land grabs based on the intended use of land (bias is often on agriculture) and others focus only on land deals that have been finalised thereby excluding those under negotiation (Cotula et al, 2009; Cotula, 2012; Cotula and Polack, 2012). At the same time, localised small-scale land grabs are not considered to be news-worthy in addition to the general limitation of the data on this phenomenon at this scale. Qualifying land grabs based on these benchmarks in the midst of limited data could, in part, explain the bias towards large-scale as opposed to localised small-scale land grabs despite the negative impacts of the latter on indigenous peoples and small-holder farming communities.

Central to small-scale land grabbing within and between the local communities of Amuru district are three interconnected factors: breakdown in social order, increasing influence of large-scale land grabs that involve domestic and foreign investors and the emerging market prospects for farm produce in the Republic of South Sudan. First, the LRA conflict distorted and broke down the social order and traditional land governance systems and frameworks in Northern Uganda. Prior to the conflict, land in Northern Uganda was held under communal tenure and specifically under the stewardship of heads of lineages, the broader clans and families. However, the protracted conflict and long periods of encampment distorted the 'old' land tenure arrangement and created 'new' forms of land tenure in such a way that most people prefer to individually own the land as opposed to communal tenure. Individual land tenure in the midst of lack of clearly defined boundaries and increased capitalisation of the northern region is responsible for the increase inter-and-intra-community as well as inter-and-intra-family land grabbing.

Second, the philosophy of primitive accumulation as reflected in increasing foreign and national interests in land in Amuru district and the capitalisation processes therein have reproduced new pressures and struggles over land within the local communities. In very salient ways, as explored in this chapter, these processes are continuously restructuring the terms and conditions of land tenure and stimulating pockets of localised small-scale land grabs that are between and among the local communities, processes that Li (2010:74; see also Ansoms et al., 2014) calls "everyday form[s] of dispossession". Local elites employ different mechanisms to seize land and the methods range from coercion and intimidation to the use of subtle non-violent methods.

Third is the increased integration of Amuru district in the regional economy as a peripheral producer of agricultural produce, particularly grain. With normalcy gradually returning to northern Uganda from 2006 onwards and the signing of the Comprehensive Peace Agreement (CPA) between Sudan and South Sudan in 2005, cross-border trade increased between the Republic of South Sudan and neighbouring countries particularly Uganda, Kenya, Ethiopia and Sudan (Carrington, 2009). Apart from peace and stability, increase in trade between the Republic of South Sudan and its neighbours has also been attributed to improvement in the road network (Food security and Nutrition Working Group, 2013). Exports from Uganda to the Republic of South Sudan amounted to USD 7.8 million in 2006 and it rose to USD 8.6 million in 2007 (Carrington, 2009:9). In 2011, approximately 40% of total exports from Uganda went to the

Republic of South Sudan (Schomerus and Titeca, 2012:13). The return to relative normalcy in northern Uganda and improvement in political stability following South Sudan's independence in 2011 heightened bilateral trade between the two countries (Gelsdorf et al., 2012). The 2013 statistical data from the Ministry of Trade shows that total exports from Uganda to Sudan amounted to 890 billion Uganda shillings, which is about US\$ 358 million (Mulondo, 2014).

The increase in trade has, as a consequence, negatively affected the countries that share the contiguous boundaries with the Republic of South Sudan (Food Security and Nutrition Working Group, 2013). This has been the case for Uganda whereby increased demand for food has not only resulted in food shortages and increase in food prices but the elite from within the local communities of Amuru district and in the ruling NRM government have also sought ways and means of profiteering from the boom in trade (Nyanzi, 2013). The capital accumulation processes in progress have largely been realised through the expropriation of community land for the production of food crops to meet the increasing demand for food in the Republic of South Sudan (Food security and Nutrition Working Group, 2014). The acquisition of land has mostly affected the rural poor and smallholder farmers of Amuru district given the proximity of the district to the Republic of South Sudan. In fact, the Republic of South Sudan shares a border with Amuru district (see Map 5 on page 168). The boom in trade and related opportunities between the two countries has therefore stimulated the demand for land for investment which has, in turn, intensified the privatisation and commercialisation of land holding as well as triggered an escalation in land grabbing within and between the local communities.

I classified the localised small-scale land grabs in Amuru district into four broad types. There are those that are between members of the broader communities, which I categorised into 'inter and intra-community' land grabs, and those that involve members of the same family, which I classified into 'inter-and intra-family' land grabs. I examine these categories of land grabs in detail starting with inter-and intra-community land grabbing in Amuru district.

8.2. Inter-and intra-community land grabbing in Amuru district

Presented under 'inter-community' land grabbing is one small-scale land grab which involves the six clans — Parabong, Toro, Boro, Pagak, Pabbo and Lamogi — which comprise Amuru district. This is followed by two intra-community land grab cases that involve army personnel from

Amuru district vis-à-vis the local communities and two enclosures which encompass other ‘local elites’ versus ‘extremely vulnerable individuals’. The small-scale land grabs that are interrogated in this section show that land grabbing within the local communities of Amuru district is triggered by multiple processes among which include parallel and contested claims to community land. Local elites employ outright intimidation, exploit weaknesses in the statutory justice system, while others capitalise on their ‘power-laden’ positionalities in the community and connections with the ruling NRM government to appropriate land which is held in common or owned by powerless sections of the local community. Power relation differences are at the heart of localised small-scale dispossessions within Amuru district as they facilitate the accumulation of land by local elites while resulting in loss of rights to land by the marginal and disempowered local peoples (Harvey, 2003; Hall et al, 2011).

8.2.1. Clan-based land grabs

Before the start of the LRA conflict in 1986 and in the immediate post-conflict period (2006), more than 90% of the land in Acholiland was held and accessed in a communal manner by the respective members of the clans with limited interests to individualise, commercialise and commoditise land holdings (Ker Kwaro Acholi, 2008; Adoko, 2012). Under this communal arrangement, heads of clans and lineages in Acholiland were the custodians of the land through whom members of the respective clans accessed the land in a communal manner (Ker Kwaro Acholi, 2008). Similar tenure dynamics applied to hunting and grazing areas in the sense that such areas were accessed in a communal manner without any clan claiming exclusive rights of ownership or use of the land in question.

However, the customary mode of holding land is changing in the post-conflict period whereby capitalism and its commercial attributes have gained salience and are subsequently reconfiguring the terms and conditions of land access and social relationships buttressed around land in northern Uganda. The communal and ‘collective’ attributes — in other words the notion of ‘togetherness’ with regard to accessing land in Amuru district — that was prevalent before the LRA conflict has been substituted with individualism and exclusion. The upsurge in the commercialisation of land and large-scale land grabbing have, in turn, stimulated localised small-scale land grabs that are played out at clan level in Amuru district. By claiming exclusive ownership of large swathes of communal land, clans seek to seize the opportunities that have

emerged from the commodification and monetisation of land during the processes of resettlement. However, although the clan level land grab on the one hand shows that commercialisation of land in Amuru district has resulted in the disintegration of collective solidarities *among* the six clans, it on the other hand shows that collective identities *within* the individual clans have been strengthened.

The 40,000 hectares of land in Lakang village is a case in point in that interests from the Madhvani Group utilise the land for sugarcane growing by the Madhvani Group triggered localised small-scale land grabs structured around the six clans of Amuru district. On 20th July 2013, 167 people from Amuru district, many of whom were from the Lamogi clan, went to State House¹⁶⁷ to discuss the modalities of land allocation to the Madhvani Group and inform the President that the local communities have not been involved in the discussions of ASWL acquiring land in Lakang village. In an interview, the Lamogi sub-county Chief and Secretary to the Area Land Committee of Lamogi sub-county, who was part of the delegation that went to State House, indicated that the people from the Lamogi clan presented a memorandum to the President. The central message in that memorandum was that “the government should declare that the land in Lakang village belongs to the Lamogi clan.”¹⁶⁸ The peoples from the Lamogi clan further pointed out that they created the Lamogi Land Trust and if the President declared that the land in Lakang village belongs to the Lamogi people, then the Madhvani Group would have to negotiate the terms of employment and other modalities of establishing the sugarcane industry with the Lamogi clan under the Lamogi Land Trust instead of ‘other’ clans of Amuru district.¹⁶⁹

However, there was a “small group of people” — to use the words of the sub-county Chief and Secretary to the Area Land Committee of Lamogi Sub-county mentioned above — from Lakang village which rejected the memorandum presented by the Lamogi clan. The “small group of people” claimed that “even if the government declared that the land in Lakang village is owned by the Lamogi clan, the government and the Madhvani Group should separately meet and negotiate with them”.¹⁷⁰ The President however rejected the memorandum from the Lamogi clan

¹⁶⁷ The phrase ‘State House’ is used here to refer to the official residence of the President of the Republic of Uganda.

¹⁶⁸ Interview, 26/07/2013.

¹⁶⁹ Interview, 26/07/2013.

¹⁷⁰ Interview, 26/07/2013.

and demands from the “small group of people” on the grounds that declaring that the Lamogi clan owns the land in Lakang village could aggravate clan-based conflicts in Northern Uganda and rekindle related demands from other clans in other parts of the country.

By forming the Lamogi Land Trust and requesting the President to declare that the land in Lakang village is owned by the Lamogi clan, but not all the six clans that comprise Amuru district, the Lamogi people implicitly meant that the land was not a collective property but a private resource owned by the Lamogi clan. The position of the Lamogi clan and the ‘small group of people’ shows that ‘collective’ attributes which existed in the pre-conflict period have been substituted with clan-level exclusiveness. The consequences of inter-clan land grabbing are the separation and split of the ‘once collective’ six clans that comprise Amuru district, and the reinforcement of collective solidarity *within* the individual clans. The strengthened clan-based solidarities are deployed and redeployed for purposes of land grabbing.

The former Leader of Opposition and MP for Agago County in Pader district of Northern Uganda in the 8th Parliament pointed out that:

When the Lamogi people staged their claim that the land in Lakang village is theirs, the Toro clan which is meant to be a sub-clan of the broader Lamogi clan claimed that they are not Lamogi. They said that our [their] origin is Toro kingdom [in mid-western Uganda] and that the land in Lakang village is ours [theirs] as Toro people but not for the Lamogi people. So the clans that were previously united and one entity have informally split. The land in Lakang village has divided the people of Amuru district and northern Uganda.¹⁷¹

The grabbing of communal land at the clan level in Amuru district highlights the manner in which the emerging economic opportunities from investment and increasing commercial interests in land from domestic and foreign investors have stimulated localised small-scale dispossessions ‘from below’. The disintegration of collective solidarities and reinforcement of clan-based ‘cleavages’ — as indicated by the claims by the Lamogi clan — shows how land grabbing ‘from below’ is transformation the social relations within the communities. Clan-based divisions emerged after the government allocated the land in Lakang village to the Madhvani Group which shows that localised small-scale land grabs in Amuru district are about seizing emerging land-related opportunities. However, although land grabbing at clan level continues to

¹⁷¹ Interview, 26/07/2013.

cause clan-based divisions among the communities of Amuru district, it has remained silent and taken-for-granted despite the threat it poses to the local political economy and the overall recovery and reconstruction processes in northern Uganda. To the local communities, blocking the acquisition of land in Lakang village by the Madhvani Group seems to be the major priority.

8.2.2. Military personnel vis-à-vis local communities

Two land grabbing cases that involve military personnel vis-à-vis the local communities of Amuru district are presented in this section. In the first case, a serving officer in the UPDF claimed ownership of about 570 acres of community land in Kal parish of Pabbo sub-county. However, the local communities and the leadership of Pabbo sub-county contested the land ownership claim by arguing that the land is owned by 600 households who are organised under the Ayugi Pugwang Growers Co-operative Society Limited.

