

# Land tenure practices and land acquisitions in oil region

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The case of Hoima, Western Uganda

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# Abstract

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This study is regarding land tenure practices and land acquisitions in Hoima District in Western Uganda. Hoima district is located in the middle of the area called Albertine Graben, which is the area of newly discovered oil resources. To exploit these resources, the Government of Uganda is now planning and executing infrastructural developments in the area, which is resulting in land acquisitions.

One aim for this study is to understand the local practices of land tenure in the areas of Kaiso Tonya, Buseruka Kabale and Kyangwali, which can be found within the Hoima district. By identifying how land right is assigned and kept, and what institutions are managing the systems, an understanding of the local practices is presented.

Another aim is to understand how the processes of land acquisitions in the area are affecting the local farmers of these villages with a focus on land tenure. Through an evaluation of these land acquisitions based in the informants own experiences, local effects have been identified.

This study concludes that the local practices of land tenure in the areas visited can be classified as customary tenure systems which is held and managed within the community with little or no involvement from formal institutions.

This study also concludes that the land acquisitions in relation to the developments in the area are affecting the local farmers in a negative way, and that these acquisitions in this regard can be categorized as land grabbing.

The local customary land tenure can be identified as making the local population more vulnerable to land grabbing.

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# 1 Introduction and area description

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*“People living here is not valuable to the government, the oil is more valuable” (Interview 22).*

The situation for the inhabitants in the Albertine Graben in Western Uganda changed drastically when resources of oil were discovered in 2006. People went more or less from an undisturbed everyday life in rural Uganda, to facing enormous developmental plans that would turn their life upside down.

The statement above illustrates how one local farmer in Buseruka Kabale feels about the developments he is experiencing.

## **1.1 Background**

In 2006, the discovery of oil put the Albertine Graben area on the map. The area is a hot spot in the African continent regarding bio diversity, which already makes exploration of oil resources in this area a controversial topic.

### *The discovery*

The oil was first discovered in 2006 in the Albertine Graben area. This area is now divided into ten Exploration Areas. Five of these ten areas have been licensed to different oil companies. The discovery so far is amounting to about 2, 5 billion barrels. An oil refinery is planned in Buseruka Kabale, and plans for pipelines to link the individual wells are under construction (NEMA 2012).

A full development plan for the oil region in Albertine Graben has not yet been prepared by the government, but the area needs a large amount of infrastructural development to make oil exploration possible (Oil in Uganda 2012a).

Roads, pipelines, airstrips, a railway and a refinery are the main infrastructural improvements the government needs to exploit the resources. With increase in petroleum developments, an airstrip is being planned in the immediate surroundings of the refinery (NEMA 2012).

### *Interests*

Three main groups of interests can be identified in the area of Albertine Graben. The first group is conservational interests to protect the area's irreplaceable nature. The second group

of interests is the local population living and using the land around these conservation areas. The third group consists of oil companies and the government with interests in the oil resources that has been discovered in the area. This is presenting a very complicated situation with a lot of different interests (NEMA 2010). A large amount of environmental research has been carried out (NEMA 2010, NEMA 2012), but the plans for development are also raising land disputes in the villages located in this area. The disputes are mainly based on infrastructural developments connected to the oil discovery (Uganda radio network 2012).

### **1.1.1 The problem**

The infrastructural developments connected to the oil discovery are mainly taking place in the areas where a lot of people have their homes and their livelihoods through customary tenure. The developments such as roads and the refinery require huge areas of land, which in several areas is in use by local communities. This results in land acquisitions by the government to achieve the planned development (Uganda Roads Authority 2012, Ministry of Energy and Mineral Development 2013, Downstream Today 2012). How the areas included in this research are affected will be presented under the area description.

Customary tenure represents a great part of the tenure systems in many developing countries. Some countries recognize their customary land holders; others do not (Bruce et al 2010). This is complicating the process of land acquisitions and losers are often the rural poor (ILC 2011). This is also the case in most of the Albertine Graben area (NEMA 2010), which makes the local population vulnerable towards land grabbing.

This thesis will look at the system of land tenure in three areas within Hoima district in Western Uganda. It will look at the ongoing process of land acquisitions connected to a road project between Hoima town and the village Kaiso Tonya, and a planned refinery in Buseruka Kabale as specific infrastructural developments in the area, and land acquisitions connected to safety measures taken by the government in Kyangwali.

### **1.1.2 The choice of topic**

The topic of land related issues regarding oil exploration in the Albertine Graben area was presented to me by my supervisor, Haakon Lein, and the Norwegian Directorate of Nature Management (DN), through their involvement in the program Oil for Development which currently is involved in the developments in this area. This triggered my interest, and after some reading I decided on the topics of land tenure and land grabbing. During the time I have been working on this thesis, the main focus and presentation has changes many times, mainly

due to new information through second hand literature and a broader understanding of the topics.

## **1.2 The objectives of this research**

This research is aiming at getting an understanding of how the land acquisitions are affecting the local farmers in the areas surrounding the oil discoveries. This research is also aiming to understand how the land tenure system in the area is affecting the situation.

The main objective for this research will be;

*“To identify main practices regarding land tenure in the Hoima district, Western Uganda, and how the discovery of oil and the following land acquisitions affect the local farmers regarding land tenure.”*

### **1.2.1 Objectives and research questions**

Under the main objective presented above, this research outline three objectives and six research questions, three under each objective. These are;

#### **1. Identify trends and practices in the system of land tenure in the Hoima district.**

- How does the practice of assigning land rights work in Kaiso Tonya, Buseruka Kabale and Kyangwali?
- What institutions do exist to manage the system of land tenure in these areas, both in general and in time of conflict?

#### **2. Identify changes in the local farmer’s situation regarding land tenure since the discovery of oil.**

- Has there been any change in land tenure and use of land, and can these be linked to the discovery of oil?
- How has the changes, if any, affected the local farmers?

#### **3. Identify if the local system of land tenure makes local farmers vulnerable to land grabbing.**

- How can changes in land tenure caused by land acquisitions be related to customary land tenure?

- Has the customary land tenure in the area made the local population more vulnerable towards land grabbing?

These objectives and research questions make out the base for the analysis in chapter 4 and 5, and the conclusions in chapter 7.

### **1.3 Area description**

The research area chosen for this research is the Hoima district in the Western part of Uganda. To choose Uganda as the country for my research was based upon inspiration from my supervisor, Haakon Lein, and the Norwegian Directorate for Nature management which presented me to the project Oil for Development that is currently working in Uganda. The reason for the choice of Hoima as a district is based upon the fact that this district is in the middle of the area where oil has been discovered. The choice was also based on an article with examples of land acquisitions and land disputes based in this district. The areas of Kaiso Tonya, Buseruka Kabale and Kyangwali was chosen as more specific study areas based on ideas and tips from my assistant which live in the district.

This part will present the areas where the research for this thesis was conducted. In textbox 1.1, general information about the Republic of Uganda is presented. First the area of Albertine Graben will be presented as this is the area for the recent oil discoveries, before zooming in on Hoima District, and the three areas, Kaiso Tonya, Buseruka Kabale and Kyangwali, visited during the fieldwork for this thesis.

## Textbox 1: The Republic of Uganda

**Area:** The total area of the Republic of Uganda is 241 038 sq km, where 197 100 sq km is land. The nation borders to the Democratic Republic of Congo, Kenya, Rwanda, South Sudan and Tanzania. The capital of the nation, Kampala is located by the shore of Lake Victoria as shown in the map in this box. The nation is divided into 111 districts, where Hoima District is one of these (CIA World Fact Book 2013).

**Population:** The total population of Uganda is approximately 34 758 809 (2013 est), where 48 % of the population is between 0 and 14 years old. The life expectancy at birth for the Ugandan population is at 53 years. The birthrate of Uganda is at 45, 8 per 1000 of the population, something that makes it to the third highest birthrate in the world (CIA World Fact Book 2013).

The official languages are Swahili and English, but many other languages are practiced throughout the country (CIA World Fact Book 2013).

Uganda is a republic with Yoweri Museveni as the nation's current president, which has been president since 1986 (CIA World Fact Book 2013).



Pictures collected from: CIA World Fact Book (2013)

### 1.3.1 Albertine Graben

The Albertine Graben area is an area that forms part of the western arm of the Great Rift Valley system in East Africa and is shown in figure 1.1 it extends from the districts of Kanungu and Rukungiri at the border of DR Congo to Moyo and Adjumani districts at the border of South Sudan. The Albertine Graben covers a total of 67 886 sq km, and 79, 1 % of this is under agricultural production, settlement or other land use. The remaining 20 % is under protected areas (NEMA 2010, NEMA 2012).



Figure 1.1: The Albertine Graben area (NEMA 2010)

This area is a hotspot on the African continent with over 50 % of the continents bird species and this is also reflected in the high amount of protected areas within this area (NEMA 2010 NEMA 2012).

### 1.3.2 Hoima District

Hoima District is located in the western part of Uganda, bordering to DR Congo trough Lake Albert as shown in figure 1.1. The district has a population of 499 100 (2010), and the administrative center of this district is Hoima town (Ministry of Water and Environment 2010).

### 1.3.3 Kaiso Tonya

Kaiso Tonya is a fishing village located in the middle of Hoima district by the shores of Lake Albert as shown in figure 1.2.

The main livelihood in this area is fishing on Lake Albert, and the inhabitants do not do agriculture on land. Fishing is the only thing most of the inhabitants in Kaiso Tonya survives on, both regarding food for them self and by selling fish to traders which are heading to Buseruka or Hoima Town (Talemwa 2009).

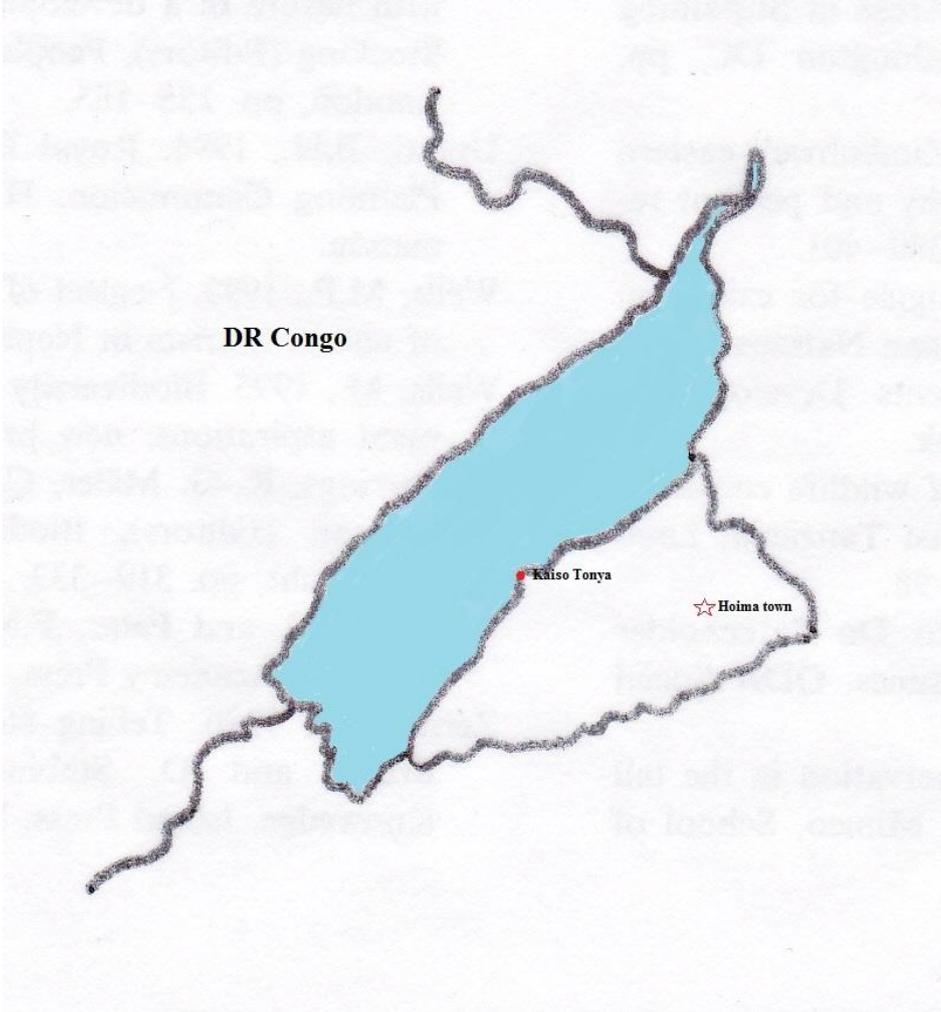


Figure 1.2: Location of Kaiso Tonya (NEMA 2010)

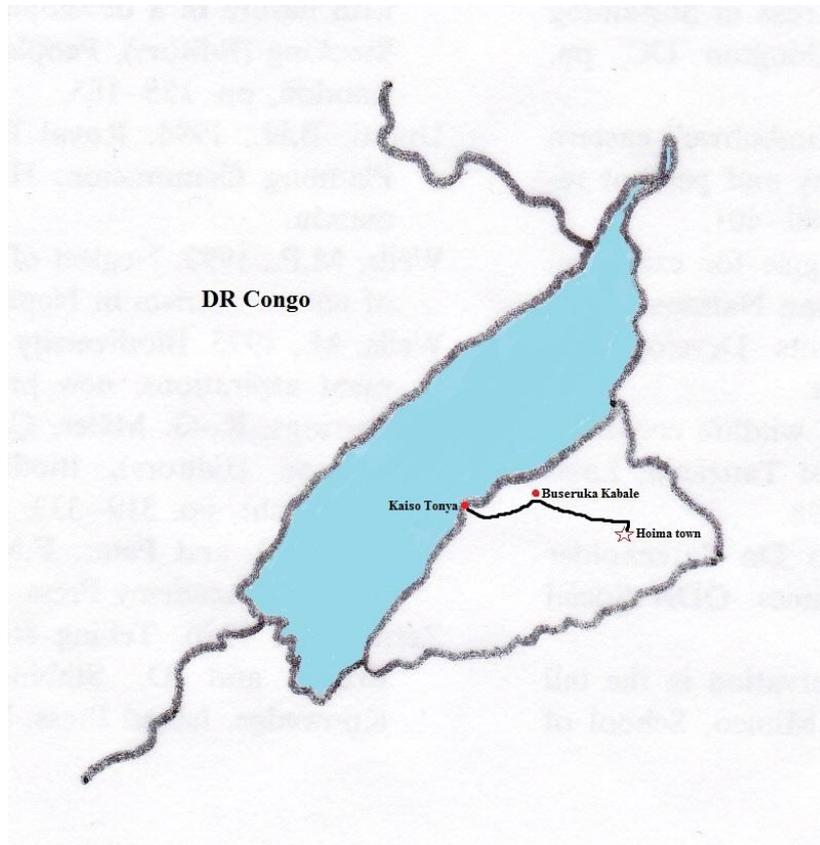
Kaiso Tonya is presented as a small town with many inhabitants living on the edge of poverty and starvation. The constructions in the village are semi-permanent grass huts (Talemwa 2009).

*Affected by road project*

The area of Kaiso Tonya is now affected by the road project which stretches the 92 km from Hoima town to Kaiso Tonya. This is resulting in land acquisitions where several inhabitants in Kaiso Tonya are affected.

The planned upgrading by the 92 km long road between Hoima and Kaiso Tonya (presented in figure 1.3) is supposed to be a part of an infrastructural improvement on the connection

between Hoima Town and the oil exploration areas which is spread throughout the Albertine Graben area. The work started in October 2011, and will take approximately three years to finish (Newvision 2011).

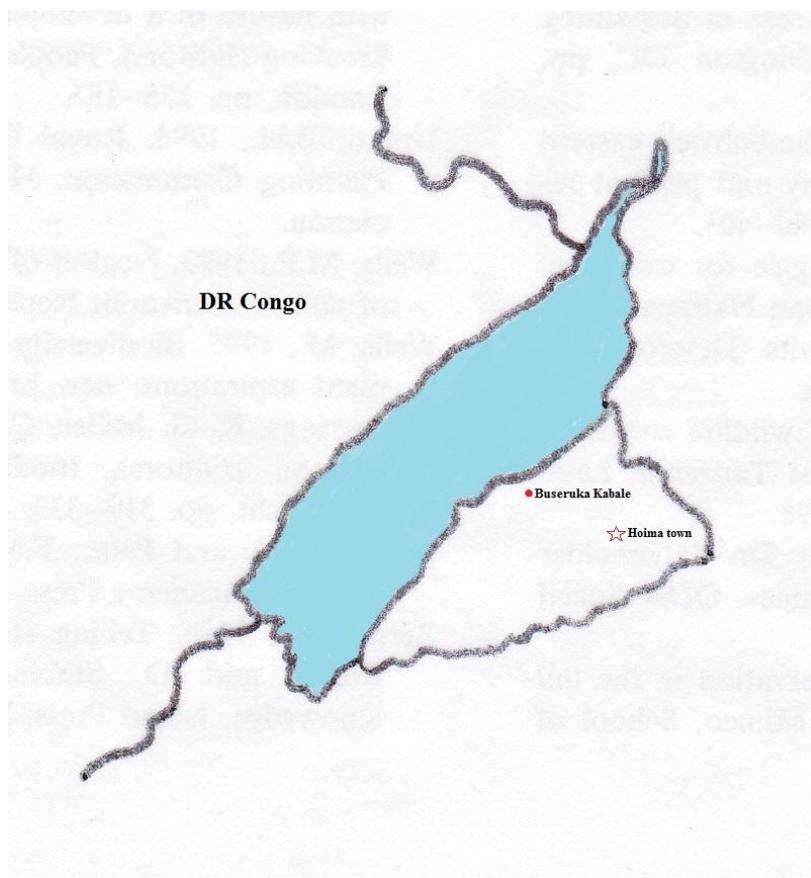


Figur 1.3: The Hoima-Kaiso Tonya road project (Google Earth)

A Turkish firm by the name of Kolin Insaat Turim Sayani Tecaret, signed a contract with the government for the construction of the road (Newvision 2011). And a firm called Mapcon Consults is contracted by the government to do the surveys and calculate the compensations. About 1500 residents in the area of the road project are affected. The Uganda National Roads Authority states that the affected people can be found in a radius of 15 meters away from the road in densely populated areas such as areas close to Hoima, and 25 meter radius in areas where there are no people (Uganda Radio Network 2012).

#### **1.3.4 Buseruka Kabale**

Buseruka Kabale is located southeast of Kaiso Tonya along the road leading to Hoima town, as shown in figure1.4.



