



# Bottom-up Accountability Initiatives to Claim Tenure Rights in Sub-Saharan Africa:

*Collaborative action research on the rush for  
land and water in Uganda, Mukono District*

Published by FIAN & TNI

FIAN International  
Willy-Brand-Platz 5  
69115 Heidelberg,  
Germany

TNI  
De Wittenstraat 25  
1052AK Amsterdam,  
Netherlands

Members of the Research team: **Nakato Margaret, Namaganda Rehema Bavuma**  
and **Vaal Benjamin Namugga**

Editor: **Katie Sandwell**

Design: Bas Coenegracht

Made possible by financial support from the International Development Research Centre  
(IDRC)-Canada.

Disclaimer: All opinions expressed in this publication are those of contributing authors and do not  
necessarily represent the views of the publishers.

Contents of this publication may be quoted or reproduced, provided that the source of information  
is acknowledged. The publishers would like to receive a copy of the document in which this report  
is used or quoted.

Amsterdam, Heidelberg September 2017

# Table of Contents

Summary of the report	5
1 Background and context of the research area	5
1.1 Geographical Context	5
1.1.1 Mukono District	7
1.1.2 Foreign Direct Investment	9
1.2 A brief overview of land tenure systems in Uganda	10
1.2.1 History and legal framework	10
1.2.2 Tenure Rights of lands surrounding lakes in Uganda	12
1.3 The struggles of fishing communities in Uganda	13
1.4 KWDT and its engagements in defending community customary land rights/fisheries rights	13
2 The case study, research problem and questions	15
2.1 The case study: Nangoma, Buleebi, Mbale and Kiziru in Mpunge sub-county in Mukono district of Central Region in Uganda	15
2.1.1 Location and Demography	15
2.2 Drivers of Land/Lake grabbing in the research communities	16
2.2.1 The general increase in food (fish) prices in the country	16
2.2.2 Land adjacent to the lake	17
2.2.3 Promoting Foreign Direct Investments	17
2.2.4 Land laws and policies	17
2.2.5 Agribusiness	17
2.2.6 Other Drivers	17
3 The research methodology	17
3.1 Methods and activities	17
3.2 The Research participants	20
3.3 The Research challenges	20

4 Access to and governance of land and fisheries resources in the fishing communities in Mukono	20
4.1 Mapping shifting trends in access by the fishing communities	20
4.2 Actual situation of access to land in the different research communities	21
4.2.1 Local communities' knowledge, visions and practices regarding natural resource governance	21
4.2.2 Strengthening the research capacity of small scale food producers, gaps, obstacles and possible steps	25
4.3 Evaluation of governance of land surrounding the lake/ Fishery resources in Uganda basing on the provisions of the Tenure Guidelines	28
4.3.1 Legal Frameworks and Policies	28
4.4 Conclusions on the situation of the governance of / access to Fishery resources for people in Mukono	28
5 The Action Research Process	29
5.1 Re-training of the land pressure group	29
5.2 Training all women group leaders, in land laws	29
6 Results of the Action research in the light of bottom-up accountability in LSLA	29
6.1 Conclusions and Recommendations	29
Annex 1 Land Search Reports	30
Endnotes	31

# Summary of the report

This action research project is being implemented by KWDT with support from TNI and FIAN. The action research project aims to answer the following questions and achieve the objectives therein: understanding the local communities' knowledge, visions and practices regarding natural resource governance and development, strengthening the research capacity of small scale food producers' organisations, identifying the main gaps in and obstacles to applying international human rights law to land, and strengthening the advocacy capacity of small scale food producers, and identifying strategies to overcome the above-mentioned gaps.

Participatory research methods have been used to ensure active participation of the people being affected. These include focus group discussions, key informant interviews, community dialogues, household in-depth interviews, and a review of literature, as well as informal discussions with community members and leaders. The current phase of the project, however, (year 3 of the project), is action oriented, engaging the affected communities in analysing, understanding, and taking active steps towards solving the problems of land grabbing in their communities.

Findings reveal that lawlessness (in some cases), ignorance of the law, evictions and unlawful relocations, increasing pressure and conflicts emerging in fishing communities, as well as neighbouring farming communities are all leading to communities losing access to the land and fishing grounds on which they have survived for many years, leading to unemployment and loss of livelihoods among the fisher folks. Other issues revealed by the project include: increased hostility aggravating existing tribal differences among the people, obstruction of much needed local investments as well as increased vulnerability of women.

The project has empowered local community members not only to better understand the dynamics surrounding large scale land acquisition in their area, but also to address these challenges and increase their resistance to land grabbing.

This report gives the background and context of the research, clarifies the legal and policy framework governing the use of land in Uganda, provides background on the Mukono district, and lays out the research problem, the methodology, findings and emerging issues of the study, as well as providing recommendations and ideas for further action.

## 1 Background and context of the research area

### 1.1 Geographical Context

Uganda is a land locked country in East Africa. It is bordered to the east by Kenya, to the north by South Sudan, to the west by the Democratic Republic of Congo, to the South West by Rwanda and to the South by Tanzania. It is the world's second most populous land locked country after Ethiopia. The southern part of the country includes a substantial portion of Lake Victoria, shared with Kenya and Tanzania.

Although landlocked, Uganda contains many large lakes besides Lake Victoria. These include: Lake Kyoga, Lake Albert, Lake Edward and the smaller Lake George.

The number of Districts in Uganda was 112 as of 2016<sup>1</sup>.

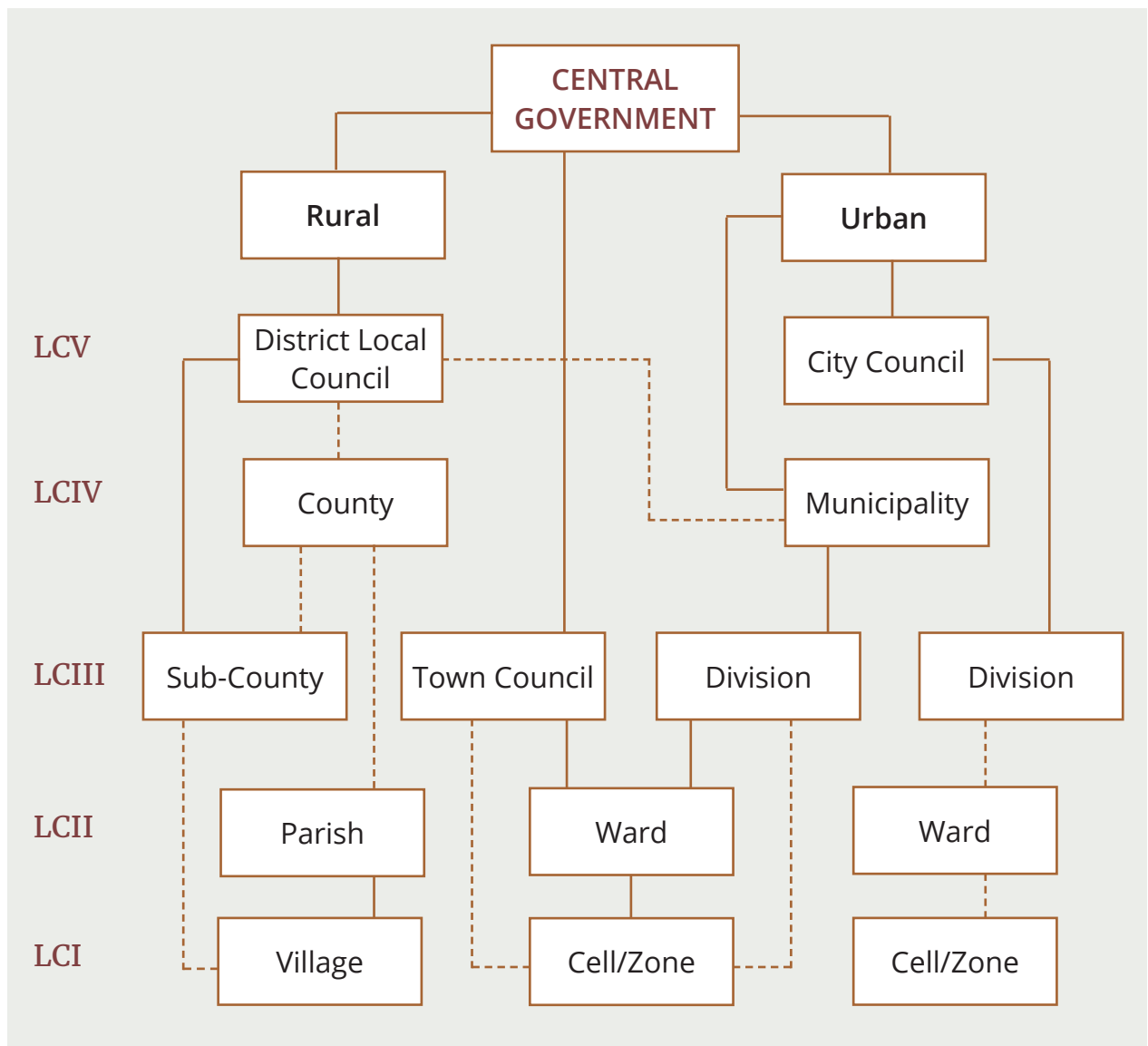
The number of districts in Uganda	112
The number of counties in Uganda	249
The number of constituencies in Uganda	290
The number of sub counties in Uganda	1,403
The number of parishes in Uganda	7,431
The number of villages in Uganda	57,842

Source: The 2016 General Elections Statistics: <http://www.ec.or.ug/?q=content/2016-general-elections-statistics> (Website of the Electoral Commission)

The system of local government in Uganda is based on the District as a unit under which there are lower Local Governments and Administrative Unit Councils. Elected Local Government Councils, which are, or should be, accountable to the people are made up of persons directly elected to represent the different electoral areas. The Local Government Council is the highest political authority in its area of jurisdiction. Government Councils are corporate bodies with both legislative and executive powers. They have the power to make local laws and enforce their implementation. On the other hand, Administrative Unit Councils serve as political units to advise on planning and implementation of services. They should assist in the resolution of disputes, monitor the delivery of services, and assist in the maintenance of law, order and security.