From a historical perspective, the land under contention was in the 1950s under what is known as the Ayugi Pugwang Growers Co-operative Society, an umbrella name that was given to the community farming arrangement. The petition from the local communities to the Ministry of Defence dated 7th February 2013 shows that a joint venture agricultural farming arrangement was formed in 1964 between the local communities of Ayugi Pugwang village and the Ministry of Agriculture.¹⁷² Under the arrangement, the Ayugi Pugwang Growers Co-operative Society offered the land and the state provided farm inputs including tractors. The produce from the farm was shared between the local communities under the Ayugi Pugwang Growers Co-operative Society and the state.

In 1971, the government of Idi Amin forcefully acquired the 570 hectares and called it a 'state farm'. The forceful acquisition of the land brought the cooperative farming arrangement to an end. Subsequent governments that assumed power between 1980 and 1985 regarded and utilised the land as a state farm. The UPDF officer called John (fictitious name) who claims ownership of the land in question was part of the community farming arrangement and farm manager between 1980 and 1985 before joining the UPDF. The local communities of Ayugi Pugwang village repossessed their land in 1986 when the ruling NRM government came to power and since then

¹⁷² The petition by the Ayugi Pugwang Growers Co-operative Society Limited to the Ministry of Defence is on file with the author.

settled on and utilised the land for subsistence agriculture without any land ownership claim from the state.

Records from the Registrar of Co-operatives in Uganda indicate that the local communities *formally* registered the Ayugi Pugwang Growers Co-operative Society as a community farm on 10th October 2011.¹⁷³ On 5th March 2012, John served the local communities under the Ayugi Pugwang Growers Co-operative Society with a notice of eviction. John claimed that the land in question is a ‘state farm’ owned by the Ministry of Defence. The resident communities that are settled on the land were ordered to leave the land within a period of two weeks after receipt of the notice of eviction. However, the communities refused to vacate the contested land on grounds that they are the legitimate owners of the land in question.

On 22nd June 2012, John tried to demarcate the land under contention by planting mark tones but the local communities blocked the demarcation process and uprooted the mark stones that were already planted.¹⁷⁴ On 7th February 2013, the Ayugi Pugwang Growers Co-operative Society petitioned the Ministry of Defence on this land grab case after Amuru District Local Government and Pabbo sub-county failed to resolve the problem. In the wake of the petition, the Ministry of Defence set up a committee to investigate the land grab claim involving John. The committee that was constituted by the Ministry of Defence visited the contested land and interviewed the local communities of Ayugi Pugwang village. At the time of completing the fieldwork in 2013, the local communities of Ayugi Pugwang were yet to receive the findings from the committee of the Ministry of Defence. In the interim, the local communities continued to utilise the land.

The elders and opinion leaders of Ayugi Pugwang village with the assistance of Pabbo Sub County filed a court case against the UPDF officer at the Gulu High Court. The case was yet to be heard at the time of completing fieldwork in 2013. In an interview, the Secretary of Community, Children and Women Affairs who is also a member of the Ayugi Pugwang Growers Co-operative Society Limited claimed that the local communities are the legitimate owners of the land in question.¹⁷⁵ The sub-county chairperson of Pabbo also pointed out that the local

¹⁷³ The certificate of registration is on file with the author.

¹⁷⁴ The petition by the Ayugi Pugwang Growers Co-operative Society Limited to the Ministry of Defence is on file with the author.

¹⁷⁵ Interview, 22/06/2013.

communities are the owners of the land but previous regimes exercised their powers by grabbing the land from the local communities.¹⁷⁶

The second land grab case was between the local communities of Amuru district and Maj. Gen. Julius Oketta, an Acholi from the Lamogi clan of Amuru district and a representative of the UPDF in the 9th Parliament of the Republic of Uganda. This land grab cases became public on 7th January 2008 when then Minister of Lands Housing and Urban Development, Omara Atubo, authored a letter which instructed Amuru District Land Board to expedite the process of issuing a “certificate of title to Maj. Gen. Julius Oketta for a large piece of land located in Omee Parish, Amuru sub county of Amuru district”.¹⁷⁷

In an interview, Maj. Gen. Julius Oketta claimed that the Rwodi (chiefs) from the Lamogi clan of Amuru district gave him about 10,000 hectares of land (at no cost) in 1997 for the establishment of a sugarcane plantation and factory.¹⁷⁸ However, the local communities from Amuru district claimed that their land was allocated to Maj. Gen. Julius Oketta by the Rwodi from the Lamogi clan. The local communities further argued that the allocated land was owned by all the people of Amuru district as a communal hunting and grazing ground but not exclusively by the Lamogi clan. In 2008, MPs, elders and opinion leaders from Amuru district sued Maj. Gen. Julius Oketta for grabbing their land.¹⁷⁹ The case came up for hearing on 3rd February 2012 and the High Court sitting at Gulu ruled that the contested land “ceased to be customary land” from the time when Maj. Gen. Julius Oketta obtained a leasehold title from Amuru District Land Board.¹⁸⁰ The local communities appealed the ruling of the High Court on the grounds that they did not get a fair hearing but the case was awaiting resumption of hearing at the time of completing the fieldwork in 2013.

The two ‘land grab’ cases examined in this section indicate that a number of mechanisms and processes are employed by the local and national elite to expropriate land that belongs to the poor peoples. Local elites, as the two cases show, have access to state bureaucracy and capital

¹⁷⁶ Interview, 22/06/2013.

¹⁷⁷ The letter is on file with the author.

¹⁷⁸ Interview, 23/02/2012.

¹⁷⁹ Maj. Gen. Julius Oketta was sued together with the Madhvani Group. The case HCT-02-CV-MA-No.126 of 2008 is on file with the author.

¹⁸⁰ The case HCT-02-CV-MA-No.126 of 2008 is on file with the author.

—which they use to exercise economic and political control over local communities (Beckman, 1977:1). The military personnel utilise institutions of the state — the army — to intimidate their targets and dispossess them of their assets — land. Some of them exploit circumstances and seize the slightest available opportunities, what Lund (1998:1) calls —open moments’, while others capitalise on their positionalities and a network of contacts within the local community and in the ruling NRM government to expropriate land from the hapless rural poor (Ansoms et al., 2014:243).

In the first case, the army officer capitalised on his position of power in the army and connections with state bureaucracy to obtain an eviction order. In contrast, the second case illustrates the role of power relations in the dispossession of land, that is, Major General in the army and Member of Parliament vis-à-vis powerless rural communities. This case also demonstrates that connections of the local elite with those in the ruling government — as indicated in the letter from the Minister of Lands Housing and Urban Development to Amuru district Land Board — are central in the facilitation of land appropriation processes. This case further illustrates the manner in which land-related cases could take years before judgement is passed. The second case took about three years to be heard but with repeated appeals — local communities appealed the ruling — it could take a long period before the ‘final’ judgement is passed and actions reversed.

8.2.3. Other local elites versus vulnerable individuals

The ‘everyday forms of dispossession’ (Li, 2010) in Amuru district have mostly affected the elderly, sick, women and children. The precarious situation of these ‘extremely vulnerable individuals’ has been aggravated by the lack of financial resources to pursue cases in higher courts of law when their land is grabbed by local elites and/or to defend themselves when dragged to court because they do not have the financial means to hire legal representation. Local elites thus capitalise on the defencelessness of their targets and employ merchant capital as well as connections with state officials to grab land. In a FGD held at Ker Kwaro Acholi in Gulu with the Rwodi from Amuru district, a Rwot explained why the rural poor continue to lose land even when they could be the rightful owners of the land.

People [local elite] who know the procedure of land adjudication in courts of law are using money to acquire land. Because of high levels of corruption and given that the land

grabber often has money he will pull me before the court of law. And because I am not able to hire a lawyer, the case will be ruled in his favour. Me who knows for certain that the land was mine will lose. It is the lack money which results in the giving away of my land [to the land grabber].¹⁸¹

These assertions are exemplified in two land grabs, with the first case based on data that was obtained through a one-on-one interview with an elderly woman who resides in the former IDP camp at Pabbo trading centre and runs a grocery stall in Pabbo market. Meanwhile, the second case was from a male informant also from Pabbo sub-county. The elderly woman who was engaged in petty trade at Pabbo market at the time of fieldwork in 2013 narrated that:

I got married in 1975 when I was 20 years old. My family moved to the IDP camp at Pabbo sub-county in 1990 from where my husband died in 1994. When I returned home which is about 7 kilometres from here [Pabbo sub-county], I found that the uncle of my late husband took over the land which we occupied prior to the war. I took the case to the Rwot Kweri, the Local Council 2 and later sub-county court but I have not received any help. This case has gone on for three years but there is no help. The man who took over my land died but his son took over the case. The son accused me of dragging his father to court so he is now following up the case. If I had money then I would take this case to the Magistrate's Court. I think I can get help from there but not here [Local Council]. At the moment, I rent a small house here at Pabbo trading centre and engage in petty trade for survival of me and my family.¹⁸²

The dynamics of the above case remarkably contrasts with Peter's (fictitious name) case presented hereinafter. After returning from the IDP camp in Pabbo sub-county in 2007, Peter went to check on his second piece of land that was about 10 kilometres away from Amuru Town where he lived at the time of the fieldwork (2013). On arrival at the land, Peter found that another member of village who returned earlier than him settled on his land. The 'land grabber', according to Peter, filed a trespass case against him in the Magistrate's Court at Gulu which is about 70 kilometres from Amuru Town Council where Peter lived.

In order to pursue the case, including meeting legal fees and lodging expenses given that Peter always spent the night in Gulu town in order to be at court in time, he sold part of the land on which he lived. In due course, some of Peter's witnesses often failed to appear in Court in time due to the distance from Amuru to Gulu and the applicant sometimes failed to come to court

¹⁸¹ FGD, 26/04/2012

¹⁸² Interview, 24/07/2013.

resulting in several adjournments of the case. With half of the land gone after three years of pursuing the case amidst no other source of money, Peter could not make it to court anymore. In 2011, Peter learnt that judgement was passed in favour of the land grabber because he failed to appear in court when the case was heard.¹⁸³

Together, the cases in this section present the different ‘faces’ and mechanisms through which local elites seize land which belongs to marginalised and rural poor people of Amuru district. Vulnerable individuals lose land even when they, according to these cases, claim to be the rightful owners of the land. ‘Forum shopping’ (Lund 2006a:676; see also Lund, 2006b) and ‘legal pluralism’ (Benda-Beckmann, 1981; Bond, 2010) emerge from the first case in that the widow whose land was seized by the in-law sought legal redress from the lowest authority in the local community to the sub-county level and contacted formal and informal institutions. Forum shopping is the taking of a claim or dispute, land-related dispute in the context of this study, to an institution which an individual feels that it is “most likely to produce a satisfactory outcome” (Lund, 2006a:676; see also Ribot and Peluso, 2003:157). Legal pluralism is the existence of a “mix of legal typologies” (Peters, 2004:272), that is, statutory system and indigenous forms of law, customary or Islamic (Merry, 1988). As of July 2013, the widow contemplated filing the case in the Magistrate’s Court of Uganda at Gulu because, according to her, it is at the Magistrate’s Court that she hoped to receive a fair hearing. Asked why she sought for legal redress from several institutions, the widow claimed that she did not receive ‘help’ from the institutions which she approached at first because of the lack of ‘anything to offer in return’.¹⁸⁴

The widow further claimed that officials at the institutions which she approached at first asked for a bribe although she declined to mention the specific institution. “At one stage, someone asked for [a bribe of] 20,000 Uganda shillings so he can help me but I did not have the money to give him. So, I decided to go to another level for help but this has not been forthcoming as well”.¹⁸⁵ A World Bank study of land-related adjudication in Acholiland showed that forum shopping was prevalent in northern Uganda (World Bank, 2009a). People choose a particular ‘forum’ depending on availability, costs involved, fairness, distance from the community to relevant office, legal mandate and familiarity. Similar to Peter’s case, the widow could lose the

¹⁸³ Interview, 26/02/2012.