**Figure 1.4: Location of Buseruka Kabale (NEMA 2010)**

The main economical activity in Buseruka Kabale is in agricultural production as subsistence production, pastoralism and fishing, and the area is home to about 1500 households (Oil in Uganda 2012b)

#### *Affected by road project and refinery*

Buseruka Kabale is the area for the planned refinery, and many local inhabitants will be affected by this project.

The Government of Uganda plan to build a 20 000 barrels-a-day refinery in the Buseruka Kabale, and a total of 29 sq km have been set aside for this development (Downstream Today 2012). As a result of this, about 30 000 residents from 12 villages face eviction in the area. To compensate these residents, the government has set aside five billion Ugandan Shillings (UGX) an amount equal to 1 960 000 American Dollars (USD). There is still no information on when the construction of the refinery will begin (Oil in Uganda 2013).

Buseruka Kabale is also affected by the road project presented above; something that is resulting is land acquisitions in the areas close to the road (National Roads Authority 2012).

### 1.3.5 Kyangwali

Kyangwali is located in the eastern part of Hoima district as shown in fig 1.5.

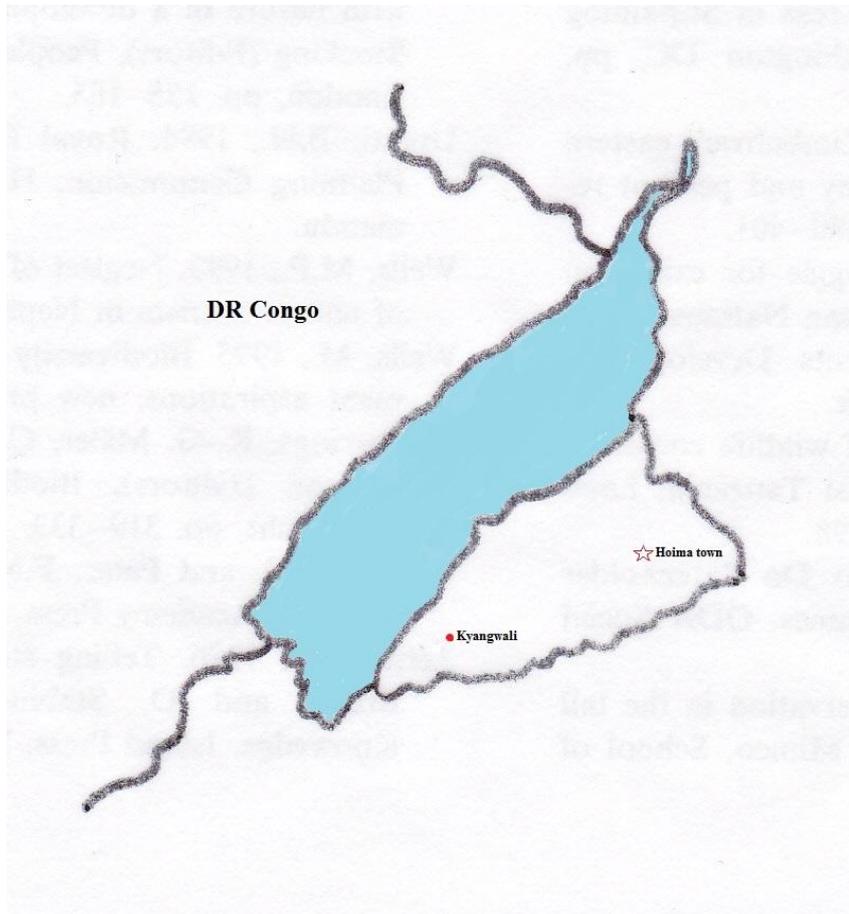


Figure 1.5: Location of Kyangwali (NEMA 2010)

### *Affected by security measures*

The government is planning a military base in the area of Kyangwali to protect the discovered oil resources. This is resulting in land acquisitions by the Ugandan People Defense Force (UPDF) in the area (Newvision 2009). There is a lot of uncertainty and secrecy around these plans, so no formal plans of this development is accessible to the public.

## **1.4 The structure of this thesis**

This thesis has been divided into 6 chapters. The first chapter has given an introduction to the topics and has presented the objectives and research questions for this thesis and an area description. The second chapter will give a walkthrough of the methodological choices, and how this has affected the findings. The third chapter presents the analytical framework which is political ecology, and gives a theoretical introduction to the topics of land tenure, land acquisitions and land grabbing. This chapter also gives a literary review of these topics in the Ugandan context presented under each topic. The fourth chapter is the first of two chapters presenting the analysis and discussion in this thesis. This chapter is focusing on land tenure in the area of the fieldwork. Chapter five is focusing on the topics of land acquisitions and land grabbing through an evaluation of the process with a focus on how the situation is affecting the local farmers in the area. The last and sixth chapter presents a summary and the conclusions of this research.



# 2 Methodology

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The methodological approach represents the tools chosen to collect data. These tools will affect the outcome of the research and the quality of the data collected. In this chapter the methodological choices made in this study will be presented and evaluated. The first part will present the principals of qualitative methodology, interview and observation. The next part of this chapter will evaluate the research done for this thesis. This will be done by taking a closer look at the concepts of validity, reliability and critical reflexivity, and how different aspects of the research have impacted the quality of the data. Towards the end, ethical regards will be presented.

## 2.1 The choice of methodology

This study is focusing on the local inhabitants' experience of a conflict about land in an area with many interests, as presented in the introduction. As this research is based on questions such as "*How does the system of assigning land rights work?*" and "*How is the developing situation affecting the local farmer?*", it was a natural choice for this research to take to a qualitative approach to reach understanding (Dalland 2000).

Qualitative methodology is only a generic term for a set of research tools with a lot of methodological choices to make (Crang & Cook 2007). The main method chosen for the collection of data are interviews. This choice was made mainly due to the fact that this research was targeting an in depth understanding of the local farmer's situation, and also because it was a practical way to collect data in the field.

The choice to include observation as a method was made as it would be important for me to write down my experiences so I could go back to them and the understanding I had of the data at the time of the research. I will give a short explanation about observation as a method in part 3.2.2.

## 2.2 Qualitative methodology

Quantitative methodology is an approach that focuses on exploring meaning, emotions, intentions and values, as put in Clifford, Franch and Valentine (2010). This approach includes methods as interviews, focus group discussions and observations. As there are many ways to

interpret the world, this approach is aiming at understanding how the world is understood by others (Clifford, French and Valentine 2010), and in this case how the informants experience the changes they are facing. My presentation of the different findings in the analysis is only a presentation of the answers I got for my questions and how I interpret them.

But qualitative methodology is only a generic term with several different methods, and methodological guidelines. Many methodological choices have to be made in a research process, and they will affect the data in different ways (Crang & Cook 2007). The main goal is to make an attempt to obtain understanding for their situation through methods such as interviews and observation (Kitchin & Tate 2000). In the rest of this part interview and observation as methods will be presented.

### **2.2.1 Interview as a method**

The main method chosen for this research is interviews. To understand what effect this might have on the research itself it is important to understand how the method works and what data one obtains from using such a method. In practical sense the interview is a conversation between the researcher and the informant. The researcher controls the conversation by asking questions that will benefit the study, and the informant gives the researcher data by answering the questions (Crang and Cook 2007).

#### *The structure of the interviews*

There are several different ways to conduct an interview. One of the choices that have to be made is concerning the structure of the interview, and this can be done in three different manners. The first is the structured interview where the interview guide consists of a set of questions that the informant can answer. The researcher does not move beyond these questions, and the method is close to what we would call a survey. This interview structure will result in data material that is easy to analyze and compare, but the researcher might also lose important information as the informant might have information on topics that the researcher have not taken into consideration. In this manner the semi-structured interview would be a better choice, where the questions work as a framework, and follow up questions and new questions can be added during the interview as something interesting arises. The disadvantage with this type of interview is the slightly more challenging analysis as the data from the interviews cannot be compared as easily. The last type of interview is the open interview where only one or a couple of topics make out the structure. It is up to the informant to talk about whatever would be relevant. This is a good way to find different topics that

would be relevant to the research, which the researcher had not thought about prior to the interview. The data material will then be even more challenging to analyze in the sense that the data cannot be compared with other interviews (Crang & Cook 2007).

For the interviews I conducted in the field, it was natural for me to choose the semi-structured interview. As I stepped into an unfamiliar area to do my research I needed a structure that would open up for topics and understandings I had not taken into consideration. During the fieldwork I had to use an interpreter, which was also partially the reason for my usage of the semi-structured interview. This way the interpreter would know what questions to ask, and at the same time the structure opens up for new information.

In order for the interpreter to ask the relevant questions I constructed an interview guide with a few topics and questions that would be beneficial for the research, and also to make the potential misunderstandings between us as few as possible. An interview guide is a list of topics or questions that the researcher want answered during the interviews (Crang and Cook 2007). Without the interview guide, the conversation between informant and interpreter could easily get off track, due to the interpreters lack of understanding for the aims of this research. The interview guide used for this fieldwork can be found in appendix 1.

### *The choice of informants*

The majority of informants used in this research are inhabitants, both men and women, from the three areas visited. The main goal was to talk to victims of the ongoing land acquisitions, and 21 of the total 28 interviews meet this requirement. The remaining interviews include informants not directly affected, but involved in the situation. Two of the interviews were conducted with the chairmen of Kyangwali and Buseruka Kabale, and as these are political figures in the local community it would be easy to classify these informants as representatives from the government, but in my conversations with these chairmen they appeared more hesitant towards the government, rather than being a part of it. The remaining five informants are informants living in their respective villages with interesting observations or information regarding the land acquisitions. This leaves us with three different categories of informants; local victims of land acquisitions, local chairman/politician and other.

To get in contact with the right informants it is important to get in contact with gatekeepers. A gatekeeper can be identified as a person that holds the key to the people of interest. This can be both national and local gatekeepers (Crang and Cook 2007). The national gatekeeper in

this case this would be the Ugandan National Council of Science and Technology which provided me with my national research permit. To get in contact with local gatekeepers the assistant of this research was of great importance. She knew the language and the culture, and where to find the appropriate gatekeepers. The chairman in Kaiso Tonya and Kyangwali could set me in contact with suitable informants in their respective villages. In Buseruka Kabale the chairman was not available to us for the first period of our stay, so the village pastor proved to be of great help. These are the three local gatekeepers used to get in contact with informants.

In the list of informants there are more men than women. Prior to the fieldwork one of the aims was to make the research as gender neutral as possible, to get both men and women's experiences on the topics. It was a concern of mine, that it would be challenging to get women to participate because men are in greater numbers when it comes to being holders of land. In the first village visited, Kaiso Tonya, there were mostly women who stayed at home during the day while their men were out fishing, and naturally this resulted in a high amount of female interviews in this village.

When visiting Buseruka Kabale and Kyangwali, this worry reappeared, as the women were much less willing to take part in an interview. I have been reflecting on why and concluded that it was the most natural choice for the gatekeepers to set me in contact with the "man of the house", and as he was present, and not out fishing as in Kaiso Tonya, this was the informants presented to me. After conducting the fieldwork I realize that it perhaps was partially my error, for not being precise enough towards my gatekeepers about my choice of participants.

### *The interview situation*

Conducting the interviews in field was an interesting task, and people were more than willing to contribute to the research with their thoughts and opinions. All of the interviews in Kaiso Tonya and Buseruka Kabale were conducted in or close to the informants' homes. In Kyangwali, the chairman was helpful with the location of the interviews, and as it was raining he provided a roof. In the research proposal it was stated that the researcher was responsible for finding a suitable place for the interviews, this because I felt that it would ease the burden of informants if they would not have to invite me into their home. This became irrelevant when informants were so welcoming to me. The fact that the interviews in Kaiso Tonya and Buseruka Kabale were conducted in the informants' own environment might have had a

positive effect on the data as it seemed as if the informant was more relaxed and in control, and therefore also willing to share more information. The fact that the interviews in Kyangwali was conducted in a set place provided to me, might have hurt the data as the informants were not as comfortable as they would be in a home setting, but it did not seem to impact their willingness to share information with me.

To assure the quality of the data collected through interviews, all the interviews were recorded with the informed consent from the informants. As a backup, thorough notes were also written down during the interview. This was something I was cautious to do as I felt it could affect the quality of the data due to long pauses of writing, and the informant might hesitate to share information with me as they felt that everything they say is on the record. In this case I did not feel like it was hurting the interviews, and evaluated during each interview if I could continue taking notes, or stop. Each informant gave me their consent to write down their statements, and as I had an interpreter, the conversation was mainly between the interpreter and the informant, and my note taking was not disturbing the interview. While they conversed I wrote down the newest information translated to me. It was also very important as a safety measure to take notes as something might happen to the recordings. Notes are always a good backup, and they represent in many ways my interpretation of the information during the fieldwork, and it is also interesting to look at my trail of thoughts at the time of the interview.

### **2.2.2 Observation as a method**

Kitchin & Tate (2000) presents two different types of observation in their book; straight observation and participant observation. The straight observation is an observation from a visible observer who is not participating in the activities of the observed. The participant observation is as the name tells us, an observation where the researcher or observer takes part in the activities of the observed. Both of the observation forms can be either open or covered. Open means that the observed knows that you are observing it and for what purposes, as opposed to the covered observation where the observed does not know it is being observed (Kitchin & Tate 2000). When I was visiting the villages in the Hoima district I was doing straight observation in form of notes in a fieldwork diary. In many ways this observation was of a covered kind as I did not directly tell anyone that I was observing and keeping a diary. But at the same time everybody in the village became aware of my research and why I was there, so in some ways this can also be categorized as open observations. My intention was never to hide my observing, just write down the impressions and thoughts that came to me as I was doing my fieldwork.

By doing open observation there might be a risk that the people observed are not acting as they usually do because they know that they are being observed. A covered observation would result in more unbiased data, but one could also argue that this could raise some moral and ethical questions (Kitchin & Tate 2000). This did not contribute to the research in the form of direct information, but with more of a general understanding of the people living there, their everyday life, and the situation in the area. No descriptions of individuals were included, and this is also why I evaluate my use of the information from the observations as neither ethically nor morally wrong.

### **2.3 Data collected prior to the fieldwork**

Before going to Uganda I prepared for the fieldwork by reading about the country in general, and the area I was going to visit. The main source for this information was from the internet, including information pages, blogs with experiences of others, maps, and other relevant information. This was to get an overview and a broader understanding of the area I was visiting. To prepare for the research I got some information from the Norwegian Directorate of Nature Management (DN), including a presentation held at the Institute of Geography at NTNU Dragvoll. I was also provided with several relevant articles from my supervisor Haakon Lein.

My cooperation with the DN was a very important and beneficial source for information and support in the initial work with this thesis, but as the research later developed towards tenure systems and local population while the DN's focus were on the environmental aspect of the situation, this cooperation became less useful.

One article about emerging land disputes in Hoima District, and more specifically in Kyangwali (Matsiko 2012), collected before going to the field became very important for this research as it was my proof that there were emerging conflicts in the area. Also several other articles on this topic were collected during and after the fieldwork.

### **2.4 Analyzing the data**

The first step in my initial analysis of the data material was to transcribe the recordings from the interviews to get as accurate data as possible. In this case, the interviews are in a language that I cannot interpret, so the ideal solution would be to transcribe the interviews together with the interpreter to get a better understanding of the data. Due to lack of time and a busy

assistant, this was not possible, so the transcribed data that makes out the foundation for the analysis in chapter five and six is based on the translations my assistant gave me except for two interviews that were conducted in English (Interview 6 and 17). This could affect the quality of the data as my assistant might have disregarded parts that she could have translated to me during the process of transcribing. To avoid this as much as possible I had a good communication with my assistant before, during and after each interview to assure that she understood how important it was to not leave information out, and to make sure that our understanding of the responses was in agreement.

The fieldwork diary conducted throughout this research process is full of experiences and memories. As mentioned earlier these observations and experiences mainly work as a frame for understanding, and the data collected from the diary is mainly used to describe an area or an understanding of a situation.

When the data collected through the interviews are transcribed, there is a lot of information spread over several pages. To get a better overview of the collected data it was important for me to code the data and construct a matrix. Coding is a way of structuring the data collected, and this can be done in several different ways.

Cope (2010) presents one way of coding qualitative data in chapter 27 in “Key Methods in Geography”. This is a coding process with two steps; In vivo coding, which is a descriptive coding to outline different topics in the data, and analytic coding to structure the identified topics into larger categories (Cope 2010). The transcribed interviews were first coded with in vivo coding, before I then went over the coded data and did a second round of coding to identify

analytical categories that I could use in the data chapters of this thesis. This helped me get an overview of the collected data, and made it much easier to structure the data into a disposition for the data chapters.

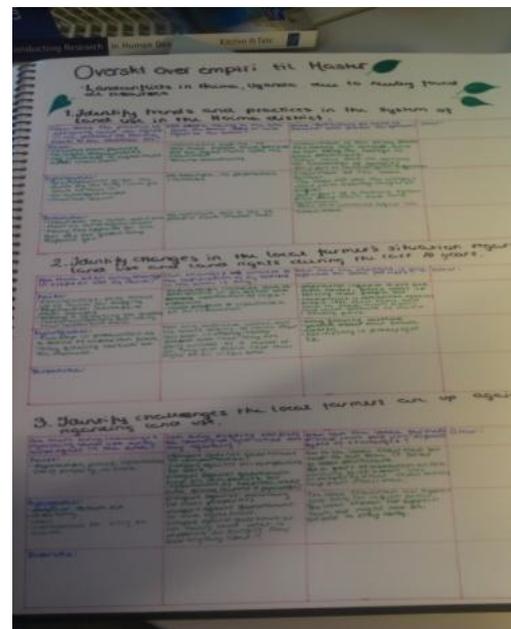


Figure 2.1: A visual representation of the data material. (Photo: Private)

I also chose to list up the main objectives for this thesis, and separate the coded data (the codes) into the three research questions under each objective, which is shown in figure 2.1. This helped me get a visual overview of the data.

## 2.5 Evaluation of the research

### 2.5.1 The choice of interpreter and research assistant

It was important for the process of conducting interviews in field to bring along an assistant that knew the local language and could work as both a gatekeeper, and an interpreter. To find such an assistant is a challenge in an unfamiliar environment and area where contact persons are limited. Early on I found it to be quite challenging to find an assistant that knew the area and the language, as most of my contacts had their base in Kampala.

My initial plan was to contact the local government, and present my research to them. This way they could contribute with both information about the situation and about relevant areas, and perhaps designate an appropriate assistant or give me clues on where to find one. This did not work out, as the land office at the local government demanded a written letter, addressed to them, from the president's office to share information with me. My research permission from the Ugandan National Council of Science and Technology was not enough as it was addressed to me and not to them.