The Local Government structure in rural areas is composed of the District and the Sub-county. The Administrative Units below the Sub-county are: County, Parish and lastly Village.

The powers which are assigned to the local governments include: powers of local policy making; regulating the delivery of services; formulation of development plans based on locally determined priorities; receiving, raising, managing and allocating revenue through approval and execution of their own budgets; altering or creating new boundaries; appointing statutory commissions, boards and committees for personnel, land, procurement and accountability; as well as establishing or abolishing offices in Public Service of a District or Urban Council.



Source: Ministry of Local Government 2016

The central government is responsible for national affairs and services; formulation of national policies and national standards, and monitoring the implementation of national policies and services to ensure compliance with standards and regulations.

Line ministries carry out technical supervision, provide technical advice and mentoring of Local Governments, and liaise with international agencies.

### 1.1.1 Mukono District

Mukono District lies in the Central region of Uganda, sharing borders with the District of Buikwe in the East, Kayunga along river Sezibwa in the North, Luwero in the North West, Kampala and Wakiso in South West, Tanzania, and Lake Victoria in the South with the Islands of Buvuma District<sup>2</sup>.

The District Headquarters is in Mukono Municipality Central Division, situated along Kampala-Jinja road (21Kms East of Kampala City). Mukono Central Division serves as an Administrative and commercial centre. Other urban centres include the three town boards of Katosi, Kasawo and Nakifuma.

#### Geographical and Physical set up

The northern part of the district is flat but the southern region consists of sloping land with many hills: 75% of the land is less than 60 degrees in slope.

Although the above two sources actually present very divergent figures of the district land area, the first one shows that a large part of the district and specifically Mpunge sub-county, is covered with water, leaving a smaller land area which is home to a large number of people.

Table 1

Mukono District total area distribution

S/No	Local Government	Total Area [sq. km]	Land Area [sq. km]
1	Koome	773.26	105.82
2	Kyampisi	134.40	134.40
3	Nama	124.33	122.04
4	Mukono T/C	31.35	29.35
5	Goma	118.08	109.87
6	Nakisunga	193.79	180.55
7	Ntenjeru	379	159.18
8	Mpunge	145.06	60.93
9	Mpatta	152	73.16
10	Kasawo	207.05	189.59
11	Nabbale	122.86	117.63
12	Nagojje	168.78	164.61
13	Kimenyedde	108.70	108.70
14	Ntunda	130.22	108.46
15	Seeta-Namuganga	197.59	140.39
<b>Total</b>		<b>2,986.41</b>	<b>1,804.68</b>

Source: District statistical abstract 1994

Table 2

## Area under water and land in Mukono district, 1995

District area (sq km)	District area % of Total (Uganda)	Open water (sq km)	Open water % of district Area	Permanent/ Seasonal Wetlands	Permanent/ Seasonal Wetlands % of District Area	Area Exl. Open water & Permanent/ Seasonal Wetland	District Perimeter (Km)
12,655.7	5.2	9,289.7	73.4	256.1	2.0	3,110.0	598.1

Source: National Statistical Abstract, Uganda Bureau of Statistics (UBOS) 2013

The second table shows that 73.4% of the area in Mukono is covered by open water sources, which is mainly Lake Victoria. The district is one of the main sources of fish for both domestic and export markets.

The population of the district was estimated by the 2014 census to be 599,817 people, making it the 7th most populated district in the country<sup>3</sup>. Mpunge is the focus area of this study, and as shown above, the largest part of it is the lake, and only a small portion, 60.93 square kilometers, is land, within which different landing sites are located.

Below is the population of the landing sites in Mpunge sub-county

	Landing site	Number of children	Number of adults	TOTAL
1	Kazikake	115	74	189
2	Masabo	117	64	181
3	Mbeya	317	332	649
4	Nangoma	1,004	586	1,590
5	Nankoko	128	138	266
6	Nkoone	285	107	392
7	Kyaazi	190	133	323
8	Kamwanyi	295	204	499
9	Kasaali	247	198	445
10	Kiziru	488	602	1,090
11	Sumbwe	115	215	330
12	Buleebi	1,002	506	1,508
13	Mbale	479	417	896
		4,782	3,576	8,358

In all the landing sites, all people are engaged in either direct fishing or fish related business such as drying and selling silver fish, small scale trading, selling food to fishermen, and agriculture activities.



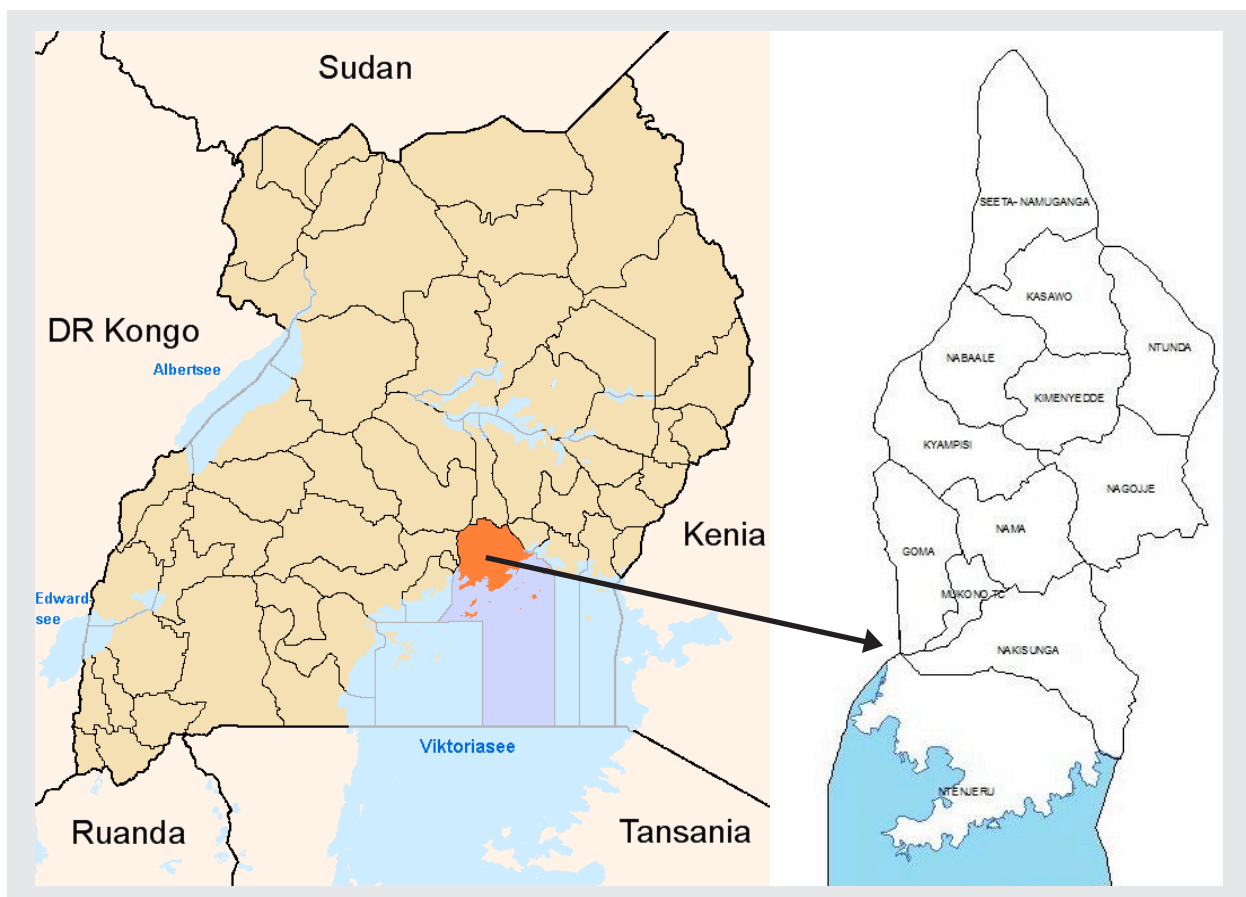
### 1.1.2 Foreign Direct Investment

Foreign private investors and entities can access land in Uganda through leasehold but are restricted from owning land<sup>4</sup>. The common procedure used by domestic investors to acquire customary land for their projects is to first approach the landholder, then ensure recognition of the transaction by the customary authorities, and finally apply for registration with the government.