¹⁸⁴ Interview, 24/07/2013.

¹⁸⁵ Interview, 24/07/2013.

land to the ‘grabber’ due to lack of financial resources and distance to the Magistrate’s Court. The second case involving Peter shows the ways in which the elite within the community seize poor people’s land through exploitation of the weaknesses in the legal system and manipulation of the instruments of justice in the country. Peters (2013) and Alden Wily (2011) have argued elsewhere that the expropriation of poor people’s land by the local elite is effected through manipulation of the country’s judicial processes. The two cases examined in this section indeed confirm that Uganda’s laws and the legal system continues to be ‘fraudulently’ used to legalise the “theft of the lands of the poor or subject peoples” (Alden Wily, 2011:751).

8.3. Inter-and intra-family land grabbing in Amuru district

This section examines land grab processes within and between families. In Amuru district, a family is a settlement unit which is comprised of one or several blood-related households that are independent or otherwise, plus or minus other members of the extended family. The seizure of part, or all, land that is held in common by a family by another member of the same family is what I categorised as ‘intra-family’ land grab. An ‘intra-family land grab’ progresses into an ‘inter-family land grab’ when it draws in related households of the same family, other extended families and the broader clan. Members of the extended family and broader clan are drawn in because land in Northern Uganda, like in most countries on the African continent, is held under customary tenure and thus its access is based on membership to a particular clan, family, lineage or community (see Ribot and Peluso, 2003; Cousins and Claassens, 2004; Cousins, 2005). Using data from interviews and FGDs conducted in Amuru district, inter-and intra-family land grab processes are examined in greater detail below.

8.3.1. Inter-family land grabbing in Amuru district

The narrative below that was obtained from a FGD with the Rwodi of Amuru district shows the intricate processes which underpin inter-family land grabbing, the extent to which the LRA conflict affected the local communities and how competition for land is restructuring the definition and meaning of a family in Amuru district.

When the government declared that camps be closed because there is peace, I personally hired an ox-plough with six oxen. I took the oxen on the open ground where, before the war, I had a kraal where I kept my animals. I sent my young boys who ploughed 10 to 15 acres of land. My brother came and said no, don’t plough this land. He used the formerly abducted children to threaten my boys to leave the land. I said well this is too

much. When the formerly-abducted children talk violently like this, you can never tell what they have hidden in the bush, they could kill my boys. I had to pull back and my brother took over the land up to now. His father and my father are the sons of one man and one woman. We grew up in one homestead and used to cultivate the land communally. I pulled out of the land, but not completely with the feeling that I forgave him. In the wake of a slight conflict boiling up, what will be the reaction between me and my brother and family? In an event that a situation offers itself, I will revenge. So this situation of land [grabbing] is actually very serious. It is even making rehabilitation of the destroyed infrastructure and households in some areas difficult.¹⁸⁶

Prior to the LRA conflict, a family in Acholiland was viewed as ‘extended’ in the sense that it encompassed members of the nuclear and extended families plus other members of the broader clan (Ker, Kwaro Acholi, 2008). However, data from interviews and FGDs seems to indicate that the definition and composition of a ‘family’ in Amuru district is gradually becoming more nuclear as opposed to being extended. Reconfiguration of the family has been shaped by two developments. First, is encampment of communities in Northern Uganda for over two decades, and second is intensified pressure to commoditise and individualise land previously held in a communal manner. A former MP from Northern Uganda asserted that the conceptualisation of a family in Acholiland has become more nuclear as opposed to the period before the LRA conflict when it was extended. The gradual but progressive change in conceptualisation, according to the informant, emanated from the IDP camp environment where the means of livelihood and survival were limited.

Individualism arose out of camp life in Acholi. For example, when you did not line up to get your own food on the day when they [relief organisations] distributed food, you would not go to your brother’s house to get food. Your brother would deny you food because the food rations were based on a certain number of people of which you are not part. But individualism has been accentuated in the present period whereby life in Acholi is presently about me and my immediate family but not the broader extended family.¹⁸⁷

According to Ansoms et al. (2014:244), land scarcity results in the rearrangement of “local practical norms and power relations”. When access to and use of land becomes more contentious and exclusively individualised, customary principles which govern its access and utilisation also transform in favour of private forms of land tenure and the manner in which ‘a family’ is

¹⁸⁶ FGD, 26/04/2012.

¹⁸⁷ Interview, 27/07/2013.

conceptualised changes from extended to nuclear (Andre and Platteau, 1998; Lund, 1998; Ansoms et al., 2014:243). Moreover, “rules of inheritance evolve towards more direct transmission of land between father and sons, and ... the incidence of land transfers increases, not only along the lines of customary modes of land exchange but also through land transactions that are akin to market exchange” (Andre and Platteau, 1998:2). These transformations have been witnessed in Amuru district where intensified pressure on land arising from local and foreign investment interests are restructuring the definition of ‘a family’ and changing the terms and conditions that govern land tenure. Lund (1998:2) categorises the reinterpretation and redefinition of customary rules which govern social relations around land and its access as “situational adjustment”, implying that these dynamics change according to situation (market pressures and commodification).

However, redefinition of customary norms and practices that govern access and utilisation of land within local communities results in “reconfirmation and even deepening of existing land inequalities” (Ansoms et al., 2014:244). As opposed to other gender categories, widows are in a more precarious situation as the grabbing of family land affects them the most. Given that land-related legislations “remain strongly gender-biased” (Deininger et al., 2012:1), many widows are “often forcefully removed from their homes” (Richardson, 2004:19; see also Conroy, 2011). Customary law which dominates most traditional societies in sub-Saharan Africa is the cause of “pervasive denial” of women of their right to “land and other property” (Richardson, 2004:19). Socio-cultural norms and practices deter women in rural areas of Africa from owning and inheriting property (Richardson, 2004) thereby making them “victims of their culture” (Bond, 2010:511). While exploring marital violence, human development and women’s property status in India, Panda and Agarwal (2005) also established that access to property — particularly land — is among the causes of violence against women.

The contrasting land grabbing cases presented below illustrate the circumstances under which land is seized from widows in addition to showing that land grabbing experiences vary between widows. These assertions are based on the viewpoints that emerged from a FGD with six widows from Pabbo sub-county. Although all the six widows claimed to have experienced some form of land grabbing by in-laws, two narratives are presented here.

A widow who operated a grocery kiosk at the market in Pabbo Sub County recounted:

I come from Parabong; I got married in 1985. My husband died in 1997 in Pabbo IDP camp. I have three girls. I rent a room in Pabbo centre at 800 shillings (0.3 USD) per month and an acre of land for cultivation at 25,000 shillings per month (9 USD). I was chased from the land where we lived before the war by my brothers in law. In this land of Acholi, when you have girls they [marital family members] do not like you in that family especially when your husband died and you have girls you are chased off the land because the girls do not have power over land. The girls have no say over [patrilineal] land. Girls have their land in their husbands' home; when the girl gets married, her value and power is realized. Short of that she is of less value to the family.¹⁸⁸

In the same FGD, another widow who lived off farming (sold surplus farm produce at a roadside market along Gulu-Juba road in Pabbo sub-county) at the time of fieldwork narrated:

My husband died in 1996 when we were in the IDP camp. I have 5 children, 4 boys and 1 girl. When the war ended, we went home with my children. But, my in-laws said that I cannot re-occupy the land that we inhabited before the war. This is because the mother of my husband got married in that family with a baby [her husband]. So my in-laws advised me to look for my late-husband's family and clan so I can claim his land. But my children said no, we have to settle on the pre-war land with our mother because this is the only place we have known as home. They defended me and we managed to secure part of the land. I am sure the situation would have been different if I had only girl children.¹⁸⁹

The data from the two informants reveals that there are differences in susceptibility to land grabbing among widows. As seen in the second narrative, widows with girl-children are more prone to land grabbing as opposed to those with only boy-children because a "woman's right to access and use land [in Africa] has customarily been defined solely by her relation to men" (Richardson, 2004:19). The study informants claimed that boys who have reached the age of maturity, as opposed to girls, guard against and protect household land from being grabbed by in-laws after the death of the male household head. The difference in ability to protect the land was attributed to the patrilineal and patriarchal nature of Ugandan societies whereby boys are entitled to a share of the paternal land while girls are entitled to matrimonial land, issues that are also emphasised by Evans and Day (2011) who studied inheritance and poverty in Uganda and Tanzania. Although the Constitution of the Republic of Uganda, 1995 and the Land Act, 1998, indicate that widows and their children, both girls and boys, have the right to occupy and inherit paternal land after the passing on of the male head of the household, these categories of people

¹⁸⁸ FGD held on 23/05/2012.

¹⁸⁹ FGD held on 23/05/2012.

continued to experience problems of accessing land. Deininger et al. (2012:4) who studied *‘Women’s Inheritance Rights and Intergenerational Transmission of Resources in India’* also concluded that “inheritance rights remain strongly biased against women”.

However, other widows in Amuru district negotiated the seizure of their land by accepting to be inherited by an in-law or any male relative of their late husband. Though not widely pronounced, widow inheritance is still practiced in some rural areas of Amuru district. Acceptance of inheritance enables widows to negotiate the difficulties which come with raising children single-handedly and livelihood challenges that become more precarious with the passing on of the bread winner and the loss of land. Similar inheritance dynamics were observed among the Ewe people of Ghana where the men who inherited the land and related property were “required to care for the wife or wives of the decedent and all his dependents as the decedent would have. The heir thus not only inherited the property, but he also “inherited” the responsibility to provide for all who depended on the property for their livelihood” (Richardson, 2004:19; see also Conroy, 2011). Widow inheritance, if appropriately undertaken, could be a “social safety net in which a family cared for the widows and orphans” as it ensured continued access to land and livelihood (Conroy, 2011:713). A 75-year old woman from Pabbo sub-county of Amuru district claimed that inheritance reduces the challenges faced by widows and is important in the continued utilisation of matrimonial land.

The in-laws refuse to support your claim to the land, refuse to allow you to settle or take any property belonging to that family. The embittered in-laws drive you and your children off the land because you are not compliant. If you accept to be inherited, you get the support from the family members because you are compliant. If you accept to be inherited definitely you are at par with the clan members.¹⁹⁰

Based on research from five countries including Uganda, Cooper (2011) argues that although land tenure rights of women and children are legally recognised, women are often deprived of access to land in case of the death of a male household head. Even when national laws protect widows and their children, there is often a discrepancy between theory and practice (Conroy, 2011). Land and related property belonging to widows and their children is often seized by relatives of the husband, a process which Richardson (2004:19) and Conroy (2011:714) dubbed “property grabbing”, and this is legitimated through the manipulation of customary law. Socio-

¹⁹⁰ Interview, 11/05/2012.

cultural practices and customary law are used to legalise theft of land from widows and her children by in-laws (Alden Wily, 2011). Thus, acceptance to be inherited, according to Cooper (2011), is one of the strategies adopted to ensure continued access to land by the widow and orphans.