Figure 2.2: My assistant Lillian (private photo)

Initially I was given the contact information of a woman living in Hoima, through a friend. Fully informed that she did not have any background in academic research, I decided to sit down and talk to this woman to see if she would be fit for the task. Her name is Nyamaizi Regina Lillian, and it turned out that the communication between us was satisfactory. She had a good overview of the situation in the area, and knew several villages that would be interesting to visit during the fieldwork. The most suitable way to do this would be to arrange several interviews, and

pick the most appropriate assistant, but due to the lack of time, and the confusing situation, this was not possible to execute. I was very pleased with the impression of Lillian after our first conversation, so I decided to hire her as my assistant.

“Lillian” turned out to be a great assistant and interpreter. She had a good understanding of what information this research was aiming at collecting, and contributed by asking relevant follow up questions to the informants and explaining details in the data that was relevant for the research. Our communication was strong and left little room for misunderstandings, which can only contribute to a positive effect on the data.

### **2.5.2 Validity**

Validity is a term that concerns the “soundness, legitimacy and relevance of a research theory and its investigation” (Kitchin and Tate 2000:34). Kitchin and Tate (2000) present two different types of validity, one regarding theory and one regarding practice. Here the focus will be on validity regarding practice, as this is more relevant to this chapter.

#### *Validity regarding practice*

Validity regarding practice can be divided into four categories; construct validity, analytical validity, ecological validity and internal validity, where the first two are regarding the methodological integrity of the research, and the last two are regarding the integrity of the conclusions drawn from the research (Kitchin and Tate 2000).

Construct validity is concerning whether or not the techniques for data generation are sound (Kitchin and Tate 2000). As presented earlier, the main method for this research is interviews, a methodological choice with many possibilities for bias. In the fieldwork for this research, an interview guide and continuous conversations with the interpreter are means taken to get a unified understanding of what this research wanted to achieve. This makes the methodological choice for this research as sound as possible, and contributes to strong construct validity.

Analytical validity is regarding whether or not the methodological choices in analyzing the data are sound (Kitchin and Tate 2000). The analyzing process in this research was transcribing recorded interviews and coding the data material. This way no information is forgotten or left out, something that makes the analytical validity good. At the same time the analytic validity could have been more satisfactory if the interviews were transcribed in cooperation with my interpreter.

Ecological validity in geography is regarding generalization and in this case the use of analyzed data generated from just a couple of informants to draw conclusions for a larger group of people (Kitchin and Tate 2000). In the fieldwork for this thesis 28 interviews were conducted, and emphasis is put on the fact that the data collected and analyzed is just representative for the time and place, and for the specific person interviewed. In the analysis the word imply is used a lot to avoid generalization. The conclusions of this research presented in chapter 6 are based on experiences from the informants of this research, and not on the community as a whole. Based on this I would evaluate the ecological validity of this research as satisfactory.

Internal validity is regarding whether or not the results from the study can be interpreted in different ways. As this is a qualitative research I would say that the possibility of another interpretation of the results is present. At the same time, the analyzed data is presented in an as clear way as possible through statements from informants, which is increasing the research's internal validity.

### **2.5.3 Reliability**

“Reliability refers to the repeatability or the consistency of a finding” (Kitchin and Tate 2000:34). In physical sciences a finding can be referred to as a law if the result is consistently found. This is very rare in social sciences (Kitchin and Tate 2000). To achieve this even in the physical sciences the process leading to the result has to be described in detail. This chapter is an attempt to give such an understanding, but as stated earlier, the findings of this research is only regarding the time and place, and the informants participating in it. This makes it impossible for another social scientist to repeat this research in detail and find the exact same findings. But through the presentation of methodological choices in this chapter I believe it would be possible to conduct the research again and achieve findings close to the ones of this research, seen that the situation in the area is still the same as during the fieldwork for this thesis.

### **2.5.4 Critical Reflectivity**

Critical reflectivity refers to the researcher's critical reflections on his or her own situation in the research process, and evaluates how this has been affecting the data collected through fieldwork, in both positive and negative regards (Dowling 2000). Differences in language and culture and power relations are aspects that could affect the collection of data and the quality

of the collected information. This part will be a critical evaluation of these aspects in this particular research.

### *Language and Culture*

The official languages in Uganda are English and Swahili, and in the capital Kampala they are widely used. Regardless of the two official languages there are also several other languages in use spread out over the nation (visituganda 2013). This was also the case in Hoima district. I was told that within the district, at least 3 different languages are spoken where English and Swahili are not included, and the knowledge of English is weak. Therefore, to conduct this research it was essential to bring an interpreter along, which is affecting the data material in a critical way. Data from an interview can be misleading as the researcher is interpreting the information in his or her own way. When the interview is in a language that the researcher does not master, the information will be interpreted two times, first through the interpreter and then through the researcher. This can affect the quality of the data, but there are many ways to assure as good data as possible. In my case I was focusing on having a thorough and continuous communication with the interpreter as my most important mean. This was important to reach a common understanding for the interview guide and the aims of the research prior to the fieldwork. Conversations and discussions about the collected data after ended interviews were also crucial. This would help me get a better understanding of how the interpreter understands the information she was translating to me.

Two of the interviews conducted were held in English because the informant insisted that his English was good enough, and that he wanted to be polite and do the interview in a language I as a researcher could understand. In both cases the informant was quite steady in English.

The culture in Uganda, and especially in Hoima district is very different from what I am used to in my home country, Norway. As a researcher, this can affect the data I collect in the sense that I might not be able to grasp the full meaning of the information given to me through the interviews or through observations. It might also affect the way people are acting around me, as I am a white, unmarried female from Norway.

One of the most noticeable differences between the Norwegian and the Ugandan culture was the relationship regarding time and appointments. In Norway I would be making appointments to a specific time and place, plan ahead and show up respectably early. In Uganda I experienced early on that this is not suitable, and it was more accepted to just plan

and execute the interview right then and there. This also became a natural way to conduct the interviews after a couple of times, and people were welcoming and happy to contribute. This did in many ways speed up the process. People were also very comfortable in the interview situation, and did not stop their daily work entirely, but continued what they were doing as they talked to me. An example is informant 9 in Kaiso Tonya, who was cleaning fish when I got to her house, and continued throughout our conversation.

To sum up this part, it is clear that in this setting, the researcher, me, is an outsider compared to an insider, which are concepts in qualitative research. The difference between these two is that an insider is familiar to the environment in which the research is conducted, whereas the outsider is not. This can be an advantage because the researcher and the informants have the same understanding of language, culture and norms, but it can also be a disadvantage as the researcher will not be able to see the situation from an outsider position, and might in this way lose important information. An outsider on the other hand has a fresh pair of eyes and can see a situation from an interesting point of view that an insider perhaps would have ignored. The main disadvantage for an outsider is that the informants might be acting differently than they normally would do, and might hesitate to share information. Also the outsider would not have the same understanding of norms and tradition as an insider would have (Dowling 2000).

These disadvantages for me as an outsider, conducting my research in Uganda, are impossible to get fully rid of, but many things can be done to minimize the impact this will have on the data. It would be important to get an understanding of the culture, and in that way behave, dress and talk in a manner that is respected and acceptable in the area visited. For the visits in the villages represented in this thesis it was an aim to fit in as much as possible. This was close to impossible at my arrival in a small village in a rural area in Uganda, as I was a “Mzungu”, which is the Swahili word for “white person”. It was expected of me to dress and act in a respectable manner towards chairmen and informants, and my assistant gave me a thorough introduction to the standards of the villages in Hoima district. In my point of view, the most important part in this matter became the presentation my assistant gave of me and my purpose for being there, as I could only communicate with a few greetings. A humble presentation of who I was and what I was researching contributed to get informants to happily participate in contributing to the research.

### *Power relations*

England (1994) presents three different power relations in the research process. The first one is the reciprocal relationship where the informant and the researcher have the same status of power. The second term is the asymmetrical power relation where the informant has more power than the researcher. The last term is the potential exploitative relationship where the researcher has more power than the informant. This would be the case in a situation where the researcher is interviewing poor people, or the “losers” in society. Power relations between an informant and a researcher are something that always will exist (Dowling 2000), and this fieldwork is no exception. To minimize the effect of the existing power relations on the data, I made an effort to show my informants respect, as they were the experts on the topics of this research, and at the same time try to act with the same level of respect with all the informants.

I have been reflecting on what power relations can be identified in my fieldwork. In my interviews with the informants from the three different villages, I can identify a potential exploitative relationship as I was a researcher with high education compared to them. In many ways this would fit the description, but at the same time I was in many situations interviewing men of a higher age than mine, and therefore this could balance the power relationship in a less exploitative direction. In Kaiso Tonya several women were interviewed, and the power relation I can identify here is the potential exploitative one. This became very clear as I myself is a woman with higher education than them, even any education at all. Some of the women were telling me that I should use my political power to speak their case as I had the power to do it, and not them, which points out the potential exploitative relationship.

Two of the interviews held, one with the representative from the Ministry of Defense in Kaiso Tonya, and one with a man of high political importance in Buseruka Kabale, can at first glance be identified as pure asymmetrical relationships, or it at least felt as if they were talking to me with little respect for my person. In the period of time after the fieldwork I have been thinking that they might have been intimidated by me, and that this might be the reason for them acting the way they were during the interviews. If that is the case it would probably be closer to a reciprocal relationship or a potential exploitative. These two interviews were affected by the power relations in the way that I got insecure and perhaps hesitant with my interviewing, and it was also obvious that the informant did not want to share information with me.

## 2.6 Ethics

Ethics is a crucial term in research, especially when the research is involving human beings, and it is regarding the responsibility that the researcher have for the people involved in a study, the general public, sponsors and own beliefs (Kitchin & Tate 2000, Dowling 2000).

Privacy and confidentiality are important ethical terms in research. These terms are also important in this thesis. It means that the informants will be kept anonymous in the presentation of data. It is also important to secure the informants' safety by not making them recognizable to their local communities in the text. This is a difficult task, but it gets more and more important as the sensitivity of the topic gets higher (Dowling 2000). This study is of moderate sensitivity, but it was still important to hide the identity of the informants. This is done by hiding the participating informants' names. In the data chapters, some examples are given with names and these names have been altered for the protection of the informants. To talk to a researcher about governmental issues and resources as oil, might be problematic for the involved informants, and this is why their names are altered so they cannot be recognized on a national scale, or in their local communities.

Informed consent is a term frequently used in qualitative methodology. It is referring to an agreement where the researcher is allowed to publish the name of an informant. To get this agreement in an ethical way, the informant has to be fully informed on how the data will be used (Dowling 2000). The pictures of informants presented in this thesis are included with such an informed consent, where the informant wanted me to include the pictures to make sure they were making a statement about their situation.

Harm to the people involved in the research or to the researcher, both in physical, social or psychological sense should be avoided (Dowling 2000). As this study is not of the most sensitive kind to the involved informants they were probably not harmed psychologically. As the informants have been kept anonymous in the analysis of this study, they should also be safe from social and physical harm.

When I was doing research in another country, I was an ambassador for researchers from my home country, and also the institution I was representing. In this case this would be Norway and The Norwegian University of Science and Technology (NTNU), and the Institute of Geography. To get the right permissions, follow laws and regulations, and behave in an ethically correct way was very important for me, not just for my own good, but for future researchers in Uganda.

## **2.7 Summing up**

In this chapter there has been given a methodological walkthrough of this research. My goal has been to look at what choices have been made, and how these choices have been affecting the data in both a positive and negative manner. This has been done to give the reader a good understanding of how this research was conducted.



# 3 Theory and literary review

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This chapter presents a literature review and theory of relevant topics in this research. First, the analytical framework for this thesis will be presented by looking closer at the field of political ecology. This will be done by describing the workings of the field and its roots, before presenting how the tools of political ecology are implemented in this research. Secondly issues related to land rights will be presented.

Land rights are important as it makes out the underlying conditions for the situation emerging in the Albertine Graben area and more precise the three villages in Hoima district where the study for this thesis was conducted.

The third part of this chapter will be focusing on land grabbing as a concept, and land acquisitions in relation to foreign direct investment (FDI).

This chapter lays out the ground foundation for the data analysis that follows in the two next chapters, and will also be an important part of the conclusions in chapter 6. This chapter has been split up in three different parts; analytic framework, land rights, and FDI and land grabbing.

## **3.1 Analytical framework; Political Ecology**

Political ecology is the framework for this thesis and will be the base for the analytic presentation in the next two chapters.

Political ecology has grown out of a combination between the fields of political economy, and human- and cultural ecology, and is today an interdisciplinary field with the main weight in social sciences. The scientific field appeared in the 80s, and have since then grown to a respected field within research on the environment (Benjaminsen and Svarstad 2010, Newman 2005).

### **3.1.1 Historical roots**

As presented above, the field of political ecology is a relatively new field, but the roots of the field can be found way back in academic history. One of the most important influences is coming from Marxist political economy and the approach and terms for analyzing societies within this tradition. This is something that has shaped the development of the field of political ecology, and still is an important part of the field today.

Several people have been recognized as important contributors in the historic development of the field; Peter Alexeivich (1842 – 1921), Alexander von Humboldt (1769 – 1859) and Mary Somerville (1780 – 1872), are all critical voices towards the nature deterministic tradition that was dominating the research on nature – society until world war two, which political ecology also is a critique of. After world war two, there was a long pause in research concerning the relationship between nature and society because of the dangers with the nature deterministic traditions towards racial questions. This pause lasted up to the 1980s when the focus on environmental problems increased, and new focus was put on the relationship between nature and society. The tradition that emerged during this period is called human- and cultural ecology, and was fields that focused on how the environment influence social organizing and how societies change and affect the environment. Human- and cultural ecology is viewed as the predecessor for political ecology. Important people within the tradition of human- and cultural ecology are Carl Sauer (1889 – 1975), Julian Steward (1902 – 1972) and Robert Netting (1934 – 1995) (Benjaminsen and Svarstad 2010).

Political ecology descends from political economy and cultural ecology, at the same time as it is a critique of the traditions. One of the main critiques is that the tradition of cultural ecology is mainly focusing on the local level, and this points out one of the main differences between political ecology and cultural ecology; the importance of chains of explanation where environmental problems on a local scale can be explained by looking at other scales, like national or global scales (Benjaminsen and Svarstad 2010). Blaikie and Brookfield (1987) were the first to present such chains of explanation, and are therefore by many recognized as among “fathers” of political ecology (Neumann 2005).

Benjaminsen and Svarstad (2010) outline three reasons why political ecology has become important. The first one is the limits of the field of cultural ecology, secondly the speeding up of what is called globalization, and last but not least the affect critical social science has contributed with new insight on the relationship between nature and societies.

Political ecology has been defined in several different ways;

Blaikie and Brookfield (1987) defined the term political ecology as; *“The phrase “political ecology” combines the concerns of ecology and a broadly defined political economy. Together this encompasses the constantly shifting dialectic between society and land-based resources, and also within classes and groups within society itself”* (Blaikie and Brookfield 1987:17)

Atkinson (1991) defines the term as “*both a set of theoretical propositions and ideas on the one hand and on the other a social movement referred to as the “ecology movement” or, latterly, the Green movement*” (Atkinson 1991:18-19).

Benjaminsen and Svarstad (2010) defines political ecology as “*a field and a thematic field of study and an approach who puts focus on human existence in their real environments on earth*” (my own translation) (Benjaminsen and Svarstad 2010:10)

Blaikie and Brookfields definitions describe political ecology as a combination of ecology and political economy and that this combination will be able to concern the relationship between society and land based resources. This is presenting the roots of political ecology and what understanding this “new field” can give.

Atkinson’s definition sets focus on which movement the field of political ecology falls under.

Benjaminsen and Svarstad present a more descriptive definition of the workings of political ecology and what focus can be identified within the field. This definition is the most fitting for this thesis as it “puts focus on human existence in their real environments on earth”, which in this regard is understood as a focus at the local level. This definition is also implies that political ecology is an approach that can be used to understand conditions on the local level. In the next section chains of explanations will be presented as one mean to get such an understanding of local conditions.

### *Contemporary political ecology*

Benjaminsen and Svarstad (2010) identify three processes which political ecology focus at in contemporary research. The first is situations where companies start up their production in an area in such a manner that it affects the local population in a negative way. The second is to study changes in the environment and the reason for them. The third main process studied in political ecology is the establishment of new conservation areas or other environmental measures (Benjaminsen and Svarstad 2010).

Within the three mentioned processes political ecology is focusing on;

- Power, actors and structures
- evaluation trough different geographical scales
- explanations through history

- a combination between social and natural sciences
- a combination of empirical and normative analysis (Benjaminsen and Svarstad 2010, Neumann 2005).

Blaikie and Brookfield (1987) presented in their book; “Land degradation and society” how to research for chains of explanations in a model that has been presented here in fig 3.1. (Benjaminsen and Svarstad 2010). This figure illustrates that changes in environment and natural resources can be explained through identifying practices of management on a local scale, through local social conditions, governmental regulations, and framework in the world economy and international institution. This illustrates the importance of including different scales to explain local changes.

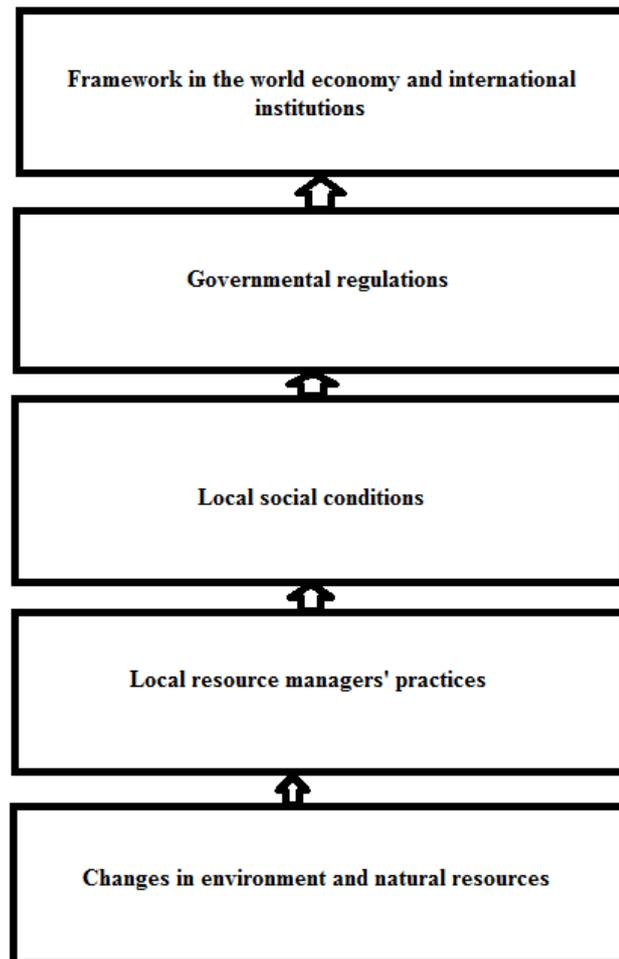


Figure 3.1: Chains of explanations (Benjaminsen and Svarstad 2010)

### 3.1.2 Political ecology in this thesis

It is clear out of the list of Benjaminsen and Svarstad (2010) that this research easily falls under the thematic within political ecology. Under the process of this research and analysis it was a goal to use the tools that political ecology contributes with.