The government of Uganda has long prioritized the creation of an enabling environment for Foreign Direct Investment (FDI)<sup>5</sup>. However, the current Land Policy<sup>6</sup> expresses concern that an increase in FDI may lead to the alienation of land from smallholders, and increase tenure insecurity and land conflicts. It calls for mechanisms to deliver the right balance between improving livelihoods, protecting vulnerable groups, and enhancing opportunities for investment and development. The policy suggests earmarking sectors open to FDI; the amount of land to be allocated for such investments depends on how the land will be used.

The new policy also urges caution when allocating public land to private investors, noting how compulsory acquisition by government provoked opposition among ordinary people and was in some instances “not based on any criteria” (GOU, 2011. See also the case highlighted by OXFAM of land licensed by the Government to the New Forest Company for carbon offset –OXFAM- 2011). The land matrix from the International Land Coalition (ILC) indicates 4 major land deals over 76,512 ha, mostly for agricultural purposes. The validity of these findings still needs to be verified, but this gives an indication of the extent of the transactions.

Map of Uganda, showing Mukono district and Lake Victoria



## 1.2 A brief overview of land tenure systems in Uganda

### 1.2.1 History and legal framework

The land tenure system in Uganda can better be understood if we view it from a historical perspective. Before colonialism, land in Uganda was available for communal use, held for grazing and small scale subsistence agriculture. Land was never owned individually. Therefore, the land tenure system then was entirely customary<sup>7</sup>.

In Buganda region (central Uganda) where Mukono district is located; land ownership changed following an agreement that the British signed with the King (Kabaka) of Buganda in 1900. These changes have, since then, affected other areas beyond Buganda. With this agreement, the land in Buganda was divided into two segments: Mailo land and Crown land. Mailo land was given as gifts to the Kingship, the Chiefs and some other notable people, while Crown land was held for government purposes. It is said that this agreement with the King of Buganda led to the first major displacement of Ugandan people from the land that they had occupied for long periods long before colonisation. Their traditional customary unwritten right to use the land for grazing and farming was terminated and, instead, if they wished to use the land, they had to pay “Busuulu’ and ‘Envujjo’ rent to the new landlords, the holders of the certificates to the land. This turned the bonafide occupants into tenants, who by law were required to pay rent to their newly imposed landlords.

Eventually, land would be accessed through direct purchase and thus become a commodity on the market. Despite this, customary tenure remained very dominant in the country, in spite of the difficulties brought about by the above changes.

This distribution of land to individuals brought about social differences and inequalities, and eventually produced squatters, who settled, farmed and grazed on the undeveloped land of absentee landlords.

In the recent past there have been attempts to streamline the land tenure and management systems in Uganda. Among them are the 1995 Constitution of the Republic of Uganda, the 1998 Land Act, and the Amendment to that Act in 2010. The most outstanding, perhaps, is the constitution, which states very clearly: land in Uganda belongs to the citizens of Uganda<sup>8</sup>. Land is vested in the citizens of Uganda in four land tenure systems: Customary, Freehold, Mailo and Leasehold. The Constitution establishes the Uganda Land Commission<sup>9</sup>, whose function is to “hold and manage any land in Uganda vested in or acquired by the Government of Uganda in accordance with the Constitution and any other function as may be prescribed by Parliament”<sup>10</sup>.

The Constitution also provides that there shall be a District Land Board<sup>11</sup> whose functions are:

- 1 To hold and allocate land in the district which is not owned by any person or authority,
- 2 To facilitate the registration and transfer of interests in land; and
- 3 To deal with all other matters connected with land in the district in accordance with the laws made by parliament

The Constitution, too, mandates the District Land Board to act independently for the Uganda Land Commission in the performance of its functions. Although the Constitution tries to address the problem of land tenure in Uganda, many challenges still exist.

In 1998, the Land Act was enacted to regulate the land management system in Uganda. It provides for a certificate of occupancy to be issued to the occupant to prove that he/she is a bonafide<sup>12</sup>. These occupants are required to pay ground rent to their landlords. In this case, the original landlord remains but the law also provides for the rights of the inhabitants of the land. The new (2010) amendment to the Act provided that tenants who have lived on the land for 12 years or more cannot be evicted for any reason other than the non-payment of nominal ground rent.

This, unfortunately, still did not solve the problem of land, but instead exacerbated dual claims to the land, where title owners are unable to sell their occupied land and tenants find it difficult to develop the land they occupy because they do not own it and therefore may be evicted any time.

When it comes to land ownership for land containing natural resources such as lakes, rivers, forests and minerals, Article 237 (2) (b) of the 1995 constitution charges the government “to hold in trust for the people and protect ...lakes, rivers, wetlands,..... for the common good of all citizens”.

Currently, most land in Uganda is owned under ‘customary tenure’ (representing 75%–80% of landholdings). Only 15%–20% of the land is formally registered<sup>13</sup>. Customary owners usually don’t have any papers at all. Even if they bought land with a written sales agreement, signed by a Local Council (LC) official, this document is not formally recognized by the state as proof of ownership. The LCs in the village may also not be aware of all of the complications of ownership in the history of the land. According to the Land Act, when buying untitled land the buyer has to check that the person selling the land is really the owner, and exercise what is called ‘due diligence’ (this is a legal term meaning that you must do your best to ensure that everything is being done properly).

There are efforts underway currently to convert land from customary ownership to free hold. This contradicts not only the national laws that recognize customary ownership but also international instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of

**THE LAND ACT, CAP 157**  
**THE LAND REGULATIONS, 1998**

Regulations 28, 29, 32

Form 4

**APPLICATION FOR CONVERSION FROM  
CUSTOMARY TENURE TO FREEHOLD TENURE/GRANT OF FREEHOLD\***

**PART I. (To be filled by applicant in triplicate)**

1. 

	Full Name (Surname first)	Sex (M/F)	Age	Marital Status	Initial Status
(i)	.....	.....	.....	.....	.....
(ii)	.....	.....	.....	.....	.....
(iii)	.....	.....	.....	.....	.....
(iv)	.....	.....	.....	.....	.....
(v)	.....	.....	.....	.....	.....
(Add as necessary)					
2. Address: .....
3. Location of land the subject of application:  
 Village/Ward: .....  
 Parish/Zone: .....  
 Sub-county/District: .....  
 County/Division: .....  
 District: .....
4. PID (where applicable) .....
5. Approximate area (ha) .....
6. 

a)	Is the land occupied? .....	YES/NO
b)	If occupied, by whom? .....	
c)	Claims of occupants .....	
.....		
d)	State current use of the land (e.g. farming, housing, and dwelling houses)	
e)	State intended use of the land .....	
7. Names of owners of adjacent land:  
 .....  
 .....  
 .....  
 (Add as necessary)
8. 

a)	We wish to hold the land as individual(s)
b)	We wish to hold the land as a family
c)	We wish to hold the land as a community
d)	If c) must share (fraction or percentage)

 \*Date submitted in triplicate

Source; field picture, taken by KWDT staff

National Food Security (henceforth Tenure Guidelines or TGs), which provide for the recognition and allocation of tenure rights for communities with customary tenure systems<sup>14</sup>. Below is the picture of the application form that one needs to fill in order to convert their land to freehold

Often titles to land are in the names of persons who have passed away, and have not been updated with the names of those who inherited the land. Difficulties accessing the land registry mean that people who rightfully own the land, especially from customary practice, are often robbed of their land as they may lack the resources to register their land and gain official title to it. People who have access to these offices can therefore process titles to land that is not rightfully theirs. When one manages to get a land title, disputes will arise between those who have received titles and those who customarily (and rightfully) own or occupy the land. Thereafter the law cannot help in such situations. As a result, people resort desperate strategies such as physical fights, burning cars of suspected land buyers, and similar.

### 1.2.2 Tenure Rights of lands surrounding lakes in Uganda

Land in fishing communities is governed by the same land laws explained above. However, in addition, the National Environmental Act 1998<sup>15</sup>, provides for a 200 metre buffer zone between the lake and any other activities on the land.

Below is snap shot of The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, No. 3/2000. The regulation emphasises the fact that lakeshores should be conserved for the benefit of people living in these communities (objective (a)).

#### **Part III: Management of River Banks and Lake Shores.**

##### **18. Application of this Part of regulations.**

- (1) This Part shall apply to all river banks and lake shores in Uganda.
- (2) The Government or a local government shall hold in trust for the people and protect river banks and lake shore for the common good of the citizens of Uganda.
- (3) Government or a local government shall not lease out or otherwise alienate any river bank and lake shore.