Although the above informant claimed that inheritance helps widows to continue getting support from in-laws, access to land and reduces the burden of raising the children single-handedly, information from other informants revealed that inheritance does not by any means reduce the dire challenges faced by widows. In fact, inheritance aggravates the challenges faced by the widow and her children given that most caretaker in-laws are attracted to property and land left behind by the deceased rather than providing support to the widow and her children. The land is controlled by the caretaker in-law who in the end grabs or colludes with other relatives to grab land which belongs to the widow and her children. Richardson (2004:19) established in the case of Botswana and Zambia that “widows and orphans are often left homeless and destitute after the death of their husband or father” due to land and ‘property grabbing’ by in-laws (see also Conroy, 2011). Thus, seizure of land and related property undermines the livelihoods and welfare of the household in question (Peterman, 2011). Moreover, the widow and the children become ‘secondary’ as most caretaker in-laws would already be married. Under these circumstances, widow “inheritance has become a brutal distortion of its traditional protection structure” (Conroy, 2011:714) as the widow “becomes little more than a concubine” (Conroy, 2011:706). In addition, widow inheritance is undertaken to protect family, lineage and/or clan land in the event that the widow chooses to remarry from another clan while on the land which belongs to the clan of the deceased. In this context, inheritance is aimed at keeping the land within a lineage and protecting it from being taken over by another prospective husband rather than supporting and protecting the widow.

The Secretary for Women and Children Affairs of Pabbo Sub-county claimed that:

The assertion that the ‘new’ husband looks after and provides for you [widow] and your children does not have any weight. The issue of inheritance is aggravated by the amount of property particularly land that the deceased amassed. In-laws target land and related property which your husband has left, so problems start when one refuses to be inherited. Widow inheritance puts women in a marginalized position. The woman who is inherited becomes a second wife as the new husband is often married. Your children become

second to those of the first wife and your husband's property and land is used to look after the other children as well.¹⁹¹

In contrast, although inheritance was accepted by widows in rural areas, their urban counterparts boldly objected this practice. The narrative from an in-depth interview with a women leader who also represented women on the council of elders at Ker Kwaro Acholi, the cultural institution of the Acholi, exemplifies this case.

My husband died in 1990 but I refused to be inherited by my brother in-law. He is less educated. My husband was well educated. The brother in-law disturbed me but I took the matter to clan heads. The clan heads ruled that I should be allowed to stay on the land so I can look after my children. They [elders] said; if you do not stop bothering her, then we [clan leaders] will be the ones to take the matter to court. I was abandoned, not supported but I managed to raise my children single-handedly by running the family business [carpentry workshop]. I managed to educate my children up to university level and they are all in good jobs in Kampala. Because I followed the traditional system, I succeeded. Instead of seeking for solutions through elders and traditional means of mediation, some women approach NGOs like FIDA [Federación Internacional de Abogadas Uganda] and out of anger the family gangs up on them and decides that they should go [leave their marital home]. NGOs and formal courts do not know what happens in homes.¹⁹²

The woman leader approached the traditional institution because she was familiar with the ways in which it functioned and was certain that judgement was likely to be passed in her favour. This case also shows that availability of alternative sources of livelihood and survival after the passing on of the bread winner provides extra motivation for the 'enlightened' widows in urban areas of Amuru district to resist inheritance, land grabbing and related conditionalities from in-laws. Peterman (2011:1) echoes this observation by noting that "women with higher socioeconomic status are ... more able to negotiate favorable asset inheritance outcomes." Panda and Agarwal (2005:833) also established that a "woman would have a stronger fall-back position if she is employed and/or owns property ... [such as land and other] means of livelihood". In this context, "land [ownership] ... visibly signals the strength of a woman's fall-back position" (Panda and Agarwal, 2005:824) and availability of alternative livelihood sources — family business in this case — provides strong grounds for women to resist inheritance.

¹⁹¹ Interview, 25/01/2012.

¹⁹² Interview, 25/01/2012.

In the last section of the excerpt, the woman leader implied that traditional institutions can pass judgement that is not only in favour of women but also acceptable to the wider society as opposed to approaching other institutions which other women might consider to be superior. The problem associated with seeking legal redress from statutory courts by women is that the risk of resentment and retribution from male authorities and clan leaders, especially when women finally return to the villages is high (Adoko, 2009b; Branch, 2007a; World Bank, 2003). The embittered in-laws may force the widow to leave her marital home even after winning the court case as the in-laws take it as a form of affront. This finding is supported by Richardson's (2004:20) observation in Botswana and Zambia where the taking of in-laws to court after land and 'property grabbing' in the event of death of the household head is "seen as a declaration of war against the husband's family".

8.3.2. Intra-family land grabbing in Amuru district

This section interrogates land grabbing processes within families in Amuru district, a process which Hall et al. (2011:145) describe as "intimate exclusion". Family members initiate exclusion processes with the intention of excluding their 'intimate' kin (Hall et al, 2011). In this case, a family is conceptualised as a 'nuclear household'. Before the start of the LRA conflict in 1986, land in northern Uganda was held, accessed and utilised in a communal manner and rarely sold (Ker Kwaro Acholi, 2008). However, new dynamics have emerged in the post-conflict period whereby the youths of Amuru district, many of whom were born and raised in the IDP camp environment challenge the communal manner in which land is held and utilised. The youth prefer private land tenure forms as it gives them the opportunity to make 'quick money' through sale of land to the local elite. These new dynamics have been brought about by capitalism, commercialization and increasing large-scale land acquisitions in Amuru district by local and foreign investors. The youth seize and subsequently sell land that is held in common by the members of the family, meaning that the market is pivotal in excluding intimates (Hall et al, 2011). The sale of family land goes on irrespective of, and in the midst of, opposing voices from other members of the family/household.

In a FGD that was held in Gulu town with elders of Amuru district, a 65-year male elder and farmer from Amuru sub-county claimed that:

The sons and daughters of the land are the ones grabbing and selling the land in the area. There was no market for land before the war. People were not selling land. People used to give land to friends and colleagues for free but not for sale. The perception that land is marketable and of monetary value is a recent issue; it was not like this before the war.¹⁹³

The former chief of Pabbo sub-county pointed out in an interview:

Before the war, nobody knew that land has this kind of value that people now talk of. Before the war, we had animals that we treasured so much, we were agriculturalists alright but one was more satisfied when he has got herds of cattle, goats and sheep. But you would not really talk of being a wealthy person in the village because of the size of land owned. Exclusive ownership of land by an individual was unheard of. At the moment [2013] land is looked at in monetary terms than the traditional means of attaining social cohesion in society. The interest is to have more land which is then sold for money.¹⁹⁴

The youth of Amuru district no longer consider the communal principles of land holding as valid and binding because the social and economic activities in the IDP camps environment where they were brought up, and confined for over two decades were monetised and ‘commoditised’. Customary rules are not codified but derived from socio-cultural practices which are themselves dependent on the prevailing social, economic and political circumstances (World Bank, 2003; Fitzpatrick, 2005; Okoth-Ogendo, 2008), which implies that customary laws and practices change with time. The evolution of socio-cultural norms and practices as well as customary laws means that there “is a distinction between ‘official’ customary law and ‘living’ customary law” (Ozoemena and Hansungule, 2009:5). Rejection of ‘official’ customary rules and practices by the youth and acceptance of ‘living’ forms of socio-cultural norms and practices that emerged in the IDP camp environment is what Bennett (2008:138) refers to as change from the ‘official’ to the ‘living’ version of customary law. This viewpoint resonates with Lund’s (1998:2) idea of “situational adjustment” in the sense that customary rules and practices which govern access to and utilisation of land seem to be adjusting to the situation, that is, pressures arising from commodification, commercial interests and land grabbing.

Bennett furthers this viewpoint by arguing that “authentic customary law is distilled from current social practice[s]” which, by implication, points to the idea that commercialisation and

¹⁹³ FGD, 07/03/2012.

¹⁹⁴ Interview, 20/02/2012.

commoditisation are the “current social practices” for the youth of Amuru district (Bennett (2008:138). From this perspective, preference of individualised forms of land holding as opposed to communal tenure suggests that customary land holding practices in Amuru district have evolved and responded to changes in social and economic circumstances (Okoth-Ogendo, 2006) which, in the case of Amuru district, are commercialisation, commodification and monetisation.

Intra-family land grabbing in Amuru district has also affected girl children and two cases presented hereinafter best illustrate how this is so, with the first one highlighting the ways in which cultural practices are manipulated by male members of the household to deny female members of the same household access to paternal land. Meanwhile, the second case is about seizure of family land by the successor/heir after the death of the household head. In an interview conducted at the former IDP camp in Pabbo sub-county Amuru district, a female informant who was once abducted by the LRA explained the complexities of appropriation and denial of access to land by her brothers.

I was abducted by the LRA rebels in 1999 at the age of 15 from Pogwinyi in Patiko while on the way from school. I was in the company of other girls with whom we attended school. The rebels took us to Palabek and while there they brought shirts whose owners were hidden. Each one of us was ordered pick one shirt and whoever owned the shirt automatically became your husband. From there we moved to Muchwini. After three months I became pregnant but escaped in October 1999 at around 3am in the morning. The government army found me wandering in the bush. I was taken to GUSCO [Gulu Support the Children Organisation] rehabilitation center from where I gave birth to a baby boy in 2000. The problem for me is to have access to the patrimonial land. My brothers have not accepted me and my child back to the family because I am from the ‘bush’. They argue that I should claim the land from my marital home but I do not know where the father to my child came from. So I cannot claim anything. Their fear is that my boy child may demand and compete for the patrilineal land in future. I earn a living by fetching water and digging for people in the community. I harvest their farm produce for those with farmland, for which I am given some of the produce as payment. My brothers sold part of the family land to a businessman from Gulu town. I now do not have my own place to settle with my son. I now stay with a church pastor.

As this case shows, male members of society, employ socio-cultural practices and customary norms in their quest to disempower and subsequently grab land from their kin. The grabbing of family land is facilitated by the patriarchal and patrilineal nature of Ugandan society in that girl children are portrayed as less human and not appreciated as productive persons but only

visualised through the child bearing lens, an activity which is taken for granted in Ugandan transitional societies (See Moser, 1993) . “The boys attack girls saying that you are a mere woman and a woman is there to grow. So you do not need land”, claimed an official of the High Court of Uganda at Gulu in an interview.¹⁹⁵ But, as this case shows, girls exercise their agency as human beings by adopting different strategies as they negotiate these challenges. The strategies include working on people’s farms and fetching water for the local people at a fee.

The second case was obtained through a one-on-one interview with a young woman called Akello (fictitious name) from Atiak sub-county. The data presented below is out of my interaction with Akello in Gulu municipality where she lived.

I was born in Atiak sub-county of Amuru district in 1980. I am the third born and the only girl in a family of six children. My family moved to the IDP camp in Atiak sub-county in 1996. But, owing to sustained attacks on the camp by the LRA rebels, we relocated to Unyama IDP camp in Gulu municipality as it was much safer and well protected. My parents died during the war and we buried them in Unyama IDP camp. After the war, we re-buried them in Atiak in 2005 and my eldest brother was installed as the successor after the performance of traditional rites. I was not married at the time when we returned to Atiak so I lived with my eldest brother, the successor. My brothers were allocated pieces of land on which they farmed and built houses. In 2007, I moved back to Gulu to co-habit with a man whom I met in Unyama IDP camp. However, the marriage turned sour and I returned home in 2008. I requested my elder brother to allocate me a piece of land on which I could farm and live. He refused to give me my share by claiming that I got married and thus my own share was in my marital home. I left home and returned to Gulu municipality where I lived with my friends in Kanyogoga cell as I searched for work opportunities. In 2008, I got a job as a house helper but I abandoned it six months later due to mistreatment by my employers. I now do ‘business’ [commercial sex work] at Buganda Pub [a popular hangout that is located in Gulu municipality along Gulu-Kampala highway].