Chains of explanations have been an important part of this research. The fieldwork was done on the local level, collecting empirical data from the local use and practices regarding land. A focus is put on understanding what changes the local population is experiencing. In analyzing their situation, explanations from local, national and global geographical scales through a combination of normative and empirical analysis has been used. Links in time has also been made as explanations can be found in history. These links have been presented in this chapter.

The focus on power is also in this research as powerful actors are involved in the situation. These are the Government of Uganda and powerful FDI companies.

The two following chapters which make out the analysis of this thesis are focusing on land rights, and FDI and land grabbing, where the focus in the first one is on understanding the local system of land rights, and the latter is to making an attempt to understand how decisions on a national level, and global forces are affecting the local level.

The next part of this chapter will focus on land tenure which will make out the foundation for understanding the analysis in chapter 4.

### **3.2 Land tenure**

Land tenure can be defined as “The right to hold and use land, rather the simple fact of holding land” (Bruce et al 2010:3). Land tenure system is defined as; “all the types of tenure recognized by a national and/or local system of law taken together, and the institutions that administer them” (Bruce et al 2010:4). Land tenure is in this thesis referring to both the ownership and use of land, as this definition suggests. The phrase land rights are used in this thesis and are referring to the right to hold land.

Freehold and leasehold are the most common kinds of tenure in western countries. Freehold is synonymous with private ownership and is land held free of obligations to the state.

Leasehold is referring to land that is rented from the owner over a period of time, and can also be referred to as private property (Bruce et al 2010).

Customary rights will be an important term for this thesis, and this can in general be explained as; “various kinds of tenure that may apply to different geographical areas of a country or may coexist locally and interact in complex fashions” (Bruce et al 2010:4). These kinds of tenure might be recognized by the state or not (Bruce et al 2010). This type of tenure is managed and controlled by the local community, and in most cases these laws are in oral form, not written (Batungi 2008).

Tenure security is a term regarding assurance of property rights. Whether or not the tenure is secure is depending upon legal and political environment supporting property rights. A low tenure security by for example a risk that someone can take the property lowers the investments in the property .In the light of such investments, tenure security is also referring

to the time it takes to recover the cost of an investment. If the tenure is too short to allow invests, it is not regarded as secure (Bruce et al 2010).

Land tenure reform is legal measures that can be taken to strengthen the property rights of a holder. One example of this is to recognize customary rights (Bruce et al 2010). In this thesis the word formalization is mentioned as an aim for the Ugandan Government to unify the tenure system in Uganda into freehold and leasehold. This is referring to several legal measures taken to strengthen the property rights of a holder. The term formalization of tenure or land rights in this thesis is referring to several land tenure reforms over time.

### **3.2.1 Tenure security as a development strategy**

Up to lately there has been a focus of governments around the world, and international foundations like the World Bank and the IMF towards formalization of land tenure in developing countries. By the 1990s the World Bank recognized that common land tenure might be a good thing, and that a full blown formalization would create more conflict and poverty, but the idea that formalization of tenure is the right way to go, still stands strong in several governments in developing countries and in the World Bank (Benjaminsen and Svarstad 2010).

One of the most well known proponents of land formalization is Herman De Soto. He describes the lack of formal land tenure as the main reason for poverty. His argument is that a underlying reason for poverty is not lack of capital, rather that the capital is “dead” or informal, something that excludes large parts of populations in developing countries from the benefits of capitalism. If the capital was alive, this would imply that the land tenure was formal and could for example be used as collateral in loans (Benjaminsen and Svarstad 2010).

The focus of tenure is moving away from ideas of formalization, and towards tenure security instead. The Internal Development Fund (IDA) under World Bank is promoting such work in several countries including; Lao PDR, Cambodia, Indonesia, Moldova, Kyrgyzstan, Armenia, Nicaragua, Honduras, Bolivia, Ethiopia, Tanzania, Uganda, Cote d’Ivoire, Mauritania, Ghana, Malawi, Sri Lanka, and India. They outline two main principles of land policy in their quest for growth and poverty reduction. The first principle is exactly to assure tenure security (IDA 2011), which are referred to as; “the assurance aspects of property rights, or the expectation that rights will be protected or renewed” (Bruce et al 2010:7). With tenure security the incentives for investment and productive land use gets higher. This can improve the welfare of the poor and reduce the risk for conflict, and this can be done in several ways where the

most extreme is to introduce full formal title, to the softer one with legally-backed mechanisms at the community level. A second principle they are referring to is transferability of rights and land access. This will make it easier for land-less to benefit through open sales and rental markets or through public transfers. If transformability is combined with formal titles, the land can be used as collateral for credit (IDA 2011).

The World Bank is in a discussion paper called “Innovations in Land Rights – Recognition, Administration and Governance” (2010) presenting a model (fig) where tenure security is presented as one of four critical factors regarding land towards a sustainable development.

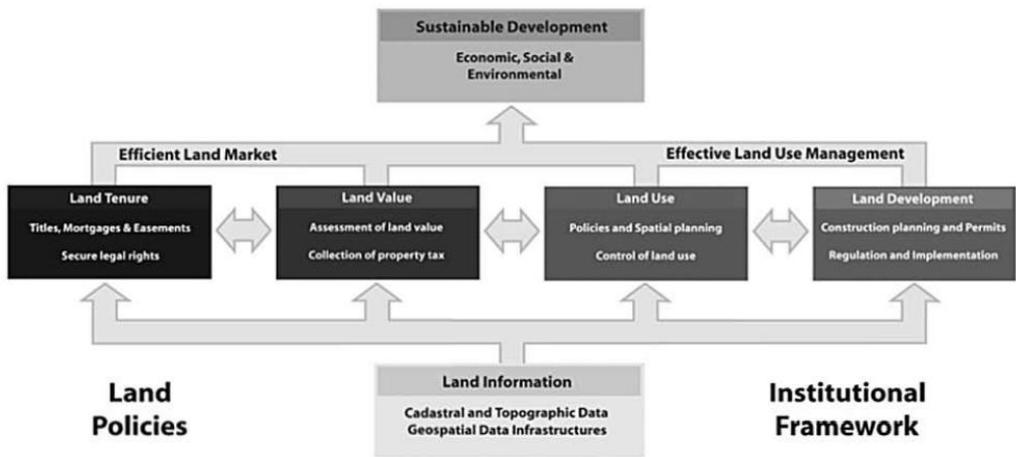


Figure 2.2: Sustainable development regarding land (World Bank 2010)

The land rights systems in developing countries might be difficult to change as the existing system might be based on heritage from the colonial era with customary land rights system. Policy and legal frameworks are often deficient, and public institutions are weak. This makes the goal for formalized land rights as a development strategy a complicated task to achieve (ILC 2011, Batungi 2008). The critique towards full blown formalization of land tenure presented above also suggests that full blown formalization is not the way to go towards a harmonized land tenure system. The focus should be on achieving tenure security. In part 4.2.2 we will look closer at what strategy the Ugandan government is choosing for their work towards a more harmonized tenure system.

### 3.2.2 The land rights system of Uganda

The system of land rights in Uganda is as complicated with several different systems working on top of each other. Four different systems of land rights are recognized in Uganda today; freehold, leasehold, customary and *mailo*.

*Mailo* is a special system of land rights for Uganda that was introduced during the colonial period. To explain this in short terms; *mailo* is a feudal system where the owner of the land lives with legal tenants on his plot (Batungi 2008). The *mailo* land tenure makes it possible for an owner to separate the ownership of the land from the ownership of the development on *mailo* land made by a *bona fide* which is a lawful occupant in an informal relationship to the owner of *mailo* land (Batungi 2008).

Freehold leasehold and *mailo* account for approximately 15 % of the total landmass of Uganda. The additional 85 % is communal and individualized customary tenure systems (Batungi 2008).

#### *Historical context*

Uganda became a British protectorate in 1894, and the land rights were then the responsibility of the different ethnical groups that made up the protectorate. Several different systems of land rights existed, and each system had developed by area specific needs and usage, and was therefore deep rooted in society itself. Three different systems could be identified within the borders of the Ugandan protectorate by the time of British rule. The first one was a feudal system that was mainly found in the Buganda Kingdom. The second was a system based upon territorial control which could be found in Karamoja in the north-east and along the cattle corridor which stretched up to Ntungamo and Rukungiri districts in the south-west of Uganda (fig). The third one was a system based on social relations, and could be found in the western, eastern and northern regions of Uganda (Batungi 2008).

Buganda kingdom got a special treatment by the British protectorate administration, partly because this kingdom already had a form of government with a feudal land rights system within the kingdom. The protectorate administration and the king of Buganda and his representatives both took part in negotiations in 1897 about the distribution of land rights between the kingdom and the British administration. Buganda kingdom got 9000 sq. miles, and the British got 8000 sq. miles. The kingdom got all the land they used, and the protectorate administration was free to use the left over areas. The land rights system within

the Buganda kingdom was then changed to the *mailo* tenure system. The rest of the areas in the protectorate were made into crown land (Batungi 2008), which in practical sense means that all the land belonged to the state and the people using the land was tenants of the state (Mabikke 2011). This was done by the British without consent from the local communities, something that made the relationship between these and the British administration strained. The governor, through the land officer, was mandated to make crown land available to foreigners through freehold and leasehold, as the colonial administration perceived large-scale agriculture was the “right” way to develop the colony, and the small-scale farmers counted as not important (Batungi 2008). This is still a standing narrative in many governments of developing countries (ILC 2011, IDA 2011).

By the time of independence in 1962, the British colonial administration had managed to formalize about 5 % of the total landmass into freehold, something that is a quite small amount since they had 68 years of power. This left a huge job for the new government (Batungi 2008)

The resources of Uganda was not the main reason for the British colonists to get control over what is now known as Uganda, but to get control over a part of the Nile. Therefore possession was the goal for colonization. The amount of British people in the administration and in the colony more in general, held at a minimum, just enough to maintain control within the borders of the protectorate. This is also a part of the reason why they did not put more resources in formalizing the tenure system in a more extensive manner (Batungi 2008).

The development presented above is the underlying reason for the complicated system of land rights today, something that makes the task of formalizing the system of land tenure in Uganda is challenging. In the next part it will be taken a closer look at what is being done by the Ugandan Government to achieve tenure security, and a better management of the nation’s tenure system.

### *Towards a formalized system*

According to Batungi (2008), there are many reasons why the system of land rights in Uganda should be formalized into freehold and leasehold. One is that a single formal system would be more cost efficient and easier to manage for the government, something that would make land administration more integrative and universal. Secondly, the existing spread of different land rights systems is derived from tradition within certain groups around Uganda, something that

has helped to entrench negative tribal sentiments which can be a hindrance to nationalism. Thirdly, the formalization would help spread the land market throughout the country (Batungi 2008).

As presented in part 4.2.1, an attempt at full formalization of tenure systems in developing countries has been criticized, and it has been argued that more focus should be put on tenure security. The Government of Uganda are aiming at a full blown formalization of tenure into freehold and leasehold (Batungi 2008), but the goal of such formalization is to be achieved through several steps of tenure reform.

### *Constitution and Land Act*

In 1995, the Republic of Uganda adopted a new constitution that is still the standing constitution for the Republic of Uganda. Chapter fifteen of the constitution is regarding land and environment, and the first article of this chapter is article 237 and under clause one it is stated; “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” (The Republic of Uganda 1995:148). The tenure systems that are recognized under the Constitution are; customary, freehold, mailo and leasehold. It also states that “all Uganda citizens owning land under customary tenure may acquire certificates of ownership” (The Republic of Uganda 1995:148). It also states that; “land under customary tenure may be converted into freehold land ownership by registration” (The Republic of Uganda 1995:148). A Land Act was adopted by the Republic of Uganda in 1998. It underpins the constitution in the recognition of customary tenure systems, and it lays down the ground workings of land management in Uganda. Under article 4 it is stated; “Any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with this act” (The Republic of Uganda 1998:8). The Act further states; “Any person, family, community or association holding land under customary tenure on former public land may convert the customary tenure into freehold tenure in accordance with this act” (The Republic of Uganda 1998:12).

The main goal of the chapter regarding land and environment in the 1995 Constitution together with the 1998 Land Act is to improve tenure security of the nation as a whole, and start the work towards a formalized system. By recognizing all different systems of land rights in the country, the aim is a step by step process to implement a formal system of freehold and leasehold in Uganda over time (Batungi 2008). As presented above, land owners under

customary tenure can get a certificate for their customary ownership of the land, and later convert into freehold. It then looks like the governments plan is to softly unify the system by recognizing the nation's diversity in tenure systems, and over time convert the systems into a formalized system of freehold.

However, not much has happened since the 1995 Constitution and the Land Act of 1998, and the prime minister have stated that it is because it is not yet the right time to implement such changes (Batungi 2008), something that might make you wonder when the right time is. But the recognition of customary tenure in the Constitution is increasing tenure security.

### **3.3 Land acquisitions and land grabbing**

As presented in the introduction, the Government of Uganda is planning infrastructural developments in Hoima related to the oil industry. This will affect in land acquisitions.

Zoomers (2010) define land grabbing as; *“large scale, cross border land deals or transactions that are carried out by transnational corporations or initiated by foreign governments”* (Zoomers 2010:429). A more specific and critical definition of land grabbing in an Ugandan context, is provided by Mabikke (2011) who defines land grabbing as; *“the acquisition of land by a public, private enterprise, or individual in a manner that is illegal, fraudulent, or unfair, taking advantage of existing power differences, corruption, and breakdown of law and order in the society”* (Mabikke 2011:15). In this thesis I will be referring to land acquisitions as this a more neutral term in describing the developments, and will be referring to land grabbing as in Mabikkés (2011) definition when it fits the situation.

ILC (2011) have created a land matrix including reported deals of land acquisitions that have been approved between 2000 and 2010. This include deal that amount to 203 million hectares worldwide. Seventy-eight percent of these land deals are in the agricultural sector, and three quarters of this in biofuels production. The rest of the deals are found in mineral extraction, industry, tourism and forest conversions. One hundred and thirty-four million hectares or the reported deals can be found on the African continent, something that makes it the main target for land grabbing. This research is focusing on the land acquisitions that are happening in the Hoima district in western Uganda as a result of the developing oil sector in the area, something that makes it fall under the category of the 22 % that is not concerning agricultural production (ILC 2011).

### **3.3.1 The history of land grabbing**

Land grabbing is a term and a phenomena that has existed for a long time, but the intensity and the importance of the term have recently reached new highs mainly due to the food crises in 2007 and 2008 where the price level of food rose drastically. This crisis resulted in a boom of FDI in developing countries in form of states and companies buying or leasing enormous areas to grow crops to secure their own countries food security (ILC 2011, Mabikke 2011, IDA 2011, Zoomers 2010, De Schutter 2009). This together with the bio-fuel production represents 78 % of the reported land deals that ILCs has collected information about (ILC 2011).

### **3.3.2 Contemporary land grabbing**

The main focus in contemporary literature about the mentioned phenomenon of land grabbing is on the large-scale land acquisitions in the agricultural sector, where governments or companies from other nations buy or lease enormous areas of land for crop production to secure their own import of food to feed the population (ILC 2011, Mabikke 2011, IDA 2011, Zoomers 2010, De Schutter 2009).

Annelies Zoomer (2010) has in the article “Globalization and the foreignisation of space” presented seven processes driving the current global land grab, commenting on the currently narrow view on the concept of land grabbing. She argues that there are several other areas than large-scale land acquisitions in the agriculture sector that land grabbing takes place and creates problems, and that focus need to put on the concept of land grabbing as a whole to get a better understanding (Zoomer 2010). These seven processes presented by Zoomers (2010) are;

1. Offshore farming: FDI in food production
2. FDI in non-food agricultural commodities and biofuels
3. Development of protected areas, nature reserves, ecotourism and hideaways
4. Special Economic Zones, large-scale infrastructure works, urban extensions
5. Large-scale tourist complexes
6. Retirement and residential migration
7. Land purchases by migrants in their countries of origin

(Zoomer 2010:442)

This research is focusing on land acquisitions in the context of development of infrastructure for FDI in the oil sector. Out of the listed processes above number four on the list would be the most fitting for the land acquisitions taking place in Hoima District. This process is mostly referring to the trend where governments free up huge areas for the creation of “Special Economic Zones” (SEZ) and their infrastructure to attract FDI and achieve an economic development (Zoomers 2010). The land acquisitions presented in this thesis is not for the development of industrial zones to attract FDI, but rather for the development of infrastructure regarding a development in the nation’s oil industry. Process four is somehow fitting regarding infrastructural development, but the developments in Hoima cannot be regarded as SEZ. A more appropriate process would be land acquisitions by general infrastructural developments.

The report “Land Rights and the Rush for Land” conducted by the ILC has in their findings outlined the key drivers behind the rush for land. These are population growth, a growing consumption by a global minority, market demands for food, biofuels, raw materials, and timber. They have also outlined an emerging driver that already has made itself prominent; carbon offset markets, and example of this is projects like REDD+ that is making itself prominent in several developing countries (ILC 2011). There is no evidence that this trend will come to a halt any time soon, but the speed that the food crises created might slow down (ILC 2011).

### **3.3.3 Positive and negative effect of land acquisitions in relation to FDI**

Positive effects of introduction of FDI in an area can be an increase in the national economic resources, employment for local communities, improvements in infrastructure, new markets, and a promotion of food production. If an FDI can fulfill these positive effects by good planning and negotiation through participation from the local population, FDI in developing countries could be a source for development (Zoomers 2010).

A more negative look at the concept of land acquisitions in relation to FDI suggest that several negative effects makes them self prominent in many cases. ILC (2011) underpin such negative effects. One is that a government gives tax exemptions and minimal lease fees in a desperate attempt to attract FDI. This prevents the government from earning money that could benefit the population as a whole. Another one is that rural poor are often losers in such deals in their ownership in customary land rights. Some cases include evictions, but the most

common way for rural poor to lose out is in loss of access to natural resources, and especially common land under customary land rights. A third one is that compensations for lost access to natural resources or land are very rarely efficient. This is often because the government does not recognize customary tenure systems. Yet another impact is that the local population is not benefiting from promised job creation, because the jobs are often exaggerated, and many of them are only for a short period of time in construction in the initial phase. The fifth impact is that women are especially vulnerable because of systematic discrimination. The last registered impact is that the rush for land is leading to extensive conversions of natural ecosystems. Most vulnerable are forests, but also grasslands, marshlands and mangroves are targets. This is resulting in loss of biodiversity and ecosystem services (ILC 2011).