##### **19. Objective.**

The objective of this Part of the Regulations is to -

- (a) facilitate the sustainable utilization and conservation of resources on river banks and lake shore by and for the benefit of the people and community living in the area;
- (b) promote the integration of wise use of resources in river and lakes into the local and national management of natural resources for socioeconomic development;
- (c) give effect to clause 2 of article 237 of the Constitution of Uganda;
- (d) provide for the regulated public use and enjoyment of river banks and lake shores;
- (e) enhance research and research related activities; and
- (f) prevent salutation of rivers and lakes and control pollution or degrading activities.

##### **20. Principles.**

Generally, the absence of sufficient information on laws and policies that govern land use and management is a key characteristic of the fishing communities of Nangoma, Buleebi, Mbale and Kiziru in Mpunge sub-county in Mukono district. Although this may not be unique to these landing sites, the nature of work and multi-cultural composition of these communities, has sparked conflicts related to land in these fishing communities. The absence of sufficient information on land ownership is worsened by the weakness of governance structures. The absence of bottom-up accountability has been found to be the major problem facing the fishing communities.

The communities where the study is being undertaken include people residing within the buffer zone, as well as those residing further inland, where they are governed by the same land laws as the rest of the country.

There are efforts by the local government to convert land from customary to free hold, and local people are struggling to pay the fees involved in the process of transferring this land to a different tenure system and giving titles to all landowners in the area.

### 1.3 The struggles of fishing communities in Uganda

Large scale land acquisition is increasingly restricting fishermen to only certain parts of the lake and pressuring community members to occupy only limited space on landing sites. Reported mistreatment by known and unknown individuals is a major threat to the livelihoods of people in these fishing communities and efforts undertaken by the local people to seek the attention of local leaders to address these problems have so far been futile.

Efforts are currently underway by officials to curb illegal fishing through means including arrests of people caught fishing illegally, and burning of illegal fishing nets. So-called investors have taken advantage of this, bribing officials to arrest people who are fishing legally within regions or traditional fishing grounds from which 'investors' have decided to illegally exclude fishers. Harassment is thus disguised as "fighting illegal fishing" and legitimate fishers risk criminalisation and loss of property.

Due to the difficulties and conflicts on the land that they occupy, and increasingly restricted access to the lake, the livelihood strategies of these farmer and fisher folk communities are under threat. Those who supplemented their livelihoods from agriculture, especially women, have lost agricultural land while restrictions on access to fishing grounds has resulted in a lack of fish for the market and for home consumption. Often times, priority while catching fish is given to the fish for sale because fishers also have to meet household demands such as school fees for the children, health care, and servicing of credit for fishing equipment. One female respondent noted during the household interviews; "if your husband is not a fisherman, you cannot eat fish these days. And even when he is a fisherman, sometimes he cannot get fish for selling"

### 1.4 KWDT and its engagements in defending community customary land rights/fisheries rights

The land struggles described above affect women in the communities studied in a special way. Women in this area are mainly engaged in smoking or sun drying fish. While men need more access to the water to catch the fish, most, if not all, of the activities that women do require them to have space on the land. Silver fish is sun dried on land, smoking is done on land, and all the domestic work and their caring roles can only be done when they are settled on the land. Since the people of Buleebi were evicted from the land which they occupied and relocated to another much smaller piece of land, many women now have no space to sun dry silver fish. They must now compete for this space and it is allocated on a 'first come first serve' basis, meaning that only those who can bring their silver fish more quickly than others will be able to take the space to dry her silver fish. The rest then have no space. Because they cannot keep fish fresh for long, they then have to sell this fish immediately to other people from neighbouring communities who do have access to land for drying. In this way, women are pushed out of fishing related activities and have to resort to other means of survival, which are often much more complicated to learn and sustain. Women who were engaged in small scale farming were also greatly affected, as they couldn't farm on the land any more, since they are only allowed space enough for their small house and no extra space for cultivation.



silver fish drying at Buleebi landing site

Many women in Buleebi have now resorted to operating very small shops or kiosks. Although the average capital investment is UGX 50.000 (equivalent to 15 USD) many still complain that they can't afford the cost for constructing the kiosk, let alone paying a landlord for it on a monthly basis.

Most women in these communities are 'second wives' since a number of men in fishing communities are polygamous. They have a home (with a wife) at the landing site, and another home (with a wife) in another part of the country, where they came from (this is particularly applicable to fishermen who settled in these areas for fishing). When men are forced to migrate and leave the lake due to land struggles, they leave behind the women and children there, homeless, since they cannot take this second family to the first family. This makes women especially insecure and vulnerable in the face of such evictions.

Katosi Women Development Trust has worked in fishing communities in Mukono for close to 20 years. The organisation brings together 554 women, organised in 19 smaller groups, to harness the benefits of solidarity. The women have taken charge of their individual, household, and community development, and the results have been very positive. KWDT initially started working with women who were pushed out of fishing activity in this area and engaged them in alternative income generating projects. Although engaging them in these activities does not reinstate their access to land and water resources, it provides relief and helps them to develop alternative skills and livelihoods. Working in groups has helped the women to share resources, knowledge and skills, which has enabled them to triumph over the challenges they experience as small scale fishers and women in particular.

Working with and through women provides an entry point to these communities, and the women have, over time, gained experience in community mobilisation, which offers great support to this project too. To date, a total number of 77,416 people have directly benefited from KWDT programs and projects.

Many of the women members of KWDT are still being greatly affected by issues of limited access to land and water resources in their communities. The situation is particularly severe for women, as their access rights largely depend on their husbands. Complaints of failing marriages, illegal arrests of fisher for 'trespassing' on private fishing grounds, where women are required to pay large sums of money to bail them out, and loss of a spouse leading to denial of access to land are becoming more common and these greatly affect women's development and frustrate their efforts to build a sustainable livelihood for themselves and their families.

Other community projects implemented by KWDT have also been greatly affected by land and resource access issues. For example, the community of Buleebi, with a population of more than 1,500 people, had no latrine. Because of its proximity to the lake it is impossible to dig and keep a pit latrine, which is the most common and most affordable technology. With support from KWDT, the community acquired a six stall ECOSAN latrine for the community. The community members created a management committee for the effective use, operation and maintenance of the facility. When the landlord shifted people from the piece of land they inhabited, they were re-located to another piece, but the latrine was not re-built in the new location. Despite several complaints from the people, and promises from the landlord to re-build the latrine, signs show that this will not happen. People must therefore resort once again to open defecation all over the place and in the nearby bushes commonly referred to as “twatwa”.

KWDT participated in the negotiations and consultation process of developing the Tenure Guidelines, as well as the Small Scale Fisheries Guidelines, and is embarking on efforts not only to disseminate but also to utilize the Guidelines in an effort to increase awareness of land rights for local community members. The Guidelines have so far been used to interrogate, understand and interpret the situation of access to land and water, identifying which actors and which actions are violating people's rights to access land. Further steps in the study will be to engage lawyers, community leaders and members in understanding the Guidelines and applying them.

## 2 The case study, research problem and questions

### 2.1 The case study: Nangoma, Buleebi, Mbale and Kiziru in Mpunge sub-county in Mukono district of Central Region in Uganda

The study is being carried out at four landing sites along Lake Victoria within Mukono district. These sites include: Nangoma, Buleebi, Mbale and Kiziru, all located in Mpunge sub-county in Mukono district. Although the above sites were selected for the study, similar conditions exist in all the landing sites in Mpunge and Mukono in general, to differing degrees.

The four landing sites together have over 5,084 residents. In the landing sites all inhabitants are engaged either directly in fishing or in fish-related work such as drying and selling silver fish. A few are engaged in small scale trading, selling food to fishers.

Landlords in the community are either people who purchased land adjacent to the lake but have extended their claims to ownership to the lake itself, or those who are said to ‘own’ the landing site itself. Owning a landing site is not recognised or acceptable according to existing land laws. However, these arrangements are known to and accepted by the local government leadership, who benefit from the collection of land fees (busulu) and pay a fee to the sub-county offices, which allegedly helps them to run the sub-county.

#### 2.1.1 Location and Demography

Mpunge became a sub-county at the end of the year 2011, having previously been the biggest and most populated parish under Ntenjeru sub-county. It has a total number of six main landing sites, and seven smaller landing sites. The categorisation of main and smaller landing sites is based on the level of activity and volume of business on the site, as well as the population. The majority of the people in the sub-county earn their living directly from fishing or fish related activities such as sale of fishing nets, bait for catching fish, or food for the fishermen. While men go fishing in the lake, the women and children are normally engaged in the collection and drying of silver fish and other small scale trade.

Landing sites in Mpunge;

Main	Smaller
Buleebi	Mbeya
Kiziru	Nankoko
Nangoma	Kyazi
Sumbwe	Kamwanyi
Mbale	Nkone
Kasali	Kazikake
	Kisale
	Katale

Distances between the study landing sites: From Nangoma to Mbale is 3.5 kms. In the opposite direction, from Nangoma to Kiziru is 5kms, and Kiziru to Buleebi is 3kms.

From the population figures compiled by this project, it was observed that the sites are over-populated, with households located very close to each other, and the population of children, and especially children below 10 years of age, being higher than that of adults.