The second case shows that the grabbing of family land is undertaken through the seizure of opportunities and use of ‘excuses’. That is, Akello’s brother capitalised on cohabitation to deny her a share of the paternal land. The principles and practices of customary tenure in Acholiland explicitly state that family land “will always remain in the paco/dogola or ot (family or household) for emigrant family members (and future unborn) to return to” (Ker Kwaro Acholi, 2008:16). Under the rights of vulnerable groups, the principles and practices further point out

¹⁹⁵ Interview, 09/03/2013.

that: “A child born out of marriage has rights to the homestead/family land of the mother’s family” (Ker Kwaro Acholi, 2008:19). The Constitution of the Republic of Uganda, 1995, and the Land Act of 1998 also specify that vulnerable individuals have the right to share and live on family land (see chapter 3 for a detailed discussion).

Even in a situation where a woman cannot stay in a marriage for particular reasons or is withdrawn from her husband in the case of a sour marriage where she is mistreated, harassed and battered, such a woman has the right to return to her parents’ home. Upon her return, she is expected to be allocated a piece of family land where she can farm and live with her children.¹⁹⁶ Although the denial of women and girl children of access to land contravenes the principles and practices of the Acholi people highlighted above and the law of the land, the practice is still widespread in Amuru district. Based on the provisions in the Constitution of the Republic of Uganda, 1995, the Land Act of 1998 and principles and practices of customary tenure in Acholiland (Ker Kwaro Acholi, 2008), the study informants and their children could have a genuine claim for a share of the patrilineal land. It is only under few specific circumstances that women would not be allowed to return to their patrilineal homes and claim land. As the excerpt from the women leader and representative of women at Ker Kwaro Acholi below shows, a woman in a happy marriage claims the matrimonial land but does not have the right to claim patrilineal land as marriage in Acholiland involves a reciprocal relationship.

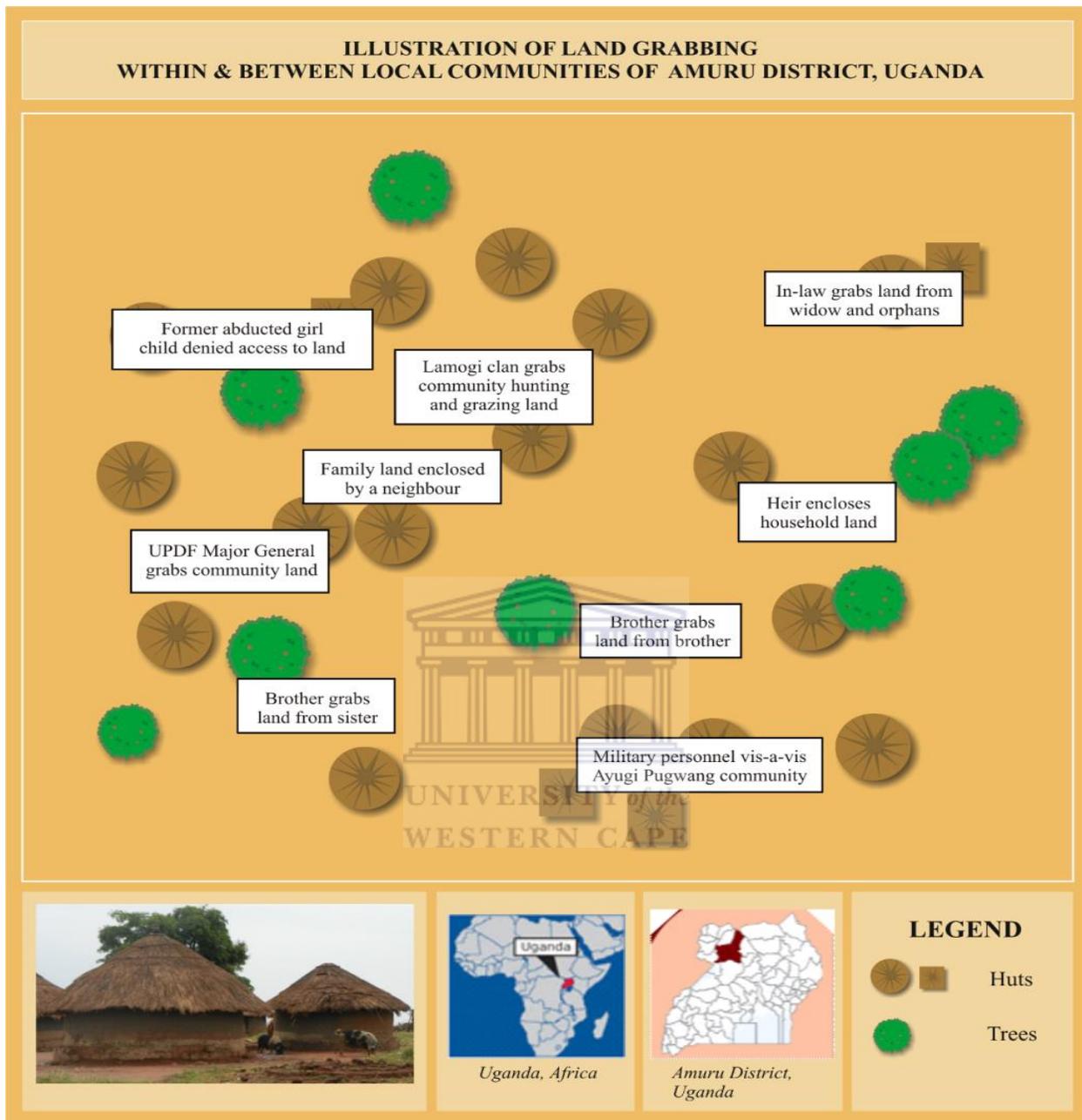
The women are married in the family and girls are married out of the family. If we [women] come back home and demand for land, then where will our brother’s wives fit? Where will their daughters fit? Marriage in Acholiland is always a reciprocal relationship between clans whereby women are married in and girls are married out of the clans.¹⁹⁷

Figure 2: Illustration of land grabbing within and between the local communities

Figure 2 on page 228 summarises and puts the land grab cases discussed in this chapter in perspective. The figure shows, in an illustrative manner, the types of land grabs and the actors that grab land that belongs to the poor peoples of Amuru district.

¹⁹⁶ Interview, 08/05/2012.

¹⁹⁷ Interview, 08/05/2012.



Source: Author's own construction based on fieldwork data (2013).

8.4. Conclusion

Land grabbing between and within the local communities of Amuru district is multifaceted as it encompasses an array of actors who have varying objectives, visions of development and employ different mechanisms to appropriate land from the disempowered rural poor people. The 'everyday forms of appropriations' (Li, 2010) which involve the elite within the local communities of Amuru district have largely been shaped and informed by the interests of 'big'

foreign and local investors who seek to acquire more land for investment. Independence of South Sudan in 2011 and the subsequent increase in the demand for food and other agricultural supplies have served to aggravate the processes of expropriation in Amuru district. Local businessmen from northern Uganda, domestic investors from Kampala as well as foreign entrepreneurs have continued to reposition themselves so that they can tap into the increasing market potentials in South Sudan. These processes have provided a new perspective to land and agriculture in Amuru district as investors view Amuru district, which is close to South Sudan, as the new frontier for investment.

Acquisition of land by the local elite is progressively transforming the structure and composition of society as well as restructuring the social relations within individual households, families and the broader clans. The local elite at different structures of society have devised ways and means of seizing more land but this has been to the disadvantage of the rural poor peoples (widows, elderly men and women, orphans and formerly abducted boys and girls) who continue to lose land on which they depend for livelihood and survival. The marginal and disempowered peoples of Amuru district have however adopted different mechanisms to counteract the transformation from the 'collective' to 'individual/private' tenure and land grabbing by the local elite.

Widows in rural areas negotiate the pressures from in-laws and navigate the problem of land grabbing after the passing on of the male household heads by accepting to be inherited and trading in petty commodities in local markets like the one at Pabbo sub-county. In contrast, widows in the urban areas can reject inheritance because of the diversity of livelihood options. As a response, young girls have taken on different livelihood strategies including prostitution and paid domestic work. Acceptance and rejection of inheritance, what Evans and Day (2011:7) call "resistance to inheritance" and as well as prostitution are part of the broader processes of resistance adopted by women in Amuru district. Accumulation 'from below' has therefore continued to create large masses of marginalised and landless proletarians and a few classes of empowered and wealthy local elites who seize the emerging economic opportunities in Amuru district. The next section concludes the study by revising the central arguments and findings of the study and further highlights key contributions to knowledge.

CHAPTER 9: CONCLUSIONS

This dissertation investigated the interlocking processes which underpin land grabbing, the diverse categories of land grabs as well as the actors involved and their roles in facilitating the appropriation of community land. It also interrogated the agrarian transformations and socio-economic consequences arising from land grabbing processes and pointed out the mechanisms employed by the local communities of Amuru district to block and resist the appropriation of their land. Land grabbing in Amuru district unfolds in complicated ways in the sense that the underlying processes overlap, with some rooted in colonial experiences, while others derive from convoluted land tenure reforms in the post-independence period. After 50 years of independence, the colonial legacy continues to be significant in shaping land-related political, economic and social dynamics in Uganda as seen in the multiple land tenure systems and rights as well as multiple institutions for their administration/adjudication, what Peters (2004) and (Benda-Beckmann (1981) call legal pluralism. While successive post-independence governments have attempted to “correct the historical distortions” (White et al., 2012:624) and resolve the impasse which arose from the competing and overlapping land tenure regimes and rights from the colonial era (Alden Wily, 2012), this dissertation argues that the interventions have contributed to and aggravated land-related confusion and contestations across the country. Local elites, domestic and foreign exploit and take advantage of the colonial distortions and post-independence confusion arising from legal pluralism to grab poor people’s land.

To some scholars, “the blame for large-scale [land grabbing or] deals lay with post-independence states themselves” (Wolford et al., 2013:190) given that many have “weak and fragile” land governance structures and tenure security (Borras et al., 2011:7) and are corrupt (Fairbairn, 2013:337). This dissertation however established that the contemporary processes of land grabbing by domestic and foreign investors as well as local elites in Uganda have been kindled by a combination of forces which lay outside of state control and internal processes within the nation state. Unequal power relations between developed countries and IFIs vis-à-vis developing economies and local communities have significantly accentuated land grabbing. The liberalisation of the Ugandan economy under the logic of the Structural Adjustment Programmes fronted by the IMF and World Bank from the 1980s onwards has continued to open up countryside areas, Amuru district in this case, to foreign capital.

In addition, land grab cases explored in this dissertation show that the state is “not simply [a] passive victim in these deals” (Wolford et al., 2013:192) but actively fosters and mediates the expropriation processes through the establishment of institutions and laws which govern and determine the terms and conditions of access to land. The GoU and its embedded institutions — such as the Uganda Investment Authority (UIA) and Uganda Wildlife Authority (UWA) — determine who owns the land, frames the terms of ownership and determines the manner in which land is utilised, whether for ‘agriculture, conservation or tourism’ (Hall et al, 2011). Thus external and internal processes continue to influence each other although the former has an advantage over the latter due to unequal power relations. In this context, the far-reaching consequence of both external and internal processes, as shown by the experiences of Amuru district, is the usurpation and alienation of community land by local elites, domestic and foreign capital.