The main reason for the negative impacts of land acquisitions is failures of governance. There is still weak democratic governance in many developing countries, and the elites get their hand on resources because of the lack of transparency and accountability. Many governments also fail or undermine to recognize the local land holders under customary tenure systems. This makes it a target for land grabbing. Few international agreements have been made to protect the rights of the poor land holders of developing countries; the focus in economic governance is mainly on the international investors. At the same time is the importance of small-holder farmers undermined by governments and investors, the truth is that such farmers is very important as they contribute to feed millions of people, and that they are an important part of the food production in the world (ILC 2011).

### **3.3.4 Ethical regards in land acquisitions**

Several articles present ethical ways land acquisitions should be committed to ensure the safety of the local population and the environment, and to assure that land acquisitions and introduction of FDI results in development and not land grabbing. The main essence is the same in several of them (IDA 2011, Zoomers 2010, De Schutter 2009). According to Zoomers (2010) the following issues should be taken in count in negotiations about land acquisitions;

1. Transparency in negotiations
2. Respect for existing land rights
3. Sharing of benefits
4. Environmental sustainability

## 5. Adherence to national trade policies

(Zoomers 2010:442)

The three first points listed above is used in chapter 5 to evaluate the process of land acquisitions in the areas of Kaiso Tonya, Buseruka Kabale and Kyangwali.

Transparency is in this case referring to a free, prior and informed consent from the local land holders. These land holders also have to be included in the negotiations towards a deal everybody can be pleased with (Zoomers 2010). The focus in this thesis is that the local population should be represented with a voice that can take care of their demands and wishes. The local population should also have enough information about the areas development, and negotiate consent.

The respect for existing land rights is referring to a respect towards both customary and formal land rights, and in case of eviction, the holders should be compensated (Zoomers 2010). Under this regard the focus for this thesis will be on land agreements, compensation and production.

Sharing of benefits is referring to that the local community should benefit from the negotiated agreement. In agricultural cases, crops should be at a beneficial price for the local population and available on the local market (Zoomers 2010), something that would be an important mean to compensate for the eventual loss of small-scale farmers on the local market. The situation should also be beneficial for the local population referring to job opportunities to improve the local livelihoods (Zoomers 2010). Under this regard the focus will be on job opportunities and general development through infrastructural development.

Environmental sustainability aims to put focus on the environment and how the investing company would affect it. An enhance environmental assessment should be conducted prior to the completing of the agreement, and an agreement should not be made if the environmental losses are greater than the benefits from the investment. Monitoring should also be included (Zoomers 2010). This is not a focus for this thesis.

Adherence to national trade policies is referring to a situation of food crisis and that investors should not be allowed to export food when such a crisis occurs (Zoomers 2010). In this case this would regard oil instead of food, something that is understood in the way that the

Ugandan government should be able to buy oil to a beneficial price before it is exported out of the country if they need too. This is not a focus for this thesis.

### **3.3.5 Land acquisitions and land grabbing in Uganda**

The Constitution states that the Government can acquire land in public interest and refers to article 26 in the Constitution regarding protection from deprivation of property. This article states that; “Every person has a right to own property either individually or in association with others” (The Republic of Uganda 1995:39). Further it states; “No person shall be compulsory deprived of property or any interest in or right over property of any description except where the following conditions are satisfied – a) the taking of possession or acquisition is necessary for public use or in the interest of defense, 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” (The Republic of Uganda 1995:39).

A report by the Global Land Project (GLP) (2010) shows that reported deals of land acquisitions in Uganda stands for about 14 % of the nation’s total amount of agricultural land. The report also reveals six different land acquisitions within Uganda, all of them within agricultural activity with the main base of investors from Egypt and China (GLP 2010). This report does not present any evidence that these specific deals has resulted in land grabbing in its negative sense, but it shows that land acquisitions are taking place and has been registered in Uganda (GLP 2010). Under, two examples of land acquisitions in Uganda have been included. These are not part of the GLP report, and have been included mainly to show that land grabbing in its negative sense also takes place in Uganda.

A documented example of land grabbing in Uganda that can be connected to the research of this thesis is the situation in the village of Lakang in Amuru District. The GoU are acquiring 40,000 hectares of land from the village of Lakang to open up for the Madhavani Group of Companies to create a sugarcane growing project. At the same time, voices from the Ugandan Wildlife Authority (UWA) and Uganda People’s Defense Forces (UPDF) are claiming that the area of Lakang is a game reserve, and the people living there should be evicted. A third factor for the situation in this village is the oil discoveries in the Albertine Graben area. The people living in the village believe that the government wants to remove them now, to avoid

huge compensations later. All this is creating a situation at the border of conflict. The reason for evicting the local people still stand at the governments statement to open up for a sugar cane growing project in the disputed land, where large-scale agriculture and job opportunities will develop the area, the problem is only that the local population has no trust in the government that this is the real case (RLP 2012).

Another example can be found in Pader district, in the North of Uganda. Here, the situation is unfolding between the army (UPDF) and the locals in the village of Akemo-Koch. Local people are accusing the military of taking in to the area to cut down their food plantation to open up space for cattle belonging to army officers. The army representatives claim the office of the prime minister gave them six square kilometers for army use. The explanation for the turbulent situation was that the local people were misinformed, and that this was land belonging to the army, but civilians could live there for free. The question on how the army got their hands on this land, is still not clear (Mabikke 2011).

As these two examples illustrate, there can be found examples of land grabbing throughout Uganda and the focus on such situations are intensifying, both nationally through the media, and globally (Mabikke 2011).

### **3.4 Summing up**

Political ecology makes out the analytical framework for this thesis. This is a relatively new field with roots found in political economy and ecology. Chains of explanations through geographical scales as a way of explaining changes of environment or natural resources on a local level is important for this research as it focus at changes in land tenure on a local level as an effect on development on other geographical scales.

Land tenure is regarding the holding and using of land. A large amount of land tenure systems in developing countries are customary, a category which also a large part of Uganda's tenure systems falls under. The Government of Uganda is aiming at formalizing the nations system of land tenure in a step by step process where tenure security is reinforced.

Land grabbing is a global phenomenon that got recognized as an important topic in development literature after the food crisis of 2007 and 2008, and the term have gotten a lot of interest since the amount of land acquisitions by FDI exploded. Evidence show that these land acquisitions might have negative effect of local population, and the poorest are often the ones

losing out in a trend where land acquisitions often turns into land grabbing. The risk of land acquisitions turning in to land grabbing gets higher in areas where customary land tenure is the practiced and formal institutions are weak.

Customary tenure has trough the 1995 Constitution been recognized as valid land tenure, but in a situation of land acquisitions it would also be important for the government to take ethical considerations into account when signing deals with FDI's and developing the area.

The review presented in this chapter will actively be used in the next three chapters that make out the data analysis and the conclusions of this thesis.

# 4 Land rights practices in Hoima

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This chapter will present an analysis of the data collected concerning land rights practices and tenure systems. It will focus on understanding the factors that make the people of the study vulnerable for the changes they are facing. I will describe the system of assigning land rights and how these land rights are practiced in the everyday life of the informants. Institutions for management of rights and conflict resolution will also be an important part of this analysis to get an understanding of how the system works on a local scale and in relation to a bigger picture. The government is an important institution in land rights questions, and in light of the 1995 constitution and the Land Act of 1998, the effects of national policies on a local scale will be evaluated.

## 4.1 Land rights in Hoima

The practices of assigning land rights in Hoima can be categorized as customary, as a part of the 85 % of the tenure system in Uganda that fall under this category, which is presented in chapter 3. The three areas of Kaiso Tonya, Buseruka Kabale and Kyangwali also fall under this category as the land tenure normally are regulated and managed at a local scale. This part will take a closer look at how this system is arranged, with a focus on management of the system and the importance of land for the local farmers.

### 4.1.1 Land as a local asset through heritage and history

As shown in chapter 3, in customary land tenure systems, land is basically held within the community. Eighteen interviews were conducted with informants where information regarding land rights was given to me. Thirteen of the informants had inherited the land from relatives, and five of the informants bought the land. One informant, a woman from Kaiso Tonya, stated; *“I have inherited the land from my great great parents. They never bought this land, they just found it”* (Interview 1). This implies that this woman’s land rights has never been included in a formal system and has been managed by the family through generations.

One informant, a 25 year old man from Buseruka Kabale stated that; *“most of the people affected have inherited the land from their grandparents”* (Interview 27).

In Kyangwali it was stated by the chairman that the properties in this area was given to the people living there by the King; *“before, this land belonged to the King, he then started to*

*give it to his chairmen. The people living here have now been living here for over a hundred years*". Further he explains that this referring to the King of Bunyoro, which is the kingdom this area originally was a part of before British rule. He informed us that; *"when you get a piece of land from the King, you have to take it"* (Interview 10). No specific time was given for these transactions other than implying that it was a long time ago. The stated timeframe of over a hundred years seems to be believable as the land in some cases can be tracked several generations back. This is implied as one informant stated; *"I own my land because I was born here and so were my grandparents"* (Interview 14). This illustrates how customary traditions within the land rights system in Kyangwali is connected through history.

Even though land in customary tenure stays within the community as it has done through history; outsiders do come in to these communities.

Five informants in total from Kaiso Tonya and Buseruka Kabale stated that they recently have bought the land they are now living on (Interview 9, 18, 19, 20 and 21). This shows that outsiders are not excluded from buying land within the local community, but as one informant in Kaiso Tonya, a 40 year old man stated; *"community land is not on the market"* (Interview 6). This implies that the land deals are made through social and familiar connections. In this way the community can regulate who is settling down, and keep the land within the community. The land tenure system of the villages visited seems to have mechanisms for protecting the land from outsiders, as not making the communities land a part of the formal market. This is also underlining the skepticism from customary land holders to convert to a formalized system of freehold.

#### **4.1.2 Oral and written agreements**

As stated in chapter 3, land rights within customary tenure systems are mostly agreed upon in oral and not written form. Out of the eighteen informants that gave information about ownership, only five of them told me that they have written proof in form of a land agreement. This is the five that bought the land and had not inherited it. There is reason to believe that this is only a local agreement as one of the informants, a 30 year old woman in Kaiso Tonya, stated; *"I have paperwork on the land, but only as an agreement with chairman"* (Interview 9). Another informant, a 20 year old man from Buseruka Kabale, said; *"I have documents on the ownership of my land, but I also applied for a land title"* (Interview 18), which is implying that these are referring to two different things. None of the informants

who had inherited the land from relatives had any written proof of their rights in holding land (Interview 1, 2, 3, 10, 11, 14, 15, 17, 23, 24, 25, 26 and 27).

Out of the eighteen informants the ones who inherited the land they now are living on, only have oral based agreements. This is also stated by one informant from Kyangwali, a man of 30 years; *“I own this land because I was born here, and that’s the local system. I have no papers, but heritage should be valid”* (Interview 14). Informants that bought the land they are now living on have written proof in form of an agreement with the local chairman. The focus on land rights and formalization might have made local systems realize the importance of written agreements. This focus might have made it more common to use written agreements in the last period of time as a mean to protect the local inhabitants’ land tenure. Another explanation could be that the outsiders moving to this area is not comfortable with the local oral arrangements, and therefore get written agreements to assure their rights within the community.

In Buseruka Kabale one informant, a man 25 years of age, informed me that there are people living in the area that originally came from Congo, and that most of them have been living here for 20 – 30 years (Interview 27). This was also stated by an informant in Kaiso Tonya (Interview 6). An interview with one of the Congolese descendants did not give any reason to believe that any written agreements on land tenure exist, which underlines the suspicion that written agreements in assigning land rights is relatively new.

#### **4.1.3 Management**

As presented in chapter 3, a common feature of customary land rights systems is that the management of these systems is handled locally within the community. One informant in Buseruka Kabale stated that there is only one man managing the system of land rights and who also holds the responsibility of assigning land rights in the local community (Interview 17). One of the informants in Kaiso Tonya, a woman that had just bought a plot in the village, explained the process as making an agreement with the local chairman, and did not mention anyone else as participants in the process (Interview 9). In Kyangwali, the local chairman stated that it was his responsibility to manage and assign land rights to the people both living there and moving there. This is reflecting that the management of the land rights systems in the three villages visited is in fact managed by one person, and that the systems are locally based within the villages. In all three of the areas visited it is implied that the local chairman manages these systems, and regional or national systems are not involved. This type of

management is probably functional for the local community as long as the system is not influenced from outside. With such a local system it would also be easy to manage the system in accordance with the conditions and changes in the village.

As mentioned above, some informants from Kyangwali claimed that they got their land handed to them by the King (Interview 10 and 11), indicating that the local system in this area at some point was connected to a larger system with the king as the manager. This is still bestowed upon as a valid right to hold land in the community, and regarded as a historical fact, but current management is mainly in the hands of the local chairman (Interview 10).

As discussed in part 4.1.2 and 4.1.3, management by local chairmen is based on oral agreements, which implies that he does not possess a written overview of the different plots. Land rights have been there for a long time and are recognized by the community, it is therefore not necessary to have a written overview as long as the tenure management is held on a local level.

#### **4.1.4 Functions of land**

Both in Kyangwali and Buseruka Kabale the main use of land was to grow food for themselves and their family. As Kaiso Tonya is a fishing village, the use of land was housing, and no or little land was cultivated. The farmers in Kyangwali and Buseruka Kabale seemed to be more connected to their land than the informants in Kaiso Tonya, which probably can be explained by the usage of the land. One informant in Buseruka Kabale, a 26 year old man, stated; *“I live because of my land and house, and no land would mean no life”* (Interview 22). This shows how the land is probably the most important asset for these farmers.

In Buseruka Kabale, a new function of land was brought up in two of the interviews. Land can be used as financial capital, not in the sense De Soto represents as presented in chapter 3, where land titles can be an asset to get a loan in the bank, but as a more locally based and informal collateral (Interview 24 and 25). One of the informants, a 60 year old man, stated; *“we could sell or rent out a piece of our land to get cash if needed”* (Interview 25). This makes the life of a farmer more flexible. These two informants was the owners of quite big farms, respectively three and ten acres (Interview 24 and 25), which gives reason to believe that this is a use of land that are concerning farms of a larger size.

Another use of land was the practice of burying relatives on the land. One informant in Kyangwali, a man, could inform me that he had buried his grandparents on his plot (Interview

13), and another man in Buseruka Kabale told me that he also wishes to bury his relatives on his plot (Interview 24).

This shows that the land for a local farmer in the Kyangwali and Buseruka Kabale have more meaning and functions than just the obvious ones: growing food to survive and housing. This is also something that should be taken into account when value of land is in question.

## **4.2 Institutions**

As presented in chapter 3, one of the weaknesses of the land rights systems of developing countries, including Uganda, is the real or perceived lack of effective and working formal institutions. In customary land tenure the system is managed within the community and often only by one person and in this way the system is kept local. This part will look at institutions available to the informants of this research, both in general management and in time of conflict.

### **4.2.1 Management**

The chairman is the one person managing tenure in the local communities visited, as explained earlier. In the interviews with the local people, it was also implied that the chairman was the most important manager both in sale and purchase of property and in daily management (1, 2, 3, 9, 10, 11, 14, 15, 19, 20, 21, 22 and 23). There is no evidence that this is not functional for everyday life in the villages visited. The only thing that could alter this harmony is probably forces from outside of the community.

### **4.2.2 Conflict resolution**

In a time of conflict regarding land tenure, institutions for conflict resolving are needed. In the three areas visited, the chairman appears to be the most important person also in these situations. Thirteen informants state that in case of conflict they would go to the chairman if they needed help regarding land tenure (1, 2, 3, 9, 10, 11, 14, 15, 19, 20, 21, 22 and 23). This is reinforcing the fact that these local communities and their land rights are kept at a local scale where the local chairman is the manager. One woman from Kaiso Tonya stated; “*the chairman is the only one that can help us*” (Interview 9). Also three other informants in Kaiso Tonya stated that they would contact the local chairman in case of conflict (Interview 1, 2 and 3). This implies that the chairman still is the most important manager both in general management and in conflict situations, but at the same time, some local farmers from

Kyangwali and Buseruka Kabale are presenting a more radical way of thinking by taking conflict resolution to other institutions.

In Kyangwali the local areas MP (Member of Parliament) was mentioned in three out of seven interviews as one of the most important contact persons, together with the chairman, in questions about land tenure (Interview 10, 14 and 15). This was not mentioned at all in the two other villages. In Buseruka Kabale four informants said that they can contact the local government if they are in need of conflict resolution (Interview 19, 20, 21 and 22). This involvement of governmental institutions in conflict resolution indicates that the local communities see the importance of formal institutions within the system of land tenure.

One of the informants, a 26 year old man from Buseruka Kabale, stated that the media was a possible channel to go through in case of conflict (Interview 22). Two of the informants in Kaiso Tonya were eager for me to take their story to the media (Interview 2 and 3), which implies an opinion that the media, as a part of civil society, can put focus on problematic situations and create action. This is a positive tendency for the democratic system of Uganda.

### **4.3 The government's involvement in local land tenure**

As presented in chapter 3, the 1995 Constitution of the GoU and the 1998 Land act represent an initial attempt from the government to formalize the land tenure system in Uganda by first recognizing customary tenure systems. It is then understood that the customary land tenure systems of Uganda are as valid as the system of freehold, and the government's aim is to transform the customary systems into freehold over time.

This recognition of customary tenure by the government does not seem to be known by local farmers in the villages visited, as only one informant, a 30 year old man from Buseruka Kabale mentioned this recognition; *"the government has stated that they recognize our rights in land which has been handed down through generations in agreement with our system"* (Interview 17). It is stated in the Constitution and the Land act of 1998 that holders of customary land can acquire a certificate of ownership. Out of the total of 28 interviews, only two mentioned applications for a certificate or a land title, which is implying that many of the local farmers do not see the importance of such a land title.

The two informants that had applied had not yet received any title, and they are now worried that they will not receive a title by the government at all (Interview 11 and 18). I have no

information about the time frame for these applications, but as they apparently had lost hope it must have been some time since the application was forwarded. This shows that governmental statements of recognitions towards customary tenure are not always sound, and applications for certificates and land titles are in some cases not met with the professionalism holders of customary land deserve. This could very likely be an explanation to why more people have not applied for a land title.

#### **4.4 Concluding remarks**

This chapter has been focusing on land tenure, how the land is used and the institutions concerning tenure. The system is mainly locally based and the chairman of each village works as the main manager of these systems.

Land has several functions for the local farmers, the most important ones being food production and housing. However, land is also used as informal financial capital and to bury deceased relatives.