Kiziru landing site

## 2.2 Drivers of Land/Lake grabbing in the research communities

The drivers of land and lake grabbing in these communities include:

### 2.2.1 The general increase in food (fish) prices in the country.

The price of fish in Uganda has been increasing steadily, especially because of increased export of fish to international markets. The rising prices attract new entrants to the sector. Local community members who engage directly in fishing complain of not being able to afford fish to eat. The market forces dictate that most of the fish caught from the lake is exported and the rest sold to national markets, while only the remnants are sold in the communities where fish is caught.



### 2.2.2 Land adjacent to the lake

The land near Lake Victoria attracts a variety of activities other than fishing. These include sand mining, recreational/leisure activities as well as luxury residences for high-income Ugandans and foreigners who prefer to live close to water bodies and away from major cities. The land in fishing communities, therefore, is unusually susceptible to land grabbing, probably more than any other piece of land in the country. As noted by one of the district officials when asked about why he thinks there are numerous land conflicts in this district: “who doesn't want to stay near a lake? Wouldn't you like to have a house besides the waters? Everybody would like to have that. So, what do you expect?”

### 2.2.3 Promoting Foreign Direct investments

The government policy of promoting foreign investments has done more harm than good in the area of land and water access for the local communities. Investors struggle to find land for their investments, and the untitled land in rural communities becomes a target.

### 2.2.4 Land laws and policies

The policy of ensuring that all land is titled has further increased the vulnerability of local communities with unregistered and/or communal land, as the land is indicated as “vacant” or “unused”. This, however, simply means that it doesn't have any title and it is therefore displayed as “land available”, making it susceptible to land grabbing. Most of this land is in fact occupied and used by small scale food producers such as fisher people in Mukono.

### 2.2.5 Agribusiness

The increased number and scale of agribusinesses in Uganda facilitates large scale land acquisition and frustrates small scale food production for direct consumption. Examples of such agribusinesses in fishing communities include palm oil, fish farming, and flower growing. It is important to note that such businesses require huge sums of start up capital that local people can rarely afford, leaving such opportunities to either foreigners or high income earners in the country.

### 2.2.6 Other Drivers

Other drivers include: the high population density in these communities, which, in a way, contributes to the scarcity of land; declining fish stocks, which make competition for meagre fisheries resources even stiffer; and poor governance and ignorance of land laws, which facilitate corruption.

## 3 The research methodology

### 3.1 Methods and activities

The study employs both conventional and participatory action methodology, in which the affected communities actively participate in gathering the information as well as taking actions and steps to deal with challenges, in this case, land grabbing. A number of specific methods were used to gather information:

- Focus Group Discussions (FGDs) and the experience of holding FGDs in the landing sites. Eight FGDs, with a total of 189 community members so far have been held, along lines of gender and social roles in the community. In each of the four landing sites, two FGDs have been held, one for men and one for women.
- Household interviews. To date twelve households have been engaged in in-depth interviews about land issues, lasting between 40 minutes and 1 hour, with the aim of identifying the individual impacts of large scale land acquisition in these communities. The respondents for the household interviews were randomly selected regardless of the gender. Nine of them were female and only three were male. This is because women could more easily be found home, as most of their daily work takes place in and around the home, unlike with the men in the community, who largely worked outside the home. The majority of the women interviewed were housewives of fishermen, engaged in silver fish trading, either for themselves or for their husbands.

- Key Informant Interviews. Ten key informant interviews have been conducted with local government officials including the Community Development Officer, Land Area Committee members, leaders of the Buganda Land Board as well as the Resident District Commissioner.
- Community Dialogues. Four community dialogues, involving a total of 338 participants, have been conducted during this project. These are open community meetings where discussions on land and water access issues take place. They bring together both men and women, along with local leaders in these communities.
- Meeting with women leaders. A meeting was held with the four leaders from each of the 19 KWDT women's groups. The purposes of the meeting were to inform them of the on-going project and collect their views on the current state of affairs in issues relating to land, and to seek their opinions on what steps could be taken to address the situation.
- Literature review. A number of policy documents are continuously being reviewed and studied such as the Constitution, the Land Act, the Environmental Act, and the Tenure Guidelines. These are helping the research team to learn more about the land and water laws and policies nationally and globally, as compared with the actual situation on ground.
- Informal discussions. Although this was not a formal element of the research method, informal discussions before and after focus group discussions and community dialogues proved to be an important source of information. People would often use these opportunities outside of formal meetings to raise issues that they did not feel comfortable discussing in group settings.
- Direct observations have also been used to see some of the effects of land and water grabbing. These effects include: former farmland that has been fenced off, and former residential areas that are now used for sand mining.
- Meetings with the lawyers. Several meetings and interventions have been carried out with lawyers from Centre for Public Legal Education, which is a non-governmental organisation that aims to support local communities and the public in legal matters. More partnerships are currently being sought, not only with legal institutions, but also with human rights organisations. The community is evidently in desperate need of human rights interventions and not simply legal support that neglects this aspect.
- Formation and training of a land pressure group. The group was formed at the suggestion of community members, is comprised of five members from each of the four landing sites, and continues to actively engage in land issues. Also known as community representatives, the members of the pressure group work to continuously gather information and inform all community members about new developments regarding land grabbing in this community. The group is actively involved in mobilising community members and informing KWDT about all ongoing events or programs carried out either by community members or landlords.
- Community census to establish estimates of the affected population. Selected members of the community were identified, trained, and engaged in the exercise of counting people, together with the research team. The study conducted counts in all 13 sites in the sub-country. This is because, although four sites were selected for the study, it is now very clear that the challenges being faced by these landing sites are extremely similar. Therefore, to come up with an estimated number of people being affected by the problem of land and water grabbing in the area, it was important to establish numbers at least for all the landing sites in Mpunge Sub County. The exercise was an eye-opener for community members, showing how many people reside in this community and depend on its fisheries resources. The results of these counts were presented in Section 1 of this report, showing the background information of the study area.



Pictures of community meeting with lawyers

### 3.2 The Research participants

Participants in FGDs and community dialogues are local members of the fishing communities, including those directly engaged in fishing, their wives, women engaged in silver fish trading, and individuals with fishing-related small businesses such as selling fishing nets, food to the fishermen, and bait used for fishing. Whereas the FGD participants were a smaller group selected from the community, the community dialogues are open forums where all members of the community are invited.

FGD Participants

FGDs locations	Women FGD	Men FGD	TOTALS
Bulebi	25	33	58
Kiziru	14	16	30
Nangoma	15	20	35
Mbale	19	15	34
TOTALS	73	84	157

### 3.3 The Research challenges

Nature of the research. This is very sensitive research in this community and for the lead organisation. Some of the land acquisition has political connections, giving rise to fears amongst the community members regarding potential dangers of participating in this study. The informed consent process involves assuring participants that the findings of the study will be handled with care so as not to cause any harm. However, whenever action must be taken, it is taken with participation of the members themselves. This implies a threat not only to the affected communities, but also to KWDT itself as an organisation.

## 4 Access to and governance of land and fisheries resources in the fishing communities in Mukono

### 4.1 Mapping shifting trends in access by the fishing communities

The community dialogues have helped to reflect on the situation of land and water access in the past 10 years, and in the present, as well as to develop projections for the next 10-20 years, based on the perceptions of the community members. They all recall a time when they were not being chased away from the land; they knew the landlords of the adjacent pieces of land, but the landing site itself had no landlords. They revealed significant changes on the landing sites such as: the struggles for land, increased number of people, less vegetation and less fishing on the lake by the local people. They all predict a time when they will probably not be able to remain on the landing site and these places will all be sold to either foreigners (referred to as bazungu) or rich people from Kampala.

## 4.2 Actual situation of access to land in the different research communities

### 4.2.1 Local communities' knowledge, visions and practices regarding natural resource governance.

Effects of large scale land acquisition on the studied fishing communities have included, among others:

#### Effects on the environment

Mining of sand along the lakeshores using excavators destroys fish breeding grounds, displacing the fish and reducing the amount of fish that can be caught in those particular parts of the lake. Fishermen in these parts of the lake are complaining of the continuously declining amount of fish that they are able to get from the lake.

Roads have been spoilt as a result of sand mining in road reserves used by the people in these communities. In Buleebi this led to a demonstration where people expressed their dissatisfaction and blocked the roads for the sand miners, although the crowd was dispersed through the use of the army and their efforts were frustrated. Two roads have been greatly affected by sand mining and the investors remain indifferent to numerous requests from community members to rectify the situation. The road from Sanjo village, through Mbazi to Buleebi, estimated at about six kilometers, and the road from Nsanja to Mivo in Kiziru landing site, estimated at about thirteen kilometers have been severely affected. The fisher community relies on these roads to transport their fish from the landing site to the markets.

Sand mining has also affected water table, with some wells near the sand mines drying up while others were demolished in the process of sand mining. This has undermined access to clean water for the communities.

Finally, in some communities, community members and especially women have been forced to encroach on nearby forests for food cultivation. They hide or lose crop production when officials periodically enforce forest reserves and displace all those people encroaching on them. In Mbale the forest has been cleared for growing maize and some women of KWDT have reported farming in the forest due to lack of alternative land available for farming.