The data from secondary sources, in-depth interviews and focus group discussions shows that land grabbing in Amuru district is multi-layered as it consists of different types of land grabs that interact and reinforce each another in diverse and profound ways. Although literature on land grabbing indicates that large tracts of land are often expropriated by foreign investors for mainly agricultural purposes (GRAIN, 2011; White et al., 2012; Corson and MacDonald, 2012; Prague Global Policy Institute, 2012), my findings from Amuru district show that a spectrum of large-scale to small-scale tracts of land are grabbed, the land which is expropriated formally or informally through peaceful and/or violent methods, is utilised for various activities and that a multiplicity of actors who occupy varying social status locally, nationally and internationally are involved.

9.1. Types of land grabs in Amuru district

I identified two broad types of land grabs based on the acreage of land involved: large-scale and ‘localised’ small-scale land grabbing. I further disaggregated the two land grab types into three categories and the disaggregation was based on the purpose for which the land is grabbed and level at which land appropriation process takes place. The first category as seen in chapter 6 is large-scale land grabbing for agriculture. The second category of land grab explored in chapter 7 is large-scale land grabbing for conservation and tourism. The third category, as discussed in

chapter 8 encompasses ‘localised’ small-scale land grabbing between and among the local communities. The ‘localised’ small-scale land grabs are divided into four categories: inter-and intra-community versus inter-and intra-family land grabbing. The former typology involved the six chiefdoms of Amuru district, while intra-community land grabs involved military personnel and other local elites who lay a claim on community land. Inter-family land grabs involved members of the broader clans and extended families, while intra-family land grabs were between members of the same nuclear families. The land which is seized is utilised for a variety of purposes including agriculture, farming and some of it is sold. The mechanisms and processes which underpin the three land grab types are explored in the next section.

9.2. Mechanisms and processes underpinning land grabbing in Amuru district

The mechanisms and processes which underpin the three land grab types are uneven and varied in the sense that specific patterns of accumulation, which are direct and indirect, ‘violent’ in some cases and non-violent in others, are employed to enclose community land (Harvey, 2003). In the first case study, the Madhvani Group used indirect and non-violent mechanisms and processes to expropriate community land in Lakang village. The indirect and non-violent process included capitalisation and exploitation of the close connection the Madhvani Group has with the state, its officials and presidency to acquire the land in Lakang village. This ‘close connection’ is implied in the government ‘directive’ to have the project awarded to the Madhvani Group rather than through a competitive bidding process (see page 132). It is also evident in the several visits that were made by the president, ministers, RDC and other state official’s to Lakang village in a bid to convince the local communities to give up the land for sugarcane cultivation. All these processes confirm the claim that states and the elite therein ‘set the stage for capital accumulation’ (Harvey, 2003) by influencing who get the land, where and how (Bernstein, 2010).

Statutory courts and judicial processes are used to authenticate and legitimise the land grabbing actions of state-backed corporations (Alden Wily, 2012) in the eyes of the local people and the international community. This is done by having the contestations over land sorted out in court when in actual sense there are underhand processes going on. In this case study, the statutory court — which is the “legal extension of state power on the ground” (Wolford et al., 2013:193) — was used to validate the expropriation of community land by the Madhvani Group. The

intriguing questions in this regard are; in whose interests do the judges work and on which side do they belong? Judges are part of the state and the national elite (Wolford et al., 2013), and for this reason, they serve the interests of the state. The local communities of Lakang village claimed that they lost the court case because the state manipulated the instruments of justice. The use of the statutory court to legalise land acquisition by the Madhvani Group confirms the assertions that states are facilitators of capital accumulation (Hall et al., 2011; Harvey, 2003; Ferguson, 2006) and that land grabbing is accomplished “within the terms of domestic property laws: laws made by host governments and their predecessors” (Alden Wily, 2012:752).

The other mechanism and process entailed extension of invitations to the leadership of Amuru district and northern Uganda, ‘ambassadors of development’ and the local people. The Madhvani Group, with the backing of the state, extended invitations to delegations of MPs, cultural and opinion leaders from Amuru district in particular and Northern Uganda in general to visit the sugar factory at Kakira. In turn, the state took the leaders to the palm oil plantation in Kalangala district to see the ways in which large-scale agriculture can stimulate ‘development’. Also, the government at various times invited the leadership of Amuru district to the State House for negotiations over the land in Lakang village even when several of those leaders belonged to opposition political parties. Extension of invitations to different groups of people was aimed at ‘converting’ them into ‘ambassadors of development’ meaning that they were to convince the local people of Amuru district to accept the sugarcane project. It appears inconceivable that these methods would not involve the giving of ‘kickbacks’, in cash or kind.

In contrast to Lakang village where indirect and non-violent methods were used to enclose land, the green land grab case in Apaa village shows that a combination of both violent and direct as well as non-violent and indirect processes and mechanisms are used to enclose community land for conservation and tourism purposes. The indirect and non-violent processes and mechanisms of green land grabbing involved the signing of management concessions. In the case of Apaa (as seen in chapter 7), the UWA and ADLG — institutions which are extensions of state power and authority — signed a management concession with LASL without the involvement of the local communities that live in the area. This case thus confirms the observation by Hall et al.

(2011:193) that states regulate the people who can access land, for a particular purpose, under specific conditions.

The ‘politics of introduction, connection and lobbying’ by individuals connected to the elite within wildlife management bodies, the UWA in this case, facilitate the processes of acquiring land for conservation and related tourism activities. Within the country, investors first approach and ‘sale’ their ‘business proposals’ to connected individuals who can influence wildlife related policies or have direct access to executives in national wildlife organisations. After being promised their ‘kickbacks’, in cash or kind, these individuals ‘introduce’, and ‘connect’ potential investors to people in the wildlife organisations, politicians and state agents who can influence the policy. In the end, the potential investor is given ‘community land’ for the establishment of conservation and tourism related activities. This mechanism is evident in chapter 7 where the manager of LASL could not have been recruited on merit, but on his position as a former employee at the UWA with a lot of insider knowledge and information on the political intricacies involved in acquiring land for the establishment of private conservation areas in Uganda.

Meanwhile, the direct and violent processes of land grabbing for conservation related tourism entailed utilisation of the state power and machinery to forcefully expel the villagers of Apaa village from the land, a process which Bernstein (1990:8) calls “enclosure induced displacement”. The government utilised its institutions — police, military, UWA game rangers and wardens to ‘displace’ the resident communities of Apaa village and subsequently pave the way for conservation and related tourism activities. The Ugandan state and its institutions are central in deepening the seizure of community land, a finding which validates Harvey’s (2003:145) view that the “state, with its monopoly of violence and definitions of legality, plays a crucial role in both backing and promoting ... [of capital accumulation] processes”.

A related direct mechanism is the ‘handicapping tactic’ used by the coercive organs of the state. ‘Handicapping tactic’ is used here to characterise the processes that the police and military personnel employ to make it difficult for the local communities to survive in the contested area, Apaa in this case. The idea here is that if the state or its institutions do not force the local people to leave the land, then they complicate and make life difficult for them to survive on the

contested land through arrests, incarceration destruction of property and food reserves. In the end, the local communities are forced to leave the land by themselves. Intimidation, coercion and militarisation of the land grabbing processes in Apaa village suggest that state expropriations through violence should not be seen as “abnormal or outside the modern state, but as constitutive of it” (Wolford et al., 2013:193). The series of mechanisms and processes that are used by the state and capitalists to facilitate the capital accumulation processes indicate that states and capitalists do not divide neatly between the peoples from whom the resources are seized and no single approach is utilised in these processes (Hall et al. (2011). No straightforward, coherent and uniform approaches are used by the state and capitalists, but these actors draw on an array of processes, capitalise on various forms of power — military or otherwise — intermediaries and local elites to seize community land.

The micro-level politics of land grabbing within and between the local communities of Amuru district is multi-layered as contrasting ‘tailor-made’ mechanisms and processes are employed by different local elites to expropriate land belonging to rural poor people. But, the land grabbing mechanisms and processes adopted by the local elite depend on the degree of vulnerability of the person holding the targeted land. Military personnel intimidate and capitalise on their ‘positionality’ in the forces and government to grab land belonging to powerless rural communities. Also Judicial processes — as evident in the cases involving military personnel vis-à-vis local communities and ‘other local elites versus vulnerable individuals’— are manipulated through delays in the passing of judgement and continuous appeals. In the end, the poor who lack the resources to pursue the case are forced to give up. In addition, there are processes of dispossession that I can characterise as ‘open grab’ and capitalisation on ‘financial incapacitation’. The notion of ‘open grabbing’ means that the land grabber occupies someone’s land, as seen in Peter’s case, and thereafter challenges he owner in court. While, ‘financial incapacitation’ means that land grabbers enclose land well knowing that the owner cannot challenge them in court because of the lack of financial ability to do so.

Inter-family land grabs are undertaken through the processes of ‘open confrontation’, manipulation of customary law and socio-cultural practices and threats to withdraw support from widows. The process of ‘open confrontation’ as evidenced in the narrative by the Rwodi (page 213), involves outright challenge of a family member by another member of the family over the

ownership of land that was used by all members of the family. Meanwhile, manipulation of customary law is seen in the first narrative from the widow (see page 223-224) who claimed that in-laws do not respect and accept the land tenure rights of widows with only girl children. Widows with girl children are thus chased away from their marital land. Land grabbing is also accomplished through manipulation of the socio-cultural practice of inheritance, a process that I call 'inherit and occupy'. This land grab process starts with the threat to withdraw support from the widow after the death of the male household head. But after acceptance of inheritance, the care-taker in-law grabs the land from the widow given that he will be the household head or colludes with land grabbers.

The intra-family land grabbing or 'intimate exclusion' (Hall et al, 2011) processes are accomplished by the use of 'excuses' and invoking the patrilineal cultural norms and practices of the Acholi people. Brothers refused to let a formerly abducted sister to settle on her paternal land by claiming she is from the bush and that she should claim her marital but not paternal land because she has a child. Similarly, Akello was denied access to the paternal land by the brothers on the pretext that she is married when in actual sense she was cohabiting with a man. The two informants were in the end denied access to their paternal land even when the socio-cultural practice and the law of the land state otherwise. The next section examines the agrarian transformations and social economic consequences.

9.3. Agrarian transformations and socio-economic consequences of land grabbing

The agrarian transformations and socio-economic impacts of land grabbing are not uniform, meaning that land expropriation gives rise to 'differentiated' consequences (Mill, 1965; Mamdani, 1976). In terms of agrarian transformations, there is a gradual but progressive change underway in the social relations of production and reproduction in Amuru district. The four key agrarian questions of 'who owns what? Who does what? Who gets what? [and] What do they do with it?' as posed by Bernstein (2010:22) are central in providing insights into the transformations in the agrarian structure and social relations are underway due to land grabbing 'from above' and 'from below'. Contextualising the question of who owns what, the categories of people who own the means of production and reproduction, land, are changing through the appropriation of common pool resources and land that had belonged to local poor communities. Before the LRA conflict, the local people of Amuru district owned and controlled the land. But

land ownership is changing as local and national elite, domestic and foreign capitalists are steadily increasing their control over the means of production and reproduction.