In these customary systems local institutions as the local chairman are still of main importance in management, but evidence from Buseruka Kabale and Kyangwali proves that governmental institutions have some role in conflict resolution. The media is also mentioned as a possible institution which, as a part of civil society, can put focus on a situation of conflict which might lead to resolutions.

The Government of Uganda have stated in the 1995 Constitution and the Land Act of 1998 that they recognize customary land rights as a step towards a formalized system, but data implies that the knowledge of this is weak in the villages. Applicants for land titles have experienced a lot of waiting, which might be a reason for the low interest for such titles in the villages in general.

The next chapter will look at how the local communities and their tenure systems are affected when major developmental plans from the government is put in action.



# 5 Land Acquisitions for Oil

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This chapter will focus on how the situation is changing for the local farmers in Kaiso Tonya, Kyangwali and Buseruka Kabale as the oil industry is entering the area and infrastructural developmental plans are put into action. This chapter will focus on how this affects the local farmers.

First the farmers own views on the discovery of oil will be presented. In the rest of the chapter I will take a closer look at how the changes have affected the farmers, especially regarding land tenure.

## 5.1 Discovery of oil

As discussed in the introduction, the discovery of oil in the Albertine Graben area is filled with high hopes for Uganda's future. This part will take a closer look at how the local farmers in the area viewed the findings, and their hopes for the development of the area.

Many informants from the village of Kaiso Tonya expressed happiness in regards to the oil findings, and that they were excited to be a part of something so important (Interview 1, 2, 5, 6, 7, 8 and 9). One of the informants, a 60 year old woman, stated that; *“they had opened their land for the oil companies”* and explained that they opened the land for usage for the oil companies and the government, for the surveys and development (Interview 2). Several other informants could also state that their hope was that this would develop the area to their benefit and contribute to a brighter future for their families. Some local farmers were hoping for job opportunities in the oil sector, which they also had been promised (Interview 2 and 9). Some hoped that the general development of the area as a result of the the oil discoveries would bring developments such as water, schools, hospitals and other benefits (Interview 2, 3, 4 and 7).

In the village of Buseruka Kabale, informants also expressed excitement about the discovery of oil in the area (Interview 22 and 28). One of the informants stated that he and his friends had high hopes for job opportunities (Interview 18), another, a 26 year old man, argues that; *“the road project was a really good thing that would develop the area”* (Interview 22). The informants of Buseruka Kabale did not show their excitement toward the oil discoveries as often as the informants in Kaiso Tonya. It seemed as if they were more cautious to the

changes they would face. There might be several explanations for this. One reason can be that this village is located close to both the road project and the planned refinery, and the local population might have understood that the impact the project could have on their village could be crucial. Another reason could be that the changes that had already happened at the time of the research have affected the informants in such a scale that the early hopes for the future had faded to some extent.

The interviews reveal that many of the informants were really happy and optimistic about the discovery. It also implies that many of the informants were eager to participate in the development of the area. As discussed, the informants of Buseruka Kabale were more cautious about the findings and the development that was about to happen, but statements show that a hope for a better future in the area was also present in this village. This implies that the local farmers in both Kaiso Tonya and Buseruka Kabale were willing to be a part of the area's development, something that is a satisfactory basis for local participation.

#### **5.1.1 How the villages will be affected**

The local population in Kaiso Tonya is affected by the road project (Interview 1, 3 and 8), and the same can be said about some informants in Buseruka Kabale (Interview 17, 18, 19, 22 and 23). Buseruka Kabale is also affected by the planned refinery, and many farmers will be losing their land due to this (Interview 24, 25, 26 and 27).

Kyangwali is not in direct relation to any of the prospected development in the area. However, the area can still be connected to safety related developments in connection to the oil. The situation in Kyangwali is presented in Box 5.1.

## **Textbox 2: Kyangwali**

*Land disputes have in the last couple of years emerged in the area of Kyangwali after several attempts of land grabbing. There seems to be a lot of confusion regarding both the reason for these land grabs and the origin of the ownership of the land in question.*

### **The problem:**

*Informants state that since 2008, the UPDF (Ugandan Peoples Defense Forces) has been vandalizing the area (Interview 10, 11, 12 and 14). One of the informants chose to describe the situation in this manner; "first the government wanted to buy the land, now the army is just destroying it and the government pretends they do not know anything about it."*

*An article posted by new vision in 2009, presents the plans for developing a military base to protect the oil resources in the area of Kyangwali.*

*As the UPDF is an army under the Ministry of Defense in the Ugandan Government, it means that the government is responsible for the situation in Kyangwali. This shows that the government has not been truthful to the farmers in Kyangwali when stating their own unawareness of the situation in the area.*

### **The question of land tenure:**

*As presented in chapter 4, the chairman of Kyangwali stated that the land in this area was handed to the relatives of people now living there over a hundred years ago (Interview 10).*

*The article posted by new vision in 2009 also explains that the area in which Kyangwali is located previously was a refugee camp, and the army spokesperson Maj. Felix Kulayigye argues that since the refugee camp was on governmental land, the local population does not have any rights in usage of the land (Newvision 2009).*

*A man presented to me by the informants in Kyangwali, had now reached 100 years of age, and had been living in the same land since he was born. This will be presented more thoroughly in the box below. If the land in question ever was a refugee camp, this would have had to be a very long time ago, which is not very likely. This was perhaps stated by Maj. Felix Kulayigye due to confusion within the government or it is simply being used as an excuse to acquire the land without any claims for compensation.*

## **5.2 Assessment of land acquisition processes related to oil**

To develop an area for oil exploitation in a rural area is a complicated task, and it is very likely that local people will be affected by the developmental plans. The oil industry and its attached infrastructure development is area consuming, and it is clear by the introduction that the government has big plans to develop the regions infrastructure.

As discussed in chapter 3, large scale land acquisitions from FDI can be beneficial for local rural population, who can benefit from a general development of the area as well as employment opportunities. At the same time, such acquisition can have a negative effect on the local population and might be classified as land grabbing if it involves evictions of local land holders or restrictions in use of land. The risk of land acquisition turning into land grabbing increases when the FDI is placed in countries where the level of formal land rights is low, as they are in Uganda.

In chapter 3 I presented Zoomers' (2010) five main ethical criteria that should be taken into consideration in order to assure the local people's rights and protect them from a situation where land acquisitions turns into land grabbing. This part will use the three first of these criteria; transparency in negotiations, respect for existing land rights and sharing of benefits, to evaluate processes of land acquisitions that is taking place in the Albertine Graben area, and more specifically the three areas of Kaiso Tonya, Buseruka Kabale and Kyangwali, all within Hoima District.

### **5.2.1 Transparency in negotiations**

Transparency in negotiations is, as explained in chapter 3, referring to the openness from the government's and the FDI's side to share information about the negotiations, and about the participation from the local community. This part will look at whether or not the local population has a sufficient amount of information about the planned development, and whether or not they have been included in the negotiating process concerning the infrastructural developments in the area. The focus will be on participation and informed consent from the local people.

#### *Participation*

There is very little data that implies that the local population is included as participants in the process of land acquisitions. One informant in Buseruka Kabale, a 65 year old man affected by the road project stated; *"First they took half of my land, and now they have taken all of it,*

*and they never consulted me in the process”* (Interview 19). Another informant from the same village, a 26 year old man, stated; *“During the surveys, the chairman took the people around, and they came back with the message that my house had to be torn down, and what compensation I was getting”* (Interview 22). These statements imply that the local farmers themselves had not been involved in any decision making, but the second statement expresses that a chairman in Buseruka Kabale had been involved as a local representative.

### *Informed consent*

It would be important for the government and the FDI to get the local population’s informed consent to the development in the area. This would include that the local population have the information they need to get an overview of the intended alterations, in order to make a decision on where they stand in relation to the planned development. This could simplify the government’s process of development, and the future of the local population would be secure, as they have knowledge of and understand what they are facing.

Several statements from informants in both Kaiso Tonya and Buseruka Kabale gave the impression that the information these farmers possess was based on rumors and assumptions emerging from a complicated web of information. One such statement came from a 25 year old woman in Kaiso Tonya; *“I heard that the president sold all the landing sites”* (Interview 4), which is apparently not correct as only five of the ten exploration areas has been licensed. A 20 year old man from Buseruka Kabale stated; *“I heard on the radio that there was no more money to hand out in compensations, and that the people that should get compensation had been compensated”* (Interview 21). This statement about compensation cannot be confirmed. These statements are referring to information that has been picked up by the informant’s through rumors and radio.

The biggest problem may not be that the informants are getting information through radio and rumors, but rather that many of the informants do not know what is going to happen to their livelihoods. The population in Kyangwali might be the most affected in this manner, as none of the informants know with certainty what is going on, and the Chairman of the village also stated that the people of the village had very little knowledge of the plans for development (Interview 10). In Buseruka Kabale this is also a problem as many of the farmers affected in this village have not gotten any compensation yet, and the only directions they have gotten from the surveys and the government is to be patient (Interview 21, 24 and 26). The lack of information mostly manifests itself through the informants’ worries about the future regarding

the question of eviction and compensation. This is also evident from the interviews conducted in Kaiso Tonya. One informant, a 60 year old man, stated; *“I expect that we all have to leave soon”* (Interview 3). Another informant from this village, a 25 year old woman, stated; *“I’m worried that they will chase all of us away”* (Interview 4).

The lack of information creates a situation of uncertainty within the local populations. One informant in Kyangwali, a 30 year old man, stated; *“we have not received any time limit for the evictions yet, we just get announcements that people have to leave”* (Interview 14). Later in the interview, the same man stated; *“We are now living in a situation of uncertainty, and it is destroying our lives bit by bit”* (Interview 14). A man from Buseruka Kabale stated; *“people have now stopped building because they do not know what is going to happen to their house”* (Interview 18). Another informant from the same village, a 26 year old man, stated; *“during the surveys they promised to pay, but I still don’t know if I’m getting any money, and I’m worried it won’t be enough if I get it. This makes me really worried about the future”* (Interview 24).

As presented in part 5.1, the people of Kaiso Tonya had made some of their land available for the FDI, in order to be a part of the development in the area (Interview 3), this indicates that they were consenting to the development of the area, but at the same time, the informant continues; *(...) but now they are just taking more land”* (Interview 3). This suggests that the government is now overstepping the consent from the people of Kaiso Tonya.

This strongly suggests that the informants in all the three areas have yet to receive a satisfying amount of information. The statements from informants from Kyangwali and Buseruka Kabale show that they do not have the information they need to feel secure, and this is complicating their lives. In an article in Oil in Uganda (2012b), the lack of information is the main focus. Here, interviews with farmers affected by the refinery plans in Buseruka Kabale are presented, and a statement from a local farmers affected by the refinery plans says; *“Nobody has come to tell us what is happening; we are just hearing rumors”*, and informants for this article are informing Oil in Uganda that the local population of Buseruka Kabale had not yet been included in the discussion about the area’s development as of April 5<sup>th</sup>, 2012 (Oil in Uganda 2012b). As the fieldwork for this thesis was carried out in October the same year, the data presented above implies that this situation had not changed in this time period of 6 months.

### **5.2.2 Respect for existing land rights**

Respect for exiting land rights is referring to the governments respect for the local population and their system of land rights. As explained in chapter 3; customary land rights are still very common in African setting, and also in Uganda where customary land rights represent about 85 % of the total land mass. The land in the areas visited is included in this category, and this section will focus on the governments respect for this system regarding land rights and compensation in case of eviction.

#### *Land agreements*

As explained in chapter 3 the informants hold their land through customary tenure systems, and many of them do not have documentation on the land tenure such as a land agreement. The ones that have a land agreement only have an agreement with the chairman and the community at a local scale. Some of the informants of this research have now applied for a formal land title in an attempt to protect their interests.

In Kyangwali, a 35 year old man, stated; *“I do not have any written agreements on my land, but I have applied for a land title at the local government, but when all this trouble started the process just stopped”* (Interview 11).

In Buseruka Kabale, similar stories were presented. One informant, a 20 year old man stated; *“I bought the land for 8 million, and I do have the land agreement to prove it. I decided to apply for a land title, but the government told me that people living within the area of the planned oil refinery will not get a formal land title”* (Interview 18).

These statements indicate that there is an interest to get the land rights system formalized to protect own land tenure. The answer the informant in Buseruka Kabale got from the government gives reason to be concerned about the government’s recognition of customary land rights. If people within the area of the planned refinery cannot get a land title it suggests that the government does not want to handle the legal rights cases in an area where they know they have to evict people.

As discussed in textbox 2, the GoU does not admit to being involved in the situation in Kyangwali. The statement above indicates that the government is not handling this informant’s application because of the conflicts about land rights in this area. This strongly implies that the government is involved in the disputes in Kyangwali.

The statements above show that the government is not taking care of these farmers' rights under customary land rights systems.

### *Compensation*

As explained in chapter 3, one negative effect of land acquisitions in relation to FDI is that in case of evictions the affected rural people in many cases do not get sufficient compensation, and in some cases no compensation at all. In the 1995 Constitution as presented in chapter 3, it is stated that the government or the local government may acquire land if it is in the public interest. In this regard it is also stating that the compensation should be fair, and prior to the acquisition. This would secure potential victims of land acquisitions from marginalization and secure their future.

Twenty out of the total 28 informants are victims of eviction. Out of the 20 informants that lost, or are going to lose their property, twelve informed us that they had already been compensated or had been promised compensation (Interview 1, 2, 3, 9, 17, 19, 20, 21, 22, 24, 25 and 26). This shows that the government in some cases is giving out compensations to holders of land under customary land rights, and is acknowledging most of the informant's rights for compensation. The question then is; why are the rest not compensated?

Common for the six informants in Kyangwali was that they had not received either compensation or a promise that they would get one. This is probably because of the statements implying that this was a refugee camp and therefore governmental land as presented in box 5.1. When such statements are taken into consideration, the future is uncertain for people living in this area. Box 5.2 presents the situation of one of the inhabitants in Kyangwali.

Also informants in Buseruka Kabale have experienced that they do not get any compensation. One informant, an 18 year old single man was evicted from the house and the land he inherited from his father. This informant stated; *“I have not gotten any compensation, and they did not tell me that I was getting one either”* and; *“the government has taken both our house and our food, how do they expect us to survive?”* (Interview 23). Another informant claimed that the compensation is being evaluated by tribe, origin and age, and that the 18 year old farmer was not compensated because he was so young that the government *“did not respect him”* (Interview 27). This informant also stated that there were several people living in the area that originally came from Congo, and that they have been living there for about 20 to 30 years. These Congolese descendants would not get

### **Textbox 3: The 100-year old man in Kyangwali**



*This is the story of a 100 year old man in the village of Kyangwali. He has now received the notice that he has to leave his home where he grew up and has lived his whole life.*

*The other villagers are very concerned for him, and he himself has said that he would rather take his own life than move from the home he has lived in for over a 100 years.*

*When I met this man, he was still standing on his own two feet almost without support. This convinced me to believe that he has many years to come. On the other side, I am not sure he would survive to be forcefully evicted.*

*He was not practicing agriculture any more, but the other farmers who lived close by took care of him, as long as they had a farm to produce food at.*

*Photo: Private*

## Textbox 4: Betty



*Betty is a woman from the village Kaiso Tonya, which is by the shore of Lake Albert. She is the woman counselor and very active in her village with political matters especially regarding the women living there.*

*She has been living there all her life, and inherited her plot from her grandparents. On this plot she has a house with two rooms which she rents out for 10 000 UGX per room. She makes a total of 20 000 UGX a month on renting out her house.*

*One day she found a note on her door informing her that her house was going to be torn down. The note also said that she was going to get compensation for her beloved house.*



*To get this compensation she had to follow some instructions. She had to go to Hoima and open an account in the Post Bank. Because of the increasing transport prices, this trip, to the town and back, would cost her 30 000 UGX. When she got to the bank they could tell her that she was getting her compensation of 9 700 UGX. She would have been better off not going to town to collect her compensation.*

*Photos: Private*

compensated as the Ugandan government does not acknowledge them as citizens (Interview 27). This shows that not all holders of land under customary tenure systems are protected by the government's acknowledgement of customary land rights in the 1995 constitution.

As illustrated above, compensation is a sore topic for many of the informants, but the question of whether one is getting compensation or not is not the only problem. The amount of compensation given is also highly controversial. Only one of the informants that had been compensated or was promised compensation, a 40 year old woman, could tell me that she was pleased with the compensation (Interview 20). She stated; *"I got one million in compensation, at least it is a financial compensation that makes it possible to move to my parents' village"* (Interview 20). One of the most extreme cases within the group of informants, the situation of "Betty", is presented in textbox 4. In this case the compensation did not even cover the cost of transportation in order to collect the money.

The Informants in Kaiso Tonya were extremely upset about the amount of financial compensation. Several

informants informed me that the trip to claim the compensation costs more or the same as what they are getting in compensation (Interview 1 and 2). An example of this is a statement from a 50 year old woman; *“they promised me 30 000 UGX, but the trip to Hoima to collect the money in the bank costs 30 000, so I have not bothered”* (Interview 2). The examples of compensations in Kaiso Tonya seems more like symbolic compensations from the government to be able to say that they have been compensating evicted people.

In Buseruka Kabale the financial compensations was a lot larger than the ones seen in Kaiso Tonya. One informant got 3, 5 million UGX for his house that was affected by the road project (Interview 17), another informant got 1 million for her house affected by the same project (Interview 20). These were the only two informants in Buseruka Kabale that had received compensation. Others were still waiting for their promised compensation, and some of them did not even know how much they were receiving. (19, 21 and 22). The informant that was compensated 3,5 million UGX stated; *“ this compensation is way too little for me to get new land in this area ”* (Interview 17). All this implies that the compensation promised or given to many of the farmers that are evicted from their land and house is not sufficient in any way, and that these victims are being marginalized by the government.

One of the main problems with insufficient compensation is that the price of land has increased drastically since the oil was discovered, especially in Kaiso Tonya and Buseruka Kabale. One cause of increased land prices was presented by an informant in Buseruka Kabale; *“rich international people are coming to the area, and they can pay more for the land, something that makes things more expensive for us”* (Interview 17). The increasing prices in land are presented as enormous in both Kaiso Tonya and Buseruka Kabale. One example of this was given by a man from Buseruka Kabale explaining that a land that cost 140 000 UGX before the oil was discovered, now costs more than 20 000 000 UGX (Interview 17). Another example was given by a woman in Kaiso Tonya, where a plot of a 100 feet had gone from costing 100 000 UGX before the oil to costing up to 500 000 UGX now (Interview 1). These examples indicate that the price level of land has done a jump in both Buseruka Kabale and Kaiso Tonya, but the jump in Buseruka Kabale is higher, probably because it is where the planned oil refinery will be built. A jump in the price of land combined with the low amount of compensation is forcing the affected local farmers to move out of the area because it would be almost impossible for them to get a new plot in the same area. This is turning innocent farmers into internally displaced people (IDPs). This was also stated by a

woman at 25 years of age in Kaiso Tonya; *“The compensation is not enough, and houses are being torn down. The locals here will become IDPs”* (Interview 4).