#### Socio-economic effects:

The investments and activities carried out have no visible social benefits for the local communities, whether employment opportunities or local infrastructure development. Negative effects in terms of loss of fisheries ground, loss of sources of firewood, loss of cultural burial grounds, harms related to the religious and spiritual significance of the lake (for worship), as well as families having to relocate because of a lack of a shelter, however, are frequent and well-documented. For example:

- In Soroti, a small village near Buleebi landing site, over 60 families (with permanent houses) were given UGX 3 million (around 830 USD) to leave the land. This could be called compensation, but the amount was far too meagre to enable them find alternative land to settle. In fact, according to the district land valuer, the compensation appropriate in this case would be not less than UGX13 million (3620 USD) for each of the families. As a result of failing to find alternative places to live, the families returned to the land which they had been asked to leave, and conflicts arose between them and the landlords. As a result of this research project, the landlords have felt threatened and have 'temporarily' allowed the people to stay on this land for undefined length of time as a long term solution is sought.
- Mining close to residential areas is one form of harassment that results in the evacuation of houses by residents fearing collapsing walls due to weakened foundations. Sand mining in Buleebi, and in Kiziru has been carried out very close to people's homes, barely 10 meters from inhabited dwellings. This forces people to leave, although miners pretend that no eviction has taken place.

- Frequent arrests on the lake are forcing some households to go hungry. During the focus group discussions, men expressed concern that the money they use to buy food comes from the fish caught that day. When they are arrested, either due to “illegal fishing” or for fishing in fishing grounds given to an investor, then that day the family will go hungry. Over 1600 people have been reported to have been arrested in the year 2015, prior to the elections in the landing sites in Buleebi. The same practice is also said to be common in many other sub-counties outside the study area.
- “Over 1600 people especially men, have been arrested from this sub county during the last year. When they are arrested, most of the time they are not even taken to police. They are taken to some isolated landing site in Bunakijja, we call it “omwalo gwa kalitunsi” (meaning the landing site of eucalyptus- because there is a lot of eucalyptus trees). On this landing site, they are tortured until they pay money to be released. People have complained of having to sell their household items to pay in order to be let free”. (Interview with the Chairperson LC 3 Mpunge sub county).

### Effects on income and food security

Loss of land for cultivation of food crops, which is an alternative livelihood strategy to fisheries, has intensified concerns in the communities about sources of food. Some areas of land have been fenced off and people are no longer allowed to access them to cultivate food, even when the investor has not started to utilise the land for the intended purpose of purchase.

### Gender related effects

Women are most disadvantaged by the ongoing displacement from the land due to their limited opportunities to enter alternative livelihoods and yet they represent the majority of the population in the landing sites. Restriction on the fishing grounds that fisherman can access also hampers women in their access to fish in which they trade. With no measures to address this loss of productive resources, poverty and hand-to-mouth livelihood has contributed to the low quality of life for women in the study area.

### Displacements

In Buleebi, all the households in the community have been displaced, and a small piece of alternative land provided for their re-settlement. The landlord displaced people in order to use their area of residence for sand mining. On the small piece of land where they are now crowded, women struggle to find space to dry silver fish, which is their major source of income.

### Slow but sure evictions

In all the 4 landing sites studied, when a house gets burnt down (which is common because houses are temporary wooden structures with grass thatched roofs), the residents are not allowed to re-construct a new house but are supposed to vacate the land. Additionally, for men and women that live alone, if they leave their houses for a number of days (for example, seven days), the landlord will lock the house and will not allow them to return. So they are evicted. This creates constant tension as community members have to be present and keep watch over their houses. These houses are owned and constructed by the people themselves. So, in principle, the landlord should have control over the land but not the house. In most cases landlords’ rights to the land itself are also questionable.

### Dual ownership and conflicts between landlords

In Nangoma, new land conflicts are arising between landlords. While the community members knew the old landlord, the most recent community dialogues and focus group discussions have revealed that a new landlord has come, claiming to have purchased this land. The affected community members are living in fear of anticipated outcomes. The case is currently in court to establish who the rightful owner of the land is.

### Foreign invasion

On each of the landing sites, there is a foreigner mentioned in the land conflicts. The most notable are Cooper and Kapasi who are said to have come from South Africa. They own large pieces of land on the landing sites. During the meeting with the lawyers and the community representatives, however, the lawyers mentioned that foreigners are not allowed to own land in Uganda as far as the constitution is concerned, which is supreme over all other land policies and Acts. Community members, however, disclosed that the foreigners have been either given licence from the central government or have married Ugandans and acquired the land in this way.

### Breaking the laws

In Nangoma, Bulebi, Mbale and Kiziru landlords have either bought land adjacent to the lake and extended their claims of ownership to the lake itself, or they are said to 'own' the landing site in spite of the fact that ownership of the landing site is not possible according to national land laws. However, the status of the landlords are accepted by the local leadership, who collect land fees (busulu) and pay a fee to the sub county offices. Landlords, in most cases, do not live in the communities, rather they are usually urban elites or foreigners, who work through local agents, contact persons or people from whom they bought the land, who are living within these communities.

### Conflict of interest

The sub-county, although a formal government structure, is expected to collect money from community members to run its operations and this is one of the methods used to generate revenue. According to one of the key informant interviewees, it therefore becomes difficult (or almost impossible) for the sub-county authorities to prevent landlords from making ownership claims to the landing site, even when they know that this is wrong and an abuse of the rights of the majority of the people in fishing communities.

### Limited knowledge among local people

As a result of this 'ownership' that is not vested in the laws, landing sites are being bought and sold. Residents are required to pay land fees, sometimes to different landlords. There is limited knowledge about who is the rightful landlord, what amount should be collected for land fees, and how often this should be collected. The study has, however, so far given knowledge on land tenure systems, access, and management to community representatives. They now know that they are supposed to pay no more than UGX10,000 annually (and that this depends on the cost of land in that place as well as the cost of the structures that one has on the land. Because these people have only grass thatched houses, they should in most cases be paying much less) rather than paying UGX3000 per month, or UGX100000 whenever the landlord chooses. During the meeting with the community representatives, one of the members said:

"I came here with a lot of pain on my heart, over what is happening to us. But now I feel like my eyes are so open! Now I know! With this knowledge, I feel like I have a very valuable tool. Knowing how much I am supposed to pay by law is so important to me. You have actually erased the tears from my heart"

representative from Bulebi landing site

### Costs of land ownership

The registration process for land is not only inaccessible but expensive for local people. Corruption and lack of transparency characterize the process, creating additional barriers. Regardless of the land law that gives powers to the district Land Committees to set land fees, landlords often charge different fees as they wish. Community members will often pay whatever sum they are asked to pay, for fear of being chased away from the land. The land registration form for example is sold at different prices in the different communities. While the research team from KWDT, for purposes of records and gathering facts, bought the form from the sub-county at UGX 20000, residents of Mbale mentioned that it is sold to them at UGX50000, which many residents cannot afford. This is just the form; the process of registering one's land to acquire the fully recognized ownership has other costs associated with it. These costs are not very clear and most of them are not official costs but rather bribes, which take up the biggest part of the fees paid, as mentioned by one of the key informants. This is another reason why foreigners and government officials have much easier access to these processes: they not only have the money needed, but also benefit from their connections to important offices.

# A new wave of land and water grabbing

By Vision Reporter

Added 9th December 2016 12:31 PM

**Fill in your Name and Email Address to receive a Free Newsletter**

In many of the landing sites such as Nangoma, Bulebi, Kiziru and others, residents are not allowed to re-build their grass-thatched houses for fear that they will catch fire and cause further destruction but they do not offer them any other option of accommodation other than leaving the landing site.



[Home](#) | [News](#) | [Business](#) | [Sports](#) | [Life and style](#) | [New Vision TV](#) | [Pearl of Africa](#) | [Opportunities](#)

up the following morning and behold, there is a new landlord. It has been found out that for some of these landlords, their lease actually expired many years ago, but they still collect money from the occupants. This is a completely an illegal act and unacceptable by the law. Some times the same residents pay money to different landlords.

There is limited knowledge on who the rightful landlord is and what the right amount of money for the land fees should be and how often this should be paid. In some of the landing sites, the amounts paid range from sh3000 to sh5000 per month and elsewhere it is sh100,000 with no clarity on how often this should be paid. To worsen the situation, there is no acknowledgement or evidence of payment for this money.

It is important to note that community members are not totally ignorant of what is going on. They sometimes try to resist and they know that they are being treated unfairly, they comply out of fear and to protect their day to day livelihood strategies! Local leaders too are placed in a situation where they want to serve citizens, protect their positions and loyalty to their superiors as they complain of licences issued with "orders from above".

This grabbing of water and land brings with it significant implications for basic human rights for the fishing communities. Their right to water, food, work, and self-determination is greatly compromised. It is high time we respect the rights of people in fishing communities. The government need to intervene and stop this impunity!