The acreage and types of 'crops' cultivated are changing in the sense that large-scale mono-crop (sugarcane) estates in the case of Lakang village, and 'wildlife farming' or conservation related activities in Akaa village as opposed to varieties of grain and cereals as it was before the conflict are to be produced. The market and marketing strategies also are changing as seen in the case of Akaa where sport hunters come from the United States and other countries in the Scandinavia. The marketing of sport hunting is done online as opposed to the period before the LRA conflict where much of the cereals and grain produced in the communities was consumed within the households and the surplus availed to local markets through local informal supply chains. Even much of the cereal and grain which is produced by the elite who are accumulating 'from below' is destined for the international market, particularly South Sudan, but not the local markets in Amuru and Gulu districts. These processes have transformed agrarian political economy that was prevalent before the conflict and the existing social relations centred on agriculture. In turn, they have created new social structures and encompassed new forms of actors (domestic and foreign), transformed farming into agribusiness (Bernstein, 2010) and shaped new sets of relations that have benefited some classes over others (Chambers 1983; Sayer, 1989).

The labour regime is also steadily transforming; this is, from labour intensive smallholder farming to large-scale consolidated commercial farms which are 'capital intensive and less labour absorbing' (Akram-Lodhi, 2009:226). Based on Chambers' observation in the rice farming communities in South Asia where mechanisation of the production chain resulted in the shedding of labour, it appears that the introduction of consolidated capital-intensive farming in Amuru district is comparable to 'signing a death warrant' as this will result in joblessness for the local people (Chambers, 1983:186). Previously, women in Amuru district had access to land and contributed their labour towards production and reproduction at household level. But due to land grabbing, as seen in Chapter 8, some of the women whose land has been grabbed or who have been denied access by their intimate kin are now engaged in petty trade, others have sought paid work outside of the home environment, and many work in other people's homes or fields for payment in cash or kind. These on-going processes are therefore changing and creating new social and class relations in terms of agrarian structure, value chains, multi-layered forms of

accumulation and proletarianisation, fragmentation and consolidation of land holdings, new migration and mobility patterns in Amuru district.

In terms of impacts, while domestic and foreign investors as well as local elites acquire more land, power and capital through ‘accumulation by dispossession’ (Harvey, 2003), the land grab processes were found to be detrimental to the rural poor peoples. The loss of land in Lakang village was gradually restructuring the local political economy, obstructing the reconstitution of sustainable agrarian livelihood systems and invariably interfering with the identity, spirituality and sense of belonging of the Acholi people. For Apaa village, ‘enclosure-induced displacement’ (Araghi, 2009:112) resulted in the destruction of property, loss of lives, harassment and incarceration of youths and loss of rights to land. It has also resulted in the creation of environment-induced IDPs, classes of people whom Li (2010:68) refers to as “surplus population” and Tucker, 1978:422) calls “industrial reserve army”.

Similar to the land grab cases in Lakang and Apaa, the seizure of poor people’s land by local elites has deprived them of the primary means of production, land, and is steadily restructuring the traditional values and social-cultural practices that govern land tenure as well as the terms and conditions of land access. Local communities seem to favour private as opposed to communal tenure because many are interested in making quick money through the sale of land. This study further established that competition for land within and between clans, families and households was gradually transforming the definition and conceptualisation of a family and household—from extended as it was perceived prior to the LRA conflict to nucleus in the post-conflict period.

The place and significance of Amuru district in national debates and development discourses as well as political space in the country has not only been recognised but also become more prominent. Before the land grabbing discourses came to the fore in Amuru district in particular and Northern Uganda in general, the position of Amuru in the social, economic and political realms of the country was marginal. But this position changed particularly when the Madhvani Group and LASL acquired land in Lakang village and Apaa village respectively. As of April 2014, Amuru district was central in political debates, scholarly and social discussions particularly on issues related to agricultural development in Uganda. The next section highlights

the resistance mechanisms employed by the local communities to block and resist the expropriation of their land.

9.4. Resistance mechanisms

Capital accumulation processes that are underway in Amuru district have provoked resistance within the local communities. The local people have not simply given in to land grabbing which has deprived them of their rights to land. Instead, they have managed to exercise their agency by mobilising a rich repertoire of 'everyday forms of resistance' (Scott, 1986) involving individual and collective, overt and covert actions, some of which were gender specific. In an effort to block and resist land grabbing, the women of Lakang village deployed collective nudity by stripping before the Madhvani Group officials and government representatives, and example of collective and overt resistance. MPs from Northern Uganda and opinion leaders filed a court case against the Madhvani Group and Amuru District Local Government and questioned the legality of the procedure of land acquisition.

In Apaa village, the local communities also embarked on collective overt resistance, by obtaining a court injunction from the High Court at Gulu, even though the agents of the state did not respect the decision of the court as they continued to evict villagers from the contested land. Other villagers defied the orders from the UWA to vacate the land, and even after eviction, some returned and occupied Apaa village. In contrast to these collective and overt responses to land grabs 'from above', the local land grabbing processes are blocked and resisted in diverse ways, including both collective overt and individual covert ways. The local communities petitioned the Ministry of Defence in this case and sought legal redress from the court as those accused of grabbing land were employed in the armed forces. Widows in the rural areas counteracted and responded to land grabbing at clan and family levels by accepting widow inheritance, while their counterparts in urban areas boldly resisted inheritance and land grabbing by seeking legal redress from traditional authorities. Girls, as seen in the case of Akello, choose non-collaboration, a mechanism which Scott (1986:6) characterised as a 'weapon of the weak'. The diverse forms of resistance as witnessed in Amuru district therefore validate the assertion that land lies at the core of peasant resistance in rural communities given its centrality in determining the livelihood and survival mechanisms of the rural poor (Scott, 1986; Hart, 1991). The next section examines the contribution of the dissertation to knowledge.

9.5. Contribution to knowledge

This dissertation has provided the basis for a deeper understanding of the land grabbing processes, pointed out diverse types of land grabs and actors involved and interrogated the agrarian transformations and socio-economic consequences and resistance mechanisms employed in Amuru district. In so doing, the dissertation has contributed to knowledge in four significant ways. First, it has done so by providing a nuanced understanding of the ways in which politics and power ‘from above’ and ‘from below’ interact to shape and transform the existing social relations around land. Still and perhaps more significant is that this study has disentangled how the state and its institutions employ the powers of regulation, coercion, intimidation and militarisation to expropriate community land thereby improving the theoretical conceptualisation of the nature of the Ugandan state. Second, this study showed that different types of land grabs emerged and interacted in the post-conflict area of Amuru district where the processes of return, resettlement, large-scale and small-scale land grabbing were effectively underway. In this way, I furthered the debates on land grabbing.

Third, several scholars have studied land grabbing processes in other parts of Uganda (Piacenza, 2012; Graham et al., 2011; Grainger and Geary, 2011) but very few have specifically focused on Acholiland (see Mabikke, 2011), and none on Amuru District despite the scale of land appropriation and profound impacts of this phenomenon. Moreover, the above studies investigated only one aspect of land grabbing, that is, large-scale land grabbing. This study thus moves a step further by investigating both large-scale land grabbing ‘from above’ and localised small-scale land grabs ‘from below’. In addition, no study in Uganda has examined the processes which underpin land grabbing for conservation purposes. Therefore, by interrogating these salient aspects, the dissertation provides the basis for harvesting a rich and more encompassing comparative analysis of land grabbing in Uganda. Fourth, by connecting the processes of IDPs return, resettlement and reconstruction in a post-conflict setting with present-day global discourses on land grabbing and national politics around investment, this study has contributed to existing debates on land repossession and land-based investment, transitional justice and restitution in a post-conflict context.

9.6. Conclusion

While utilisation of community land for large-scale commercial agriculture and conservation ventures initiated ‘from above’ were regarded by the government as plausible ways to redevelop,

revitalise and address poverty concerns caused by years of displacement, the affected local communities did not believe that these pathways could move them closer to realising these objectives. The widespread opinion ‘from below’ is that these redevelopment and revitalisation discourses have only served the interests of the local elite within Amuru district, national elites in Kampala as well as local and foreign investors who have the means to establish capital-intensive businesses as opposed to the interests and well-being of poor returnee communities of Amuru district. The small but growing proletarian classes that are slowly emerging as a result of land grabbing processes ‘from above’ and ‘from below’ that have divorced the rural poor from the central means of production, land, have contributed to increase in the capital available to local and foreign investors as well as local elites while entrenching despondency in the villages of Amuru district. The three land grabbing cases explored in this dissertation have therefore validated the theoretical assertion that differences in power relations between the different structures of society and classes of people are accentuated through land accumulation processes, and benefit some categories of people while negatively affecting others. Those with either political or economic power, or both, are able to benefit through the accumulating of more capital, land in this case, while the powerless and poor members of society become poorer and weaker through the loss of assets such as land.

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Appendices

Introduction letter I



SCHOOL OF GOVERNMENT

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Tel: +27 (0) 21 959 3801/ 3804
Fax: +27 (0) 21 959 3826
E-Mail: jbardill@uwc.ac.za

21 November 2011

TO WHOM IT MAY CONCERN

Eria SERWAJJA: Letter of Support

Eria Serwajja is a PhD student at the School of Government, University of the Western Cape (UWC), Cape Town, South Africa. He commenced his studies in January 2011 and is in receipt of a prestigious DAAD- (German Academic Exchange Service) scholarship. The School of Government is part of a Centre of Excellence established at UWC with funding from DAAD for the education and training of leaders and scholars in Africa in the development field.

Eria has successfully completed his PhD proposal on the research topic "Examining the Land Question in Resettlement: A Case Study of Post-Conflict Northern Uganda." From December 2011 he will be undertaking fieldwork in Uganda to collect the data he requires to complete his doctoral dissertation.

In carrying out his fieldwork and research, Eria will abide by the strict research ethics principles set out in the University's Research Policy, particularly in relation to voluntary participation, informed consent and confidentiality. The interviews he conducts and the information he collects will be used solely for the purpose of his dissertation, and the anonymity of respondents will be guaranteed.

If you are able to assist Eria in carrying out his fieldwork in Uganda, I would be very grateful and would like to thank you in advance for the support you provide.

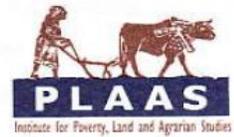
Yours sincerely

Prof. John E. Bardill
School of Government
University of the Western Cape

Introduction letter II



UNIVERSITY of the
WESTERN CAPE



To whom it may concern

19 July 2013

RE: INTRODUCTION OF PhD CANDIDATE MR ERIA SERWAJJA

Eria Serwajja is a PhD candidate in Development Studies at the University of the Western Cape. His doctoral research project investigates post-conflict economic reconstruction in Northern Uganda in the context of commercial agricultural development and the resettlement of internally displaced people.

Mr Serwajja's research proposal has been approved by the University's committee on research ethics, and any information provided confidentially will be kept anonymous.

He is conducting field-based research in Uganda towards his doctoral thesis during July and August 2013.

We are grateful for any information and assistance you are able to provide to Mr Serwajja. If you have any questions regarding his study, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. H. Hall'.

Ruth Hall (supervisor)
Associate Professor

Institute for Poverty, Land and Agrarian Studies (PLAAS)

School of Government, Faculty of Economic and Management Sciences
University of the Western Cape
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A place of quality
a place to grow, from hope
to action through knowledge

Letter requesting to access data on land disputes

SCHOOL OF GOVERNMENT

University of the Western Cape
Private Bag X17, Belville, 7535, South Africa
Tel: +27 (0) 21 959 3845
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04 January 2011

Mr. Adonyo Henry
Chief Registrar
Courts of Judicature
Kampala, Uganda.

Dear Sir,

REQUEST TO ACCESS INFORMATION ON LAND DISPUTES

I am Eria Serwajja, a doctoral student at the Institute for Social Development, School of Government University of the Western Cape South Africa. I am currently undertaking fieldwork research in the northern part of Uganda under the working title "Examining the land question in resettlement: A case of post-conflict northern Uganda" for a period of six months. The information which I seek to access relates to court cases involving disputes over land which were reported to the High Court and the Magistrates Court in Northern Uganda during the last five years.