As presented in chapter 4, it is quite usual that properties get handed down through generations. The question of compensation is therefore also affecting later generations and not only the farmers currently living there. One informant in Buseruka Kabale, a 40 year old man, stated; *“I have inherited this plot from my parents, and now I want my children to inherit it from me, but that will not be possible now”* (Interview 17). This implies that this informant has lost hope of securing his later generations with the financial compensation that has been handed to him.

One solution for the emerging problems regarding no or insufficient compensation would be to compensate the farmers in such a manner that they have the opportunity to buy new land in the area. An alternative would be to give the farmers opportunities to buy land at a lower price that are more accurate to the received compensation either in this area or another area, or make land available to the evicted farmers for relocation.

#### *New land as compensation*

Access to new land was mentioned as a desirable compensation for many of the informants (Interview 3, 9, 11, 12, 13, 14, 15, 16, 18, 22 and 27), probably also because of the increasing prices in land in Buseruka Kabale and Kaiso Tonya. The wish to get new land as compensation was most noticeable in Kyangwali where all informants stated that the government should give them an alternative place to live (Interview 11, 12, 13, 15 and 16). A forest reserve was mentioned as a possible area (Interview 12 and 15). This forest reserve is called Bugoma and lies in immediate closeness to Kyangwali. One informant, a 25 year old man from Buseruka Kabale shared information about a rumor that the government wants to move the farmers that are affected by the refinery to an area called Bogoma Forest reserve (Interview 27). The same reserves as the informants from Kyangwali were talking about. This cannot be confirmed, but this would be compensation through new land. The informant in Buseruka Kabale also stated that he is critical to this area as relocation; *“this is a forested area, and it would be difficult for old farmers to cultivate the area”* (Interview 27).

The reason why informants in Kyangwali stated that they wanted new land from the government is probably because they have not been promised any financial compensation at all, and the one thing they need to secure their future is a land to grow food for their families on. Only two of the informants in Kaiso Tonya mentioned that they wanted new land

(Interview 3 and 9), one of them, a 60 year old man, wanted help for new housing (Interview 3). The other informant, a 30 year old woman stated; *“I know how to dig, so I can get a land in a farming area”* (Interview 9). The farmers from Kyangwali and Buseruka Kabale are farmers that “dig”, and can probably therefore be more easily moved to an alternative location than the fishermen of Kaiso Tonya that are bound to the lakeside.

For the government to give these farmers a new area for them to settle down might create new problems of land grabbing in other areas as the government frees up space for these farmers as all productive land has interests. Even if the government managed to find new open land for these farmers, the risk would be that the land is not suitable or productive as farmland. The Bugoma forest reserve might be suitable, but as discussed above, the informant of Buseruka Kabale is critical to this relocation. A relocation of these farmers in a forest reserve would in general also be very controversial, and has not been taken into account in the Environmental Monitoring Plan for 2012 – 2017 (NEMA 2012).

#### *Waiting for financial compensation*

The wait for the compensation is as we see a huge burden for most of the informants. The chairman of Buseruka Kabale stated that the compensation for the farmers that were affected by the oil refinery would come soon and presented November as the month the victims would get paid. He expected it to be a lot (Interview 23). But the farmers sound more skeptical as one informant, a 20 year old man, claimed that he had heard on the radio that no more compensation were to be given, and the ones that should receive compensation already had been compensated (Interview 21).

As presented in chapter 3, the 1995 Constitution states that the compensation should be paid prior to eviction in case of land acquisitions. One informant in Buseruka Kabale, a 65 year old man, stated; *“my house was torn down, but I have not gotten any compensation yet. I am now sleeping in the shadow of a tobacco plant in my son’s garden as he doesn’t have room for me inside. They promised me 200 000 UGX, something that is not enough at all!”* (Interview 19). This statement implies that at least one of the informants of this research has not gotten the compensation he was promised prior to the acquisition; which means that the government is not following its own Constitution in this regard.

### *Determining Compensation*

An article published by Oil in Uganda looks at how the compensation is calculated. Several interviews with several different political figures conclude that there is a lot of confusion surrounding this topic. One of the informants from this article states that the district is responsible for calculation the compensation, and another informant argue that calculation of compensation is based in the Chief Government Valuer in Kampala (Oil in Uganda 2013). This is creating a situation where the process of compensating the victims of land grabbing is hard to get an overview of, which also is reflected in the uncertainty of the informants towards the topic of compensation.

The confusing situation presented above implies that the guidelines for the compensation process are not good enough or non-existing and that there is a lack of institutions monitoring the process.

Informants in Buseruka Kabale told me about thorough surveys where people came and took measures of the farm, and counted trees and crops, and even pictures of the farmers were taken (Interview 21 and 22). In Kaiso Tonya two of the informants (Interview 3 and 9) mentioned surveys in the area. One of them, a 30 year old woman stated; *“they came visiting me during the surveys and told me they had to tear down my house”* (Interview 9). This is implying that investigation towards the compensation has been a focus from the government’s side in both Kaiso Tonya and Buseruka Kabale, but as discussed earlier, the compensations are drastically insufficient.

### *Production*

As Shown in chapter 2, the village of Kaiso Tonya is a fishing village, and Buseruka Kabale and Kyangwali are farming areas. This means that the main production in Kaiso Tonya is connected to Lake Albert, and the production in Buseruka Kabale and Kyangwali are taking place on the farmer’s plots. The farmer’s use of the land or water in the area should also be respected as a part of the customary systems of land tenure. The introduction of FDI or infrastructural developments in an area should not disturb this usage without the informed consent from the involved farmers, and sufficient compensation for lost business. The production and land use in all three of the villages are majorly affected by the unfolding situation.

In Kaiso Tonya an informant, a 60 year old man informed that; *“during the surveys, the fishermen of this village was denied fishing for six weeks, and we did not get any compensation”* (Interview 3). For the fishermen of Kaiso Tonya to be banned from doing any fishing for six weeks would mean that the locals had to buy all their food as they are not growing crops on land. At the same time they are losing their main source for income for six weeks, something that would create a very difficult situation for these people. The reason for this ban is not clear, but it is probably related to seismic surveys.

Due to the uncertainty the farmers in Kyangwali live under, several of the farmers stated that the only thing they dare to grow is cassava, due to the short period of growing- just three months (Interview 11 and 14). One informant, a 30 year old man describes the situation; *“we are living in a situation of uncertainty, and it is destroying our lives bit by bit”* (Interview 14). This illustrates the desperation within the local community. The reason for the halt of production in this village is due to the farmers own fear of losing their input as they do not know when they are going to be evicted.

Also in Buseruka Kabale, the desperation was visible as the victims of evictions was prohibited by the government from growing anything else than cassava. The reason for this was that they did not own the land any more. This message was given to the affected farmers during the surveys (Interview 24, 25 and 26), which means that these families have to survive on cassava until they can get new land to grow their food on. One of the informants from Buseruka Kabale, a 26 year old man stated; *“they denied us to grow food, and we are now surviving on cassava. Hunger will strike if we are not compensated”* (Interview 24). Another informant, an 80 year old man stated; *“they have denied us to grow food, and soon we have to buy food”* (Interview 25). These statements show that the farmers are very worried about their source of food. Why the government is prohibiting the farmers from growing anything else than cassava is not clear, but it might be due to the short growing period, which makes sure that the farmers do not lose as much input as they would with another crop, probably to avoid compensation claims for crops when they finally take use of the property. For these farmers to survive on only cassava would not be an ideal solution over time, and might lead to a worsening of the health situation in the area.

In relation to this it was stated by many informants that the price levels for food also had gone up recently. One informant, a 25 year old woman from Kaiso Tonya, stated; *“the prices of food has gone up so much. Before the price of a banana used to be 500 UGX, and now it is*

1000 UGX” (Interview 4). Another informant from the same village, a 60 year old man, stated; *This is a fishing village, so we have to buy everything else, and now the price levels of food and water have gone up so much*” (Interview 3). An informant from Buseruka Kabale, a 20 year old man, stated; *“we are experiencing an increased cost of living”* (Interview 18). Two other informants from the same village, one man of 26 and the other a man of 50, also underline this trend by stating; *“everything is getting really expensive. Now you have to be rich to live in this village”* (Interview 22), and *“rich people come with a lot of money and push the prices up so the local population gets pushed out of the area”* (Interview 28). These statements imply that the price for food has gone up in the villages of Kaiso Tonya and Buseruka Kabale, and that the main force behind it is rich people moving in, and therefore pushing the prices up. Increasing prices for food would be of a huge impact to the farmers that are now not producing as normal. They have to buy more of the food because they are not producing it themselves and at the same time they probably have less financial capital as their production was their main income. In Kyangwali the increasing price levels for food was not mentioned by any of the informants.

One informant in Buseruka Kabale, a 20 year old man, did also shed light on another aspect of the situation; *“people have stopped building because there is no plan for their house”* (Interview 18). This statement shows that it is not only food production that is affected by the uncertainty of the situation. One informant, a 26 year old man from Buseruka Kabale stated; *now we don't own the land anymore, so we are prohibited from using it. If someone dies, they can't be buried as we don't own the land anymore”* (Interview 24). Another informant from the same village stated; *“the state now owns my property, so if someone falls sick I can't sell some of my land to get money”* (Interview 25).

The statements above are presenting a situation where the farmer's daily use of the land is affected by the infrastructural development linked to the introduction of oil industry both in Kaiso Tonya and Buseruka Kabale. The situation in Kyangwali cannot be connected to the same infrastructural developments, but developments linked to security and the oil resources are affecting the production in this area too, as implied by the statements presented above.

### **5.2.3 Sharing of benefits**

In chapter 3, sharing of benefits is presented as regarding opportunities for employment, and the FDI's responsibility to make their investment beneficial to the local population and the

hosting nation as a whole. In this section the main focus will be on such benefits and how they are viewed by the local farmers.

### *Job opportunities*

The local populations in Kaiso Tonya and Buseruka Kabale had been promised jobs for or in connection to the oil companies (Interview 2 and 18).

Out of the total of 21 interviews in Kaiso Tonya and Buseruka Kabale, I only came across two examples that local people can obtain employment; one from a woman at 30 from Kaiso Tonya that got a cleaning job for herself (Interview 9), and one from a man at 60 from Buseruka Kabale that said that his son got a job at the oil companies through connections and that he was the only one in the village that were so lucky (Interview 26). This shows that it is possible for the local population to benefit through opportunities of employment, but at the same time, the rate of people that actually got the chance within the informants of this study is very low.

In chapter 3 it was also stated that the promised jobs was very often limited to an initial phase such as construction. A 50 year old woman in Kaiso Tonya stated; *“the only job the locals could get was to clear land when they were building houses. After that there have been no jobs”* (Interview 2). This implies that also here, the few jobs offered were in an constructional phase.

The situation where local people are not obtaining any employment is frustrating for many of the informants. One of the informants in Kaiso Tonya, a 25 year old woman stated; *“I asked for a job but they did not want me. Why can't we do a cleaning job?”* (Interview 4). Another woman at 50 from the same village stated; *“There are no jobs in the oil for locals. My son lives here and has applied for a job. He also has education, but no job for him either”* (Interview 1). The possibility of getting jobs through this development would also be important for the local population as their own production is affected by the developments in the area.

A woman, 50 years old in Kaiso Tonya stated; *“there are no jobs in the oil for locals. (...) Only people from the president's tribe or foreigners get job in oil”* (Interview 1). This statement illustrates a situation where tribal affiliation is inflicted with job opportunities, and the import of workforce from other countries. One informant in Buseruka Kabale, a 60 year old man stated; *“there are people from Turkey working on construction of the road”* (Interview 28).

The statement referring to a situation where only members of the president's tribe could get jobs in the oil cannot be proven, but the suspicion from the informant indicates that there is a rumor about it, which can be a reason for dissatisfaction in the communities. An informant from Kaiso Tonya, a 50 year old woman, stated; *"They are still promising jobs for locals, but the only people they hire are people from Kampala or relatives of 'Big People'"* (Interview 2). These statements imply that a large amount of the people working in the oil sector is coming from other places than the local villages.

As the data above suggests, large amounts of the workforce is imported from both inside Uganda and from other countries. This is again leading to a population increase in the nearby villages. The villages are also experiencing a population increase where people are moving to the area for a chance to get a job. One informant in Kaiso Tonya, a 60 year old man, stated; *"the population here has tripled since they discovered the oil. It is the opportunities for jobs that are the main reason for this"* (Interview 3). Another informant, a 30 year old man, from the same village stated; *"there has been a lot of population increase, and the population is very high now"* (Interview 7). An informant, a 30 year old man from Buseruka Kabale, stated; *"the population in this village has increased a lot, it has actually tripled. The new people that are coming here are resulting in a moral decrease in society"* (Interview 17). This statement is supported by an informant from the same village, a 60 year old man, who stated; *"The population is increasing with people from outside of Uganda, both from Somalia, Tanzania, Kenya and Turkey. People from Turkey are working on the road. This population increase is contaminating our society"* (Interview 28). These statements imply that the job opportunities in the oil sector leads to population increase. This might again lead to fewer opportunities for local people to get jobs.

This section shows that people living in the local villages of Kaiso Tonya and Buseruka Kabale have been promised jobs within the oil sector, but the data from this research implies that this is not the case on the local level. People imported from other areas from both inside and outside Uganda are filling the open positions instead of local people and are in general contributing to a huge population increase in the villages. It is important to note that Uganda's oil era has just started, and that more job opportunities probably will arise as the sector is developing. But at the same time, the main focus will probably be on skilled work force. The trend these data imply is not a positive starting point for the local population regarding potential employment, but this could change.

### *Development of the area's infrastructure*

The introduction of FDI in form of oil companies in the Albertine Graben area has resulted in a lot of development when it comes to infrastructure, as presented earlier. The road project might be the biggest one, but also other developments have been done when it comes to schools, hospitals and access to water.

The road project is affecting a lot of the local farmers in form of evictions as discussed through this chapter, but it has also been a very important development for some of the informants of this research. A 35 year old man in Kaiso Tonya stated; *“When I came here in 1989, the road was so bad that I could not get down the hill with my bike. Now after the oil, the road is getting better and I can drive my bike, and business is booming”* (Interview 5). Another informant, a man from Kaiso Tonya stated; *“We have more food now as it is easier to transport on the new road”* (Interview 7). An informant from Buseruka Kabale, a 50 year old man stated; *“The oil will give us many good things, like the new road”* (Interview 28). This shows that the road project is benefiting the local population in form of transport of both food and people.

There are also other benefits that are mentioned by the informants. A 60 year old man from Kaiso Tonya stated; *“I am happy for the primary school the oil companies constructed for us, maybe we also will get a secondary”* (Interview 3). Another informant from Kaiso Tonya, a 30 year old man, stated; *“I’m happy for oil because now the hospital is closer, before we had to go all the way to Hoima for hospital. The primary school is also good because before the oil we had no school”* (Interview 7). An informant from Buseruka Kabale, a 40 year old man, said; *“I guess that the good things we can see from oil is cleaning of water, campaigns for HIV/AIDS awareness and we do have a hospital”* (Interview 17). This indicates that the local villages of Kaiso Tonya and Buseruka Kabale are benefiting from the oil in some degree with construction of a primary school in Kaiso Tonya and health related improvements in Buseruka Kabale.

Despite the benefits mentioned above, there are still critical voices to hear within the group of informants. One informant from Buseruka Kabale, a 40 year old man, stated; *“We are benefitting from the oil, but not compared to what we are losing”* (Interview 17). A woman from Buseruka Kabale also showed her dissatisfaction towards the benefits as she stated; *“If there are any positive effects, no one will benefit from it as everybody will have to move”* (Interview 20). And several of the informants in Buseruka Kabale and Kaiso Tonya states that

they do not see any positive effects from the introduction of oil companies in the area (Interview 1, 18, 21, 22 and 26). This indicates that many of the local people are not pleased with the benefits mentioned above. In Kyangwali there is no indication that the local population are benefiting to any extent. One informant, a 40 year old man from Kyangwali stated; *“The oil is only creating trouble for us, and me and my friends can’t see any benefits from it”* (Interview 16). If the government is denying knowledge about the situation in Kyangwali, there is no reason to why they should benefit directly from the oil, which explains why they have not seen any benefits. All the informants who had critical statements about the potential benefits are victims of evictions.

From looking at the findings above it can be stated that the local population is benefiting from the introduction of FDI in the area to some extent, and many of the informants are directly benefiting from it, which makes them positive to the development in the area. As presented above, all the informants stating that they are not benefiting at all, are victims. This indicates that their experience of evictions and the consequences of these are overshadowing the benefits that the more positive informants are experiencing.

### **5.3 Summing up**

This chapter has presented the view the local farmers included in this research had on the oil findings. The result from the analysis is that the view was positive and hopeful for the area’s development. It has been discussed that this would have been a good base for participation from the local population in the negotiations on the developments of the areas.

The areas of Kaiso Tonya, Buseruka Kabale and Kyangwali have been affected in somewhat different ways. Both Kaiso Tonya and Buseruka Kabale are affected by the road project on the road from Hoima to Kaiso Tonya. The planned oil refinery is to be placed in Buseruka Kabale, and many farmers will be affected as this project requires huge areas of land which today is cultivated by local farmers. Kyangwali has been affected by developments in relation to security around the discovered oil.

Despite the positive views on the oil discovery, the local population has not been included in negotiations concerning the area’s development. One chairman from Buseruka Kabale has been included to some degree, but the lack of information and uncertainty presented to me by local farmers as informants in this research is implying that the inclusion of one chairman is not enough.

Insufficient compensation for loss of property has left affected farmers without the opportunity to start their life over. Most of the affected informants in this research have been compensated, but the compensation is insufficient. In some cases the informants have also been left with nothing.

The lowered tenure security in the area has resulted in a halt in agricultural production in Kyangwali. The production in Buseruka Kabale and Kaiso has also been affected, but by restrictions from the government.

The informants in this research from Kaiso Tonya and Buseruka Kabale identify the new road, a school, a hospital closer by and access to clean drinking water as the most important benefits they have seen from the area's development. Despite this, many of the informants do not see this as benefits in comparison to what they are losing. One of the benefits the informants had hoped for was job opportunities in the oil sector, something that has been promised to the local population. The data implies that this is not the case as only two examples were given.

In the next chapter the conclusion of this thesis will be presented. The analysis in chapter 4 and 5 form the basis for the conclusions.