*This article has been written and extracted from the research findings of Katosi Women Development Trust (KWDT), an NGO working in the fishing communities in Mukono.*



## 4.2.2 Strengthening the research capacity of small scale food producers, gaps, obstacles and possible steps.

### KWDT research capacity built

KWDT had initially been providing services and direct support to these communities without the capacity to interrogate why the communities were not receiving the services and resources to which they were entitled. The loss of access to fish for women, arising from export of fresh fish, steered KWDT and the women members towards exploring alternative income generating activities. However, this project on bottom-up accountability in LSLA has given KWDT an opportunity to interrogate the situations, and to learn and prepare a strong ground for fighting structures and systems of social injustice. Fighting for people's right to land gives a more sustainable solution to secure their livelihoods than direct service provision. When people have access and own the land, they have potential to engage in income generation and sustain their livelihoods

### Article for the newspaper

KWDT is utilising the potential of this project to scale up our advocacy to the national level through various means, starting with media outreach. The article entitled "A new wave of Land and Water grabbing: High levels of impunity and a blunt future for fishing communities" was published in one of the national newspapers in December 2016. The screen shots are above, on page 24, and the full article can be found here:

[http://www.newvision.co.ug/new\\_vision/news/1441739/wave-land-water-grabbing](http://www.newvision.co.ug/new_vision/news/1441739/wave-land-water-grabbing)

### Engagement with lawyers

During this phase of the project, lawyers have been engaged to meet again with community members of Wasinga village, Mpunge Sub county, in which they sensitized people about their land rights in light of their prevailing land challenges. As a result of the earlier sensitization in the whole sub county by this project, the members of this village came with copies of the land titles of investors believed to have bought the land, so that the the lawyers could look at them and advise.

After this training, the lawyers took the land titles to verify their authenticity in the district land offices. The titles were confirmed to belong to those suspected of buying land in these villages, one of whom was a former Member of Parliament. Since the transactions of selling this land, which is occupied by people, did not involve community members in any consultations, the lawyer advised that caveats be lodged on the lands in question, and the communities be mobilised to take these titles and landlords to court, with support of the lawyer under this project.

On hearing this, many of the land buyers have attempted to call meetings in the form of dialogues with community members. A case in point was one of the land buyers in Wasinga Village who was terrified by the action steps being taken and invited the community members occupying the land they claim to have bought to have a dialogue. The community members accepted but secretly invited KWDT and the lawyer to attend the meeting. The advocates made sure to arrive in a car not owned by KWDT, disguised themselves as if waiting for someone from the meeting, and sat at the back with recorders (taking pictures would have been impossible and inappropriate). In the meeting, it was clear that the representatives of the land owner were trying to convince the community members that they would not be evicted and therefore didn't need to make any appeals for help to any NGO or government office. After their departure, the lawyer made it clear to the people that the buyers need to put this in writing, and, in addition, it was advised that each community member needs to have knowledge of how much land they occupy so as to be able to seek redress if anything happens.



Surreptitious documentation of the meeting between the landlords and the sitting tenants.

Many other letters have been received by KWDT from community members complaining of people who have bought other villages in the area. Others cases include: Mbale, Katala, Kamwanyi and Kyazi, all in Mpunge sub county. However, the process of discovering land ownership and taking action carries a heavy financial cost, and KWDT under the current project scope may not be able to address all the complaints coming in.

Engaging a lawyer to support the community is not only a new and empowering approach for KWDT as an organisation, but for community members in this area as well. Community members were excited to sit at the same table and discuss with lawyers; the lawyers, too, were overwhelmed by the unique experience of interacting directly with these communities and they pledged their support throughout the project period to support the communities in their struggle.

### **Understanding the land laws**

KWDT, together with the community members, have engaged for the first time with the laws of the country in trying to understand the current situation of land and water access. The Tenure Guidelines are providing an important resource for understanding not only what is lawful but also the possibilities for human rights based interventions. During the meeting with lawyers, community members were informed that they need receipts as evidence of their payments to the landlords. Prior to this, landlords were not acknowledging receipt of the money

collected from the people. After this meeting, members started asking for these receipts after paying. In Kiziru, the people have demanded receipts from the landlord. The issuance of receipts, however, has not materialised since the landlord was informed that he could be sued if he issues receipts. In response, the land pressure group members also mobilised community members to stop the payment of fees if no receipt or other form of acknowledgement is given.

All community representatives and the land pressure group have been given a task of searching and identifying what kind of tenure systems they are living in, as well as documenting how much land they occupy. This will go a long way in helping them to understand their rights as well as their responsibilities living on this land. As noted by the lawyer:

“The different land tenure systems in Uganda carries different rights although some are similar regardless of the tenure system. One must clearly understand what kind of tenure system they are in, and then this will be the starting point for one to claim their rights”

Knowing their tenure systems does not, in itself, solve the problems of access to resources, but without this knowledge designing possible intervention actions would probably be futile. This task of finding out the tenure systems will help the people to directly understand their situation. Their feedback is expected in the next meeting with the lawyers.

Members of the land pressure group mentioned that, for some of the landlords, their lease expired over 5 years ago and the lawyers advised that these were collecting money unlawfully. However for any legal steps to be taken, the community members need to check with the land office to confirm that the said landlords actually have no lease on the land any more. This will be done with support from the lawyers, who will provide a support letter to enable these community representatives to have access to the land office.

Although the communities have been going through these land struggles for several years now, this research is the first of its kind to offer them a platform to actually exchange among themselves and reflect on what is going on in their communities.

For example, although a few of the community members had heard about the law of “buffer zones” that protects land within 200 metres of the lake, for the first time they started questioning why it is not respected, and why landlords have been able to extend their influence to the lake shore and into the lake itself.

There is a need to continue to strengthen the capacity of local community members, who are, at this point, excited about the knowledge of the law acquired, but may need strong support in order to be able to demand their rights. The anticipated obstacles in applying international human rights laws and instruments include: the reluctance of the legal structures in Uganda to abide by the human rights law demands and the challenge of having the national laws supersede the international laws.

Other challenges of converting communities’ aspirations into reality might include: difficulty in bringing together all community members to agree on a single course of action because they come from various tribes, difficulties in survival and livelihood demands that make people fear risking their residency in the communities, and general dictatorship and unlawfulness in institutions such as the police.

The above challenges, therefore, will be considered and possibilities of overcoming them sought as interventions continue.

### 4.3 Evaluation of governance of land surrounding the lake/ Fishery resources in Uganda basing on the provisions of the Tenure Guidelines

#### 4.3.1 Legal Frameworks and Policies

As discussed earlier in Chapter 1, below is a brief summary of the legal and policy framework that governs the use of land, and of land near water bodies;

Law	Content
1995 Constitution (amended in 2005)	Every person has a right to own property either individually or in association with others.
1998 Land Act Amendments 2001, 2004, 2007, 2010	Recognizes the four forms of land tenure (customary, leasehold, freehold, and mailo); Grants all lawful and bona fide occupiers (legally defined) property rights; decentralizes land administration; Establishes land tribunals. 2004 Amendment improved women's rights and 2007 Amendments specifically dealt with land evictions.
2008 National Land Use Policy	provides guidelines on effective land use for socio-economic development and on minimizing land degradation
National Environmental Act 1998	provides for a 200 metre buffer zone between the lake and any other activities on the land.

Source; Modified from the Food security and Land Governance Fact Sheet for Uganda, 2012

Many of the issues highlighted in the Tenure Guidelines are in line with the national laws and policies. The Guidelines aim to support the progressive realization of the right to adequate food in the context of national food security, and the right to food is enshrined in the constitution, under Objective 14 (General social and economic objectives): "The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that... all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, decent shelter, adequate clothing, food, security and pension and retirements benefits." The Tenure Guidelines point out the right to civil and political rights, the right to work, and others which are all provided for in the Ugandan constitution. As a starting point, the national laws have some quite positive provisions which could be implemented, although amendments may be required in certain sections.

### 4.4 Conclusions on the situation of the governance of / access to Fishery resources for people in Mukono

Governance of water and land resources in the study area (as well as the neighbouring areas) is characterised by lawlessness, human rights abuses, dictatorship and a lack of both power and knowledge of the law amongst leaders. Free prior and informed consent is rarely exercised and, when it is, it is done in such a way that the community members have no voice and no options but to obey the directions of landlords and leaders.

The research is building capacity, not only for KWDT but for community members as well, to understand and confront this situation.

## 5 The Action Research Process

The study has identified the critical issues in the area, and is empowering community members with knowledge and information to enable them take steps in addressing these challenges. Among others, the next steps include;

### 5.1 Re-training of the land pressure group.

The initial training for the land pressure group has evidently awakened people's consciousness and made them critical of all land transactions going on in their area, as well as strengthening their mobilisation capacity. The land pressure group will be re-trained on all relevant land laws as well as sections of the Tenure Guidelines, all of which will be translated into the local language, Luganda, to enable meaningful exchanges.

### 5.2 Training all women group leaders, in land laws.

The women leaders, if empowered with knowledge of land laws to complement the leadership skills that they have possessed and used for many years, will help in ensuring continuity of the project by identifying, and also possibly making attempts to deal with, land grabbing challenges that may continue to come up in their communities.