The purpose of this letter therefore is request for permission to access the records in the court registries in Northern Uganda. I will ensure that the information is used purely for academic purposes and I will follow the canons of good research practice by ensuring confidentiality and anonymity.

Your positive consideration will be highly appreciated.

Yours sincerely



Eria Serwajja
PhD Student
School of Government
University of the Western Cape, South Africa
Tel: 0702262448
Email: eserwajja@gmail.com, eserwajja@yahoo.com



Letter granting access to data on land disputes

TELEGRAMS

TELEPHONE: 233420 – 3

IN ANY CORRESPONDENCE ON

THIS SUBJECT PLEASE QUOTE NO

CR/DOR.1

Our Ref:

Your Ref:



THE REPUBLIC OF UGANDA

COURTS OF JUDICATURE

P. O. BOX 7085

KAMPALA - UGANDA

4 January 2012

Mr. Eria Serwajja
School of Government
University of the Western Cape
Private Bag X17, Belville, 7535, South Africa

REQUEST TO ACCESS INFORMATION ON LAND DISPUTES

I refer to yours dated 4th January 2012 requesting for permission to access court records in the registries in Northern Uganda.

Permission is granted for you to conduct the research. You should provide the Judiciary with a report of the findings and you must ensure confidentiality.

Please produce your identification and a copy of this letter to all those whom you will wish to meet at the courts.

H.P. Adonyo
Ag. CHIEF REGISTRAR

The Game (Preservation and Control) Ordinance, 1959

7th September]

Supplement to Uganda Gazette

Legal Notice No. 217 of 1959.

**THE GAME (PRESERVATION AND CONTROL)
ORDINANCE, 1959.**

(No. 14 OF 1959).

DECLARATION OF GAME RESERVE.

NOTICE.

(Under section 39 of the Ordinance).

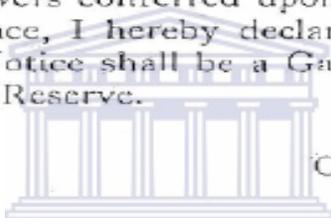
Aswa/Lolim Game Reserve.

IN EXERCISE OF the powers conferred upon me by section 39 of the above-mentioned Ordinance, I hereby declare that the area specified in the Schedule of this Notice shall be a Game Reserve to be known as the Aswa/Lolim Game Reserve.

ENTEBBE,

7TH SEPTEMBER, 1959.

(N.R.C. 24).



UNIVERSITY of the
WESTERN CAPE

C. H. HARTWELL,

Chief Secretary.

SCHEDULE.

The area comprised within the following boundaries: —

Commencing at the point on the Murchison Falls National Park boundary where the Anaka-Pakwach road crosses the hill Opokopung approximately 11½ miles from Pakwach; thence in a northerly direction to the summit of the most westerly hill of the Lolim group; thence to the source of the River Kulunyang; thence following the thalweg of the said river to its junction with the River Aswa; thence in a northerly direction to the hill Ladwong on the Aswa escarpment; thence in an easterly direction following a line of cairns and "Reserve" notices approximately one mile north of the River Aswa to a point on the eastern bank of the River Dengdenga (Jansohachu) marked by a cairn; thence in a southerly direction following a line of cairns or "Reserve" notices on the eastern bank of the River Dengdenga to the River Aswa; thence in a southerly direction following a line of cairns along a series of ridges to the River Laminaye; thence following the eastern bank of the said river to its headwaters; thence in a southerly direction following a line of cairns or "Reserve" notices to a point on the Murchison Falls National Park boundary on the Anaka-Pakwach road approximately 19 miles from Anaka; thence following the said boundary in a westerly direction to the point of commencement.

THE GAME (PRESERVATION AND CONTROL) ACT.

Statutory Instrument 226—25.

L.N. 364
of 1963.
S.I. 17
of 1964.

The Game (Kilak Hunting Area) Order.
(Sections 71 and 72 of the Act).

1. (1) THIS ORDER may be cited as the Game (Kilak Hunting Area) Order.

(2) This Order shall apply to the area specified in the First Schedule to this Order.

2. The hunting of any species of scheduled animals specified in the Second Schedule to this Order is hereby prohibited.

3. In respect of any species of scheduled animals specified in the first column of the Third Schedule to this Order the number of each of such species which may be hunted in any one calendar year shall be the number respectively set out in the second column of such Schedule.

4. It is hereby prescribed that on the issue of a permit to hunt any species of the scheduled animals specified in the Third Schedule to this Order there shall be paid to the Acholi District Administration the basic fee as specified in that Schedule and, in addition, the fee respectively specified in respect of each of such species in the third, fourth and fifth columns of that Schedule.

5. It is hereby declared that a request has been received in writing from the Acholi District Administration to prescribe the fees specified in the fifth column of the Third Schedule to this Order in respect of permits issued to *bona fide* residents of the Acholi District.

para. 1.

FIRST SCHEDULE.

The area comprised within the following boundaries—

Commencing at the point where the Madi-Acholi District boundary meets the Albert Nile River; thence following the Madi-Acholi District boundary to the source of the Ceri River; thence following a straight line running in a southerly direction to a point marked with a cairn on the north bank of the Ome River in the Winciére Forest Reserve; thence

following the east bank of the Ome River to its junction with the Katatye River; thence following the eastern bank of the Katatye River to its source; thence in a straight line in a southerly direction to the Dengdenga River; thence following the eastern bank of the said river to its junction with the Aswa River; thence following the northern bank of the Aswa River to its point of entry into the Albert Nile River, thence following the eastern bank of the said river to the point of commencement.

SECOND SCHEDULE.

para. 2.

Scheduled animals not to be hunted in the area to which this Order applies—

Roan Antelope, Reedbuck (Bohor's) (female), Situtunga, Giant Forest Hog, Greater Bustard (all species).

THIRD SCHEDULE.

paras. 3 and 4.

Substituted S.I. 17 of 1964.

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN	FOURTH COLUMN	FIFTH COLUMN
Species of animal	Maximum number which may be hunted	Fee for Holder of Visitor's Basic Game Licence	Fee for Holder of Resident's Basic Game Licence resident outside Acholi District	Fee for Holder of Resident's Basic Game Licence issued to <i>bona fide</i> residents of Acholi District
		Shs. 300*	Shs. 300*	Shs. 100*
Buffalo	200	100	50	50
Bushbuck	50	50	10	10
Duiker	50	10	5	5
Hartebeest	40	50	20	20
Oribi	50	25	5	5
Reedbuck (Bohor's) (male) .. .	20	50	10	10
Uganda Kob	40	50	10	10
Warthog	50	10	5	5
Waterbuck	20	50	20	20
Elephant	50	S.L.F.†	S.L.F.†	S.L.F.†
Hippopotamus	20	S.L.F.	S.L.F.	S.L.F.
Leopard	10	S.L.F.	S.L.F.	S.L.F.
Lion	5	S.L.F.	S.L.F.	S.L.F.
Any of the birds mentioned in the Fifth Schedule to the Act .. .	1	Nil	Nil	Nil

* Basic fee per permit.

† Plus, in respect of every elephant obtained of which the tusks exceed a total weight of 67 lb., the following graduated ivory fees—

68 lb. to 100 lb. ivory at Shs. 15 per lb.

101 lb. to 150 lb. ivory at Shs. 30 per lb.

151 lb. and over ivory at Shs. 60 per lb.

‡ Not more than five per permit in any one day.

S.L.F.—Supplementary Licence Fee as shown in the Second Schedule to the Game (Preservation and Control) Act.

The Game (Preservation and Control) (Abolition of Game Reserves) Instrument, 1972

STATUTORY INSTRUMENTS.

1972 No. 54.

The Game (Preservation And Control) (Abolition Of Game Reserves) Instrument, 1972.

IN EXERCISE of the powers conferred upon the Minister by section 39 of the Game (Preservation and Control) Act, this Instrument is hereby made this 30th day of March, 1972.

Cap. 226.

1. The Kikagati Game Reserve and the Aswa/Lolim Game Reserve specified in the Sixth Schedule to the Act are hereby abolished.

2. This Instrument may be cited as the Game (Preservation and Control) (Abolition of Game Reserves) Instrument, 1972.

W. B. BANAGE,
Minister of Animal Resources.

Date of publication : 7th April, 1972.

**UNIVERSITY of the
STATUTORY INSTRUMENTS.**

1972 No. 55.

The Game (Kilak Hunting Area) (Revocation) Order, 1972.

IN EXERCISE of the powers conferred upon the Minister by sections 71 and 72 of the Game (Preservation and Control) Act, this Order is hereby made this 30th day of March, 1972.

Cap. 226.

1. The Game (Kilak Hunting Area) Order is hereby revoked.

S.I. 226-25.
Vol. XIII.
p. 3122.

2. This Order may be cited as the Game (Kilak Hunting Area) (Revocation) Order, 1972.

W. B. BANAGE,
Minister of Animal Resources.

Date of publication : 7th April, 1972.

Interview guide for the local community

1. Introduction and presentation of objectives of the research.
2. Name of the local area/Local council one area.
3. Rooted land tenure and settlement histories of the local communities.
4. Process of displacement and return to the pre-conflict land.
5. Brainstorming on land grabbing issues in the household/local community.
6. Identification of companies /organisations / individuals acquiring the land in their area.
7. The processes adopted while acquiring the land.
8. Gendered perspectives in land grabbing.
9. Acreage of land involved.
10. Community engagement in land acquisition processes.
11. The role of the Ugandan government and local governments in land grabbing processes.
12. A question as to whether the project/enterprise is a development opportunity in the local communities of Amuru district.
13. The social, economic and political consequences of land acquisition in the project.
14. Resistance mechanisms that have been adopted by the local communities and the gender tailored approaches to resistance.
15. Available documentation related to the land in question.
16. Follow up on new issues emerging from the interview session.
17. Debriefing.

Interview guide for community leaders

1. Introduction and presentation of objectives of the research.
2. Land tenure histories of northern Uganda.
3. Processes of displacement and return.
4. Land grabbing during and after displacement.
5. Categories of people involved in land grabbing.
6. The role of the state and elites within in fostering land grabbing.
7. Development narratives/justifications of land allocations by the Ugandan state.
8. Costs / consequences of land grabbing and investment on the local political economy.
9. Steps taken by the state to reduce/stop land grabbing.

10. Restitution and compensation initiatives by the government of Uganda.
11. The resistance mechanisms that have been adopted by local leaders to discourage and stop land grabbing.
12. Approaches adopted to block and resist land grabbing.
13. New issues emerging from the interview session.
14. Request for secondary data and documentation.
15. Debriefing.

Interview guide for investors

1. Introduction and presentation of objectives of the research.
2. Name of the investor and company.
3. Country of origin of the directors.
4. Type of ownership, local or foreign.
5. Location of headquarters of the company/organisation
6. District and area/location of operation in Uganda.
7. Motivation to invest in Uganda.
8. Investments in other countries other than Uganda.
9. Length of investment in Uganda.
10. The acreage of land involved.
11. The processes land identification in Uganda.
12. The procedure of land acquisition in Uganda.
13. Purpose for which the land was acquired and its current utilisation.
14. Who made the first contact, the government or investor?
15. Local partners in Uganda.
16. Community engagement in the projects/investments.
17. Investment experience in Uganda.
18. Sources of finance.
19. Benefits to the local communities.
20. Costs of the project/investment to the local communities.
21. Current and future expansion plans for the project/investment.
22. Land grabbing issues raised by the local communities about the company/enterprise.

23. Documentation relating to the land in question.

24. Debriefing.