# 6 Conclusions and recommendations

## 6.1 Political ecology, chains of explanations and links to theory

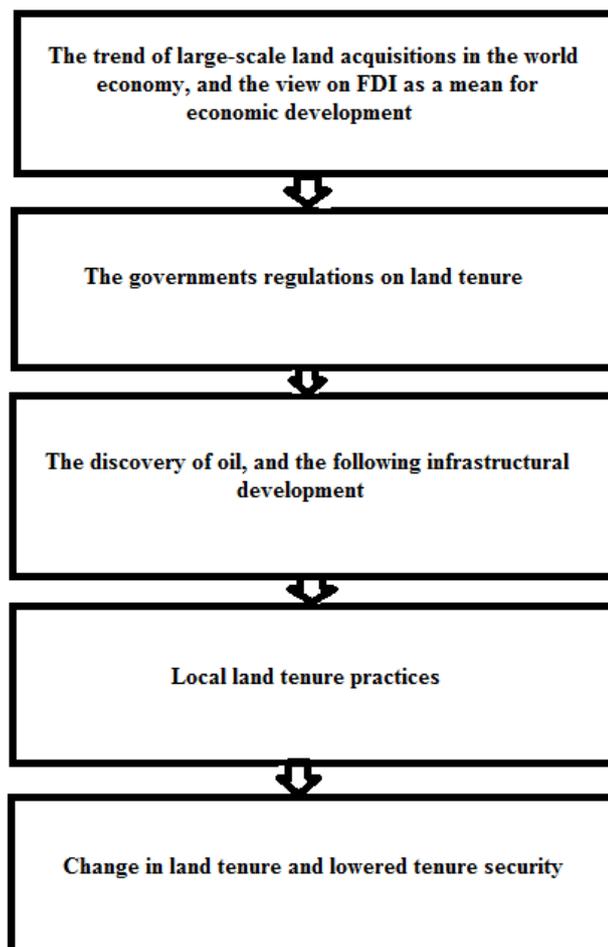
As presented in chapter three, chains of explanations through different geographical scales, have been an important framework for this research. Figure 6.1 presents how this has been used to achieve understanding of changes in land tenure on a local scale.

Trends of large-scale land acquisitions in the world economy were presented in chapter 3. These are tendencies on a global scale that are affecting this situation through an increased acceptance of such acquisitions. In chapter 3 several types of land acquisitions was identified by Zoomers (2010), and it was concluded that type 4 was most suitable for this study as it includes infrastructural developments.

The governmental regulations on land tenure is presented through the review of the Constitution and Land Act of 1998 which gives explanations on a

national scale. As presented in chapter three, the aim for the Government of Uganda is to step by step formalize the nations system of land tenure into freehold and leasehold. It was argued that a full blown formalization would not be beneficial, but measures to improve tenure security should be taken. The Government of Uganda's recognition of customary land tenure is such an aim, but also represents a step towards a full blown formalization.

Local, social conditions is presented through the discovery of oil and the developments planned in this regard. As presented in the introduction, the areas of Kaiso Tonya and Buseruka



Figur 6.1: Chains of explanations regarding this research (My own presentation)

Kabale are affected by infrastructural developments and Kyangwali by plans to improve the safety around the oil resources. These developments are resulting in land acquisitions. As presented in chapter three, land acquisitions can have a negative effect on a local population if not handled properly. Zoomers (2010) list of issues that should be taken into account to avoid negative impacts on the local population was presented in chapter 3, and has been used throughout chapter 5 as a part of an evaluation of the ongoing process of land acquisitions in the Hoima district.

In chapter 4, local management of resources is presented through a review of land tenure practices in the Hoima district. As presented in chapter 3, customary tenure systems are representing a large part of tenure systems in developing countries, and also in Uganda. It was also presented that customary systems of tenure are more vulnerable towards negative effect of land acquisitions which can be classified as land grabbing.

The findings of this research will be presented in the next part, and conclusions outlined.

## **6.2 Conclusions**

The main objective for this research was presented in the introduction as;

*“To identify main practices of land tenure in the Hoima district, Western Uganda, and how the discovery of oil and the following land acquisitions affect the local farmers regarding land tenure.”*

Under the main objective, this research outlined three objectives and six research questions. The conclusions of this research will be presented under each of these objectives and the underlying research questions. The final conclusion of this thesis will be presented towards the end of this part.

### **6.2.1 Objectives of this research**

#### **1. Identify trends and practices in the system of land tenure in the Hoima district.**

- How does the practice of assigning land rights work in Kaiso Tonya, Buseruka Kabale and Kyangwali?

The system of assigning land rights in Kaiso Tonya, Buseruka Kabale and Kyangwali is based on a local customary system. Most of the informants of this research had inherited their land from relatives, and the land has never been bought, just claimed. The practices of assigning

land rights is in many cases based on oral agreements, and the local community's recognition of one's rights is the main base for land tenure and tenure security. These local systems can be traced back in history through generations.

Some of the informants had written agreements stating their right to hold land, but this was locally based agreements with the chairman, and governmental institutions are not a part of these transactions. All the informants that had a written agreement had bought the land in recent time; which indicates that this practice is quite new. This is probably a result of improved information about formalization of land tenure in the public, and an increased focus on formal land tenure and tenure security.

Customary tenure is by the governments recognized as valid land tenure in the constitution, but the government aims to formalize the system into freehold and leasehold. This recognition does not manifest itself on the local level, and the land tenure in Kaiso Tonya, Buseruka Kabale and Kyangwali stays customary.

- What institutions exist to manage the system of land tenure in these areas, both in general and in time of conflict?

The local system of land tenure is basically managed by the community and the local chairman which both in Kaiso Tonya, Buseruka Kabale and Kyangwali was presented as the main manager. Also in time of conflict the local chairman is the main conflict solver. In Kyangwali the local Member of Parliament was also mentioned as a possible contact in case of conflict. In Buseruka Kabale the local government and the media was presented as possible institutions for conflict resolving.

Most statements regarding the management of land tenure indicate that the local chairman is the most important "institution" in land tenure matters. Two reasons for the lack of involvement from governmental and formal institutions can be outlined. The first can be that these institutions are not readily for the local population, and second the local land holder does not have information about these institutions or do not trust their involvement.

Governmental and formal institutions available for the local communities are not present, making the easily accessible chairman the most important manager.

## **2. Identify changes in the local farmer's situation regarding land tenure since the discovery of oil.**

- Has there been any change in land tenure and use of land, and can these be linked to the discovery of oil?

The farmers' use of land in the areas included in this study has been majorly affected by the developments connected to the discovery of oil. Evictions connected to land acquisitions and prohibits regarding production have changed the informants' use of land drastically.

All the villages in this research have been affected by cases of evictions as a result of land acquisitions as part of developmental plans for the area. The result is a situation where the farmers lose their housing and land.

The use of land for agricultural production and other livelihoods has been affected both in Kaiso Tonya, Buseruka Kabale and Kyangwali. In Kaiso Tonya, the fishermen were denied fishing for six weeks as a result prohibition from the government during seismic surveys. The informants in Kyangwali have limited their agricultural production to a minimum in fear of losing their inputs. The informants in Buseruka Kabale have been prohibited by the government to limit their production to a minimum as they are to be evicted, and currently living on what is claimed to be governmental land.

Land uses in Buseruka Kabale related to an informal use of land as financial capital in emergencies has also come to a halt as the land is not possible to rent out or sell.

All these changes in land tenure and use of land relates to the discovery of oil, both in regard of infrastructural development in Kaiso Tonya and Buseruka Kabale, surveys connected to the oil resources in Kaiso Tonya, and security developments in Kyangwali.

- How has the changes, if any, affected the local farmers?

The evictions of local farmers as a result of land acquisitions have affected the local farmers in a negative way regarding compensation, which in most cases is insufficient or nonexistent. This is creating an uncertain future where many evicted farmer do not have the possibility to resettle in another area due to the lack of sufficient compensation. Some of the informants are left with nothing.

The change in use of land presented above has had negative effects on the local farmers. The production in Kyangwali and Buseruka Kabale has been reduced to a minimum, which is resulting in a situation where the local farmers find themselves with very little food and reduced financial capital.

The ban on fishing for six weeks in Kaiso Tonya resulted in a situation where the informants had to buy all their food, and at the same time they lost their main source of income. This ban lasted only for a short period of time, and has not had the long lasting negative effect as seen in Kyangwali and Buseruka Kabale.

One main effect of the changes in land tenure in the villages is lowered tenure security. Inhabitants are in danger of losing their land, something that is resulting in a negative trend in investments.

Regarding respect for existing land right, the land acquisitions connected to the developments in the Hoima district has failed to protect the local population's rights. In this regard it would be accurate to refer to these land acquisitions as land grabbing.

### **3. Identify if the local system of land tenure makes local farmers vulnerable to land grabbing.**

- How can changes in land tenure caused by land acquisitions be related to customary land tenure?

The responsibility and consequences of evicting holders of customary tenure has been taken too lightly by the government as these rights are not considered to be as important compared to the development of the area's oil industry. This manifests itself in the compensation evicted farmers has received, the degree of information shared with the affected communities, and the lack of governmental attempts to include local holders in negotiations.

Prohibitions in production are also a manifestation of the governments lack of respect towards these farmers general rights, and their right to usage of land and natural resources.

- Has the customary land tenure in the area made the local population more vulnerable towards land grabbing?

The local customary practices of land tenure in Kaiso Tonya, Buseruka Kabale and Kyangwali are strongly rooted within the community, through local management and recognition. The land tenure is mainly stated through oral agreements.

The lack of written agreements or formal land titles has made the local populations more vulnerable towards land grabbing as this makes it easier for the government to take advantage

of the inhabitants' limited knowledge about the law and their nonexistent ability to prove their rights in land tenure.

### **6.2.2 Final conclusions**

The land tenure practices in Kaiso Tonya, Buseruka Kabale and Kyangwali are locally managed customary systems. These practices are making the local farmers vulnerable towards land grabbing as the government does not fully recognize these inhabitants' land tenure rights. This is most noticeable in Kyangwali where local people are being evicted without compensation, but also in Kaiso Tonya and Buseruka Kabale where compensations are described as highly insufficient.

The customary tenure systems of these areas have developed through history. The developmental plans of the area and the following land acquisitions might have an extra negative effect on the local inhabitants. Their way of assigning land rights and managing tenure is completely overlooked, and they are now losing control of something that always has been in managed within the local community. This will affect the locally based tenure security.

By using Zoomers' (2010) list of issues that should be taken into account in case of land acquisitions, it is by the presentation in chapter 5 clear that the land acquisitions in this case has not been handled properly by the government, which has affected the farmers in a very negative way. These land acquisitions can therefore be evaluated as a type of land grabbing by the government in their attempt to develop the oil sector in Uganda.

### **6.3 Recommendations**

A complete developmental plan for the area of Albertine Graben should be developed, and this plan should be made public. Such a plan should explain the planned developments, how it will affect both the environment and the local populations in the area. Time frame and budget should be included. An plan for land use should also be developed in this matter which outline which areas is to be used for housing, agriculture and infrastructure among other things. This is to assure transparency and access to information, and to secure a unified plan for the area's development. Such a plan should be developed in participation with the local communities, to secure an as suitable development as possible.

The lack of information about the planned developments in Hoima is creating an uncertain situation for the local farmers of the areas visited. Local information is based on rumors from

unreliable sources, and people live in fear for developments that will affect them in a negative way. There should be a reliable source of information accessible to the public. By developing a plan for development and land use as mentioned above, the public will get access to the information. Such plans and information should be spread out in the villages so that people without access to internet or the district center has the ability to obtain the information they need.

Meetings with the local farmers in each area should be held to update the local population on the developments, and to give them an opportunity to state their concerns and ask questions.

The process of compensation should be reevaluated, and the process of determining compensation should be decided by a board which should put down easy and unified means of calculating compensation. An institution should be developed to handle complains or questions from evicted farmers. This to assure that their rights is respected and their tenure security is not lowered.



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- 6.1:** My own presentation

## List of informants:

<b>Informant number</b>	<b>Area</b>	<b>Description</b>	<b>Category</b>	<b>Date of Interview</b>
1	Kaiso Tonya	Woman, 50 years old	Victim	03.10.12
2	Kaiso Tonya	Woman, 50 years old	Victim	03.10.12
3	Kaiso Tonya	Man, 60 years old	Victim	03.10.12
4	Kaiso Tonya	Woman, 25 years old	Other	03.10.12
5	Kaiso Tonya	Man, 35 years old	Other	04.10.12
6	Kaiso Tonya	Man, 40 years old	Other	04.10.12
7	Kaiso Tonya	Man, 30 years old	Other	04.10.12
8	Kaiso Tonya	Man, 40 years old	Victim	04.10.12
9	Kaiso Tonya	Woman, 30 years old	Victim	04.10.12
10	Kyangwali	Man, 50 years old	Chairman	05.10.12
11	Kyangwali	Man, 40 years old	Victim	05.10.12
12	Kyangwali	Man, 20 years old	Victim	05.10.12
13	Kyangwali	Man, 25 years old	Victim	05.10.12
14	Kyangwali	Man, 30 years old	Victim	05.10.12
15	Kyangwali	Man, 35 years old	Victim	05.10.12
16	Kyangwali	Man, 40 years old	Victim	05.10.12
17	Buseruka Kabale	Man, 30 years old	Victim	06.10.12
18	Buseruka Kabale	Man, 20 years old	Victim	06.10.12
19	Buseruka Kabale	Man, 65 years old	Victim	06.10.12
20	Buseruka Kabale	Woman, 35 years old	Victim	06.10.12
21	Buseruka Kabale	Man, 20 years old	Victim	06.10.12
22	Buseruka Kabale	Man, 26 years old	Victim	06.10.12
23	Buseruka Kabale	Man, 18 years old	Victim	07.10.12
24	Buseruka Kabale	Man, 26 years old	Victim	07.10.12
25	Buseruka Kabale	Man, 65 years old	Victim	07.10.12
26	Buseruka Kabale	Man, 60 years old	Victim	07.10.12
27	Buseruka Kabale	Man, 25 years old	Other	07.10.12
28	Buseruka Kabale	Man, 65 years old	Chairman	07.10.12

# Appendices:

## Appendix 1: Interview guide

Interview guide for research for a Master thesis in Geography

Remember (Information for interpreter):

- Start with an easy conversation to ease our's and the informant's nerves. Get to know the informants name, age and profession. Ask if there is somewhere we can sit and have the conversation.
- Introduce us and tell the informant about why we are here and about the topic of the thesis in general (land tenure and conflicts of land related to oil activities), and what information we are collecting. (Be careful not to share too much because that can lead the informant. It is important that the informant pick out the information that is important to he/she in this matter.)
- Present the ethical means taken in this research;
  - All informants will be anonymous, and the information collected will be presented in a way that does not reveal the informants identity in their local communities. (This information will only be used with the informant's informed consent.)
  - The informant can pull out of the research at any time without explanation, also after the interview is completed.
  - The information (names of informants etc.) collected trough this research will be kept safe by the researcher, and no one else will have access to this data without informed consent from the informants.
- Ask if it is okay to record the interview. Use arguments as; its disturbing to have to write everything down, the quality of the data will be better with recordings, easier to quote the informant. BUT, respect the informant if he/she says no. (If no recording takes place, we both have to be good at writing down what the informant has to say.
- During the interview it is up to the assistant/translator to keep the conversation going. To translate what the informant is saying can only be done if this is not hurting the quality of the data. Please do not translate if the informant gets uncomfortable, or are having problems concentrating. We can go over the recording and translate later, if no recording the assistant will have to take notes. Researcher and assistant will have a sum-up discussion right after the interview is completed.
- Tell the informants how grateful we are for their cooperation.

Questions for the interview:

### 1. The land/farm:

- a. Do you own it or rent it?

- b. Did you inherit it or did you buy it? If bought, from where did you move and why?
- c. How did you buy this land?
- d. When did you/your family move on to this land?
- e. What type of proof do you have that this land is yours or your family's?
- f. How does the system of land rights work in general in this area?

**2. The oil activity in the area:**

- a. How do you notice the increasing oil activity in the area?
- b. What do you think about these activities?
- c. What challenges are the farmers facing due to the increased oil activities?
- d. Have the oil activities affected you in a direct manner? If, how?
- e. Has there been any change in the farming activities in the area due to the oil activities? Change of crops and practice?

**3. Urbanization:**

- a. Have the oil activities made a lot of new people move to this area?
- b. Have the price of land increased as a result of this?
- c. What effects does the increase of population have on the local farming activities?
- d. Do the people moving to this area understand the local system of land rights, and follow it?

**4. Conflicts of land:**

- a. Do you know anything about conflicts regarding land that is a result of the increasing oil activity in the area? Examples?
- b. Are you involved in such a conflict?
- c. Do farmers in this area lose their land due to the oil activities? In case, how (evicted)?
- d. Who takes the land? Oil companies or big men/women interested in selling the land for a higher price?

**5. Institutions:**

- a. Are there any institutions that can be contacted in case of conflicts? Which institutions? And can they help solving the conflicts?
- b. Do these institutions protect the farmer's interests?
- c. In case of loss of land, what rights does the farmer have? Money, new land?

**6. General:**

- a. Is the oil activities affecting local farmers in other ways than the once we have mentioned so far?
- b. Do you see any positive effects of the increasing oil activities? Which?

## Appendix 2: Research permit from the Uganda National Council for Science and Technology



### Uganda National Council for Science and Technology

(Established by Act of Parliament of the Republic of Uganda)

Our Ref: SS 2947

26<sup>th</sup> September 2012

Ms. Ingrid Gildseth  
c/o Makerere University  
Department of Geography, Geoinformatics and Climatic Sciences  
P.O Box 7062  
Kampala

Dear Ms. Gildseth,

**RE: RESEARCH PROJECT, "CHALLENGES REGARDING LAND FACING LOCAL FARMERS IN HOIMA, WESTERN UGANDA"**

This is to inform you that the Uganda National Council for Science and Technology (UNCST) approved the above research proposal on **13<sup>th</sup> September 2012**. The approval will expire on **13<sup>th</sup> September 2013**. If it is necessary to continue with the research beyond the expiry date, a request for continuation should be made in writing to the Executive Secretary, UNCST.

Any problems of a serious nature related to the execution of your research project should be brought to the attention of the UNCST, and any changes to the research protocol should not be implemented without UNCST's approval except when necessary to eliminate apparent immediate hazards to the research participant(s).

This letter also serves as proof of UNCST approval and as a reminder for you to submit to UNCST timely progress reports and a final report on completion of the research project.

Yours sincerely,

  
Leah Nawegulo  
for: Executive Secretary

**UGANDA NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY**

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