## 6 Results of the Action research in the light of bottom-up accountability in LSLA.

Since the beginning of the project, especially after the training of the land pressure group, evictions on land have been reported to have reduced greatly. This, however, may not indicate that these have stopped. Rather the people involved may be watching what happens before they decide on their next actions. Members of the land pressure group have reported that there has been some relative peace since the study started.

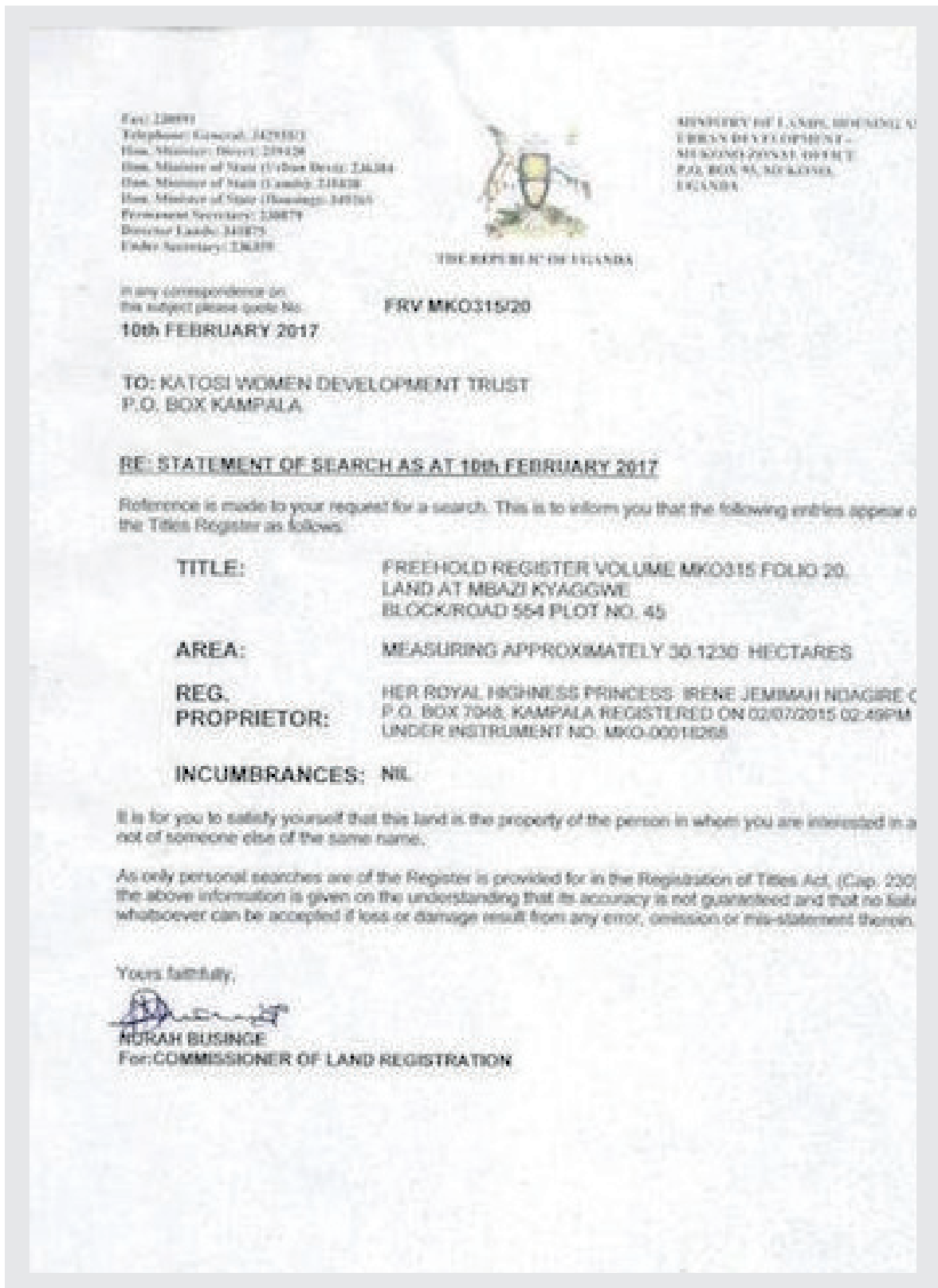
Following the trainings in land laws, people are becoming more aware and more self-organised. They take steps such as inviting lawyers to secretly attend the meetings with landlords. The land pressure group has successfully mobilised people to withhold payment of land fees if no acknowledgement or receipt is given. This is clearly a manifestation of an empowered community, whose rights may not be violated any more if the resistance is sustained and more support is given.

### 6.1 Conclusions and Recommendations

During this phase of the project, the research team has moved away from simply collecting information to taking action together with the mobilised community members on strategies identified. Indeed, actions have been taken so far with positive outcomes including a reduction in evictions, as well as community members organising themselves to stop payment of unlawfully collected land fees. The next phase of the study will continue to empower community members with more legal knowledge and skills, as well as taking further actions by putting caveats on some of the controversial land, and taking steps to sue and challenge these land titles in courts of law.

# Annex 1

## Land Search Reports



## Endnotes

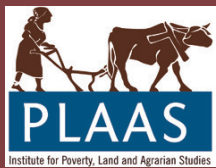
- 1 The Electoral Commission of Uganda, The 2016 General Elections Statistics, <http://www.ec.or.ug/?q=content/2016-general-elections-statistics> (accessed 21 September 2017).
- 2 Mukono 5 Year District Development Plan 2010-2015
- 3 Statistical Abstract; UBOS 2014
- 4 Tukahirwa, Joy M.B. 2002. Politics, people and land use change in Uganda: A case study in Ntungamo, Lake Mburu and Sango Bay sites. Land Use Change Impacts and Dynamics Working Paper Series,
- 5 Food Security and Land Factsheet Uganda LANDac 2016
- 6 The Uganda National Land Policy, February 2013
- 7 A historical Perspective of the Land problem in Uganda, By Edward Mwebaza HRAPF
- 8 Article 237 (1) of the constitution of the Republic of Uganda 1995
- 9 Article 238 of the Constitution of the Republic of Uganda 1995
- 10 Article 239 of the Constitution of the Republic of Uganda 1995
- 11 Article 240 of the Constitution of the Republic of Uganda 1995
- 12 As defined by Section 29 of the Land Act 1998
- 13 UGANDA—LAND TENURE AND PROPERTY RIGHTS PROFILE, USAID 2010
- 14 Voluntary Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests In the Context Of National Food Security, FAO 2012
- 15 The National Environment (Wetlands, River Banks And Lake Shores Management) Regulations, No. 3/2000 (Under section 107 of the National Environmental Act Cap 153), 2000 No.3 [http://nema.go.ug/sites/all/themes/nema/docs/wetlands\\_riverbanks.pdf](http://nema.go.ug/sites/all/themes/nema/docs/wetlands_riverbanks.pdf))



TNI is an international research and advocacy institute committed to building a just, democratic and sustainable planet. For more than 40 years, TNI has served as a unique nexus between social movements, engaged scholars, and policy makers. It works to strengthen international social movements with rigorous research, reliable information, sound analysis and constructive proposals that advance progressive, democratic policy change and common solutions to global problems. Through its Agrarian and Environmental Justice Project, TNI works with rural social movements to defend and claim their economic, social and cultural rights to land and related natural resources.



FIAN is an international human rights organization working for the realization of the right to adequate food. It consists of national sections and individual members in over 50 countries around the world. FIAN strives to secure people's access to the resources that they need in order to feed themselves, now and in the future, and cooperates with peasant organizations around the world. Since 2006, FIAN facilitates the IPC for Food Sovereignty working group on land and territory. In this role, FIAN facilitated the civil society process of participating in the development and negotiation of the Tenure Guidelines.



PLAAS of the University of the Western Cape in South Africa is a world leading research institute that conducts and coordinates research across the African region. It is the region's leading research institute working on land issues and land governance. PLAAS collaborates closely with ISS in The Hague especially around the land Deal Politics Initiatives (LDPI, [www.iss.nl/ldpi](http://www.iss.nl/ldpi)).



The critical agrarian studies cluster in ISS has been in the cutting edge of research on global land deals, and has spearheaded innovative initiatives that bridge together academic, policy and grassroots activist circles. It is an institutional co-anchor for the global network of academics working on land deals, the Land Deal Politics Initiatives (LDPI – [www.iss.nl/ldpi](http://www.iss.nl/ldpi)).



Katosi Women Development Trust (KWDT) is a non-governmental organization aiming to improve the living standards of poor, rural peasant communities in four sub counties in Mukono District in Uganda. KWDT evolved out of the success of Katosi Women Fishing & Development Association which attracted other women's groups to join, prompting the formation of a network where women equitably share resources, knowledge and skills to improve their lives. After 15 years in operation, KWDT currently networks 16 women's groups, and actively supports fishing communities facing dispossession in the Lake Victoria region.

Made possible by financial support from the International Development Research Centre (IDRC)-Canada.



**IDRC | CRDI**

**Canada**

International Development Research Centre  
Centre de recherches pour le développement international