

# Let's face up to Land grabbing.

## 1. How does land grabbing happen?

Knowing the way

How does land grabbing take place?

## 2. Why is land administration failing to protect land rights?

Ugandan land law has very good intentions

most come from the traditional custom rules that

## 3. Why is the legal system failing to protect people's land rights?

How does Ugandan law protect land rights?

Ugandan Land Law is one of the best in Africa at protecting people's rights. The law recognises private ownership, whether by individuals, families or communities, and the State cannot take away any land, without paying full compensation. Both customary rights to land, not only is actual ownership of land recognised but the customary rules for protecting vulnerable people are also respected – the rights of a widow to succeed her husband's control over all his land, of orphans to inherit all of their parents' land, etc. Giving legal recognition to these rights means that the State's own courts have the responsibility to uphold and to help enforce the customary rights. Parliament has even made the willful occupation of someone else's land a criminal offence, and has given the Courts the powers to order eviction and restitution of land taken from the rightful owners.

The State recognises the powers of the customary authorities to determine any land disputes according to customary rules (provided they do not discriminate, e.g. against women). In addition, it has put at the disposal of citizens a State justice system which is accessible to everyone: land cases are taken to the LC2 (parish) executive committee and the fee is just 1,500 shillings. The LC2 courts are designed to be user-friendly: LC courts are instructed by the law not to get 'unusually' worried about technicalities, and no lawyers run in the most in order to make the proceedings run in the most culturally appropriate way and to maximise the use of common sense rather than exploitation of technicalities. With customary rules that guarantee protection of land rights for all, reinforced by such strong State protection, how can protection of land rights possibly fail?

There is a common misperception that a brother-in-law inherits a deceased man's land under customary law. This is false: there is no claim on the estate, if there is a surviving spouse or child. For further details on rights under customary law, see What Land Rights do people have under the rules of customary law? in this pack.

\* Land Act, section 91 (1).  
\* Local Council Courts Act No 13 of 2005.

For more information on land issues in Uganda, please visit [www.land-in-Uganda.org](http://www.land-in-Uganda.org)

### The actual situation

And yet, despite everything, land grabbing<sup>1</sup> in almost every village is rampant. Some cases make the press headlines – when District officials grant themselves leases on other people's land, or when the powerful expropriate large areas of land. However, the most common form of land grabbing is unnoted: not hidden, but simply ignored because no-one is interested. In every village there are inequalities of power – those who have more money, status or connections, those who are physically stronger, or are feared because they are 'powerful' people simply take over the land of the less powerful (the old, the very young, widows, and the poor). They do this in a variety of ways: they occasionally use violence, but more commonly threats and intimidation are sufficient to make victims give up and abandon the land to a widow's grabbers: Brothers-in-law take over a widow's land, leaving her and her children destitute; uncles supposedly acting as guardians of orphans, grab their land and sell it for themselves, leaving the children with no independent future; divorced women are chased away by their brothers, left with no way to support themselves except to beg every day for a chance to dig other people's land. These are not isolated incidents. In Lango, between a half and three-quarters of all widows face difficulties in enjoying their legal land rights, over 90% of divorcees or unmarried women are denied their legal rights to land.

Land grabbing is one of the single biggest causes of extreme poverty. However, unlike other causes of poverty, land grabbing is illegal, every parish and every sub-county is to stop it. Sadly, greed is a part of every society. What demands explanation is why the greedy are given impunity to trample the vulnerable into destitution. Why has a legal system that goes right down to the LC2 level failed to curb

<sup>1</sup> Land grabbing means illegally depriving someone of their land rights, it includes taking other people's fees, encroaching on their land, selling someone else's land and depriving someone of their legal right to be allocated land or their rights inheritance.

<sup>2</sup> For more details on the processes of land grabbing, see How does land grabbing happen? in this pack.

## 4. Why is customary protection failing to prevent land grabbing?

Why is customary protection failing to prevent land grabbing?

## 5. Land Rights in Urban Areas.

Land rights in urban areas face many of the same challenges as rural areas, but the land is much smaller than the ruminant size

## 6. Land grabbing - what's it to do with me?

Everyone knows it goes on. Everyone knows someone who has suffered. Everyone shakes their heads despondently, and carries on with life. Every day people are thrown off their own land – women children and even are thrown off their own land, often with young children who will grow up not just in poverty but with no community to belong to. Small wonder if many of them turn their rejection by society into their own rejection of society through crime and violence. Orphans are dispossessed of their inheritance and denied a home by their own brothers and uncles. Women thrown out by their husbands are valued and protected as children, are seen merely as children who will demand land when they grow up, and for no other reason they are rejected by the families of both their parents. Were these ever the values of Ugandans? Was this ever the culture anywhere in Africa? And yet, no-one will stand up to demand that

Parliament has passed laws saying this shouldn't happen, but no-one bothers to enforce them. Government are forced into conditions worse than poverty – not as a result of any policies, but in spite of the policies and laws that should protect them. And worst of all, while we tell each other how supportive our communities are, we turn away from the rampant crime in our own communities and do nothing. The poor and vulnerable are not being forced up against guns that we can say we fear to stand up against. And yet everyone turns away, forgetting the message by Pastor Nemeoiler that 'I don't stand up for me and my family when it is our turn to be threatened? others are at risk, who will be there to stand up for me?'

The tide must turn. We are trying to mobilise everyone – individuals, communities, NGOs, religious leaders and others – to eradicate these crimes from our society. We have begun with just a few organisations who were willing to go with us into the villages to hear the stories of the victims, and to find out the facts about what has never been researched. What we found shocked us all.

Land grabbing is not just happening in a few isolated cases. In parts of the country, it affects the majority of widows and almost all women who are divorced or forced to leave their husbands. These are not few households. In the villages we visited we usually found ten to fifteen widows and nearly all many women divorced and separated women. The impact on the victims can easily be imagined in an economy

where farming is the only way that people can feed themselves. Women and children are forced to work every day as hired labourers on the land of others every day if it is possible ever to escape poverty – and if they ever fall sick or cannot find work, then destitution is quick to be upon them.

But when land grabbing reaches this level, it is no longer only about the victims themselves. All the communities of Uganda have norms and values, with institutions from the family, the community or the clan, which regulate behaviour and protect the vulnerable. Where these institutions are passive in the face of behaviour which is both criminal and a violation of the local culture, these institutions have shown themselves to be irrelevant and cannot survive. As they atrophy and wither away, the culture too is dying. Society is weakening, the family is breaking down, and even the real institution of marriage is being eroded. If anyone doubts it, they should go into the communities and listen to their stories.

It is hard to know why the issue of land grabbing is so ignored. We have NGOs who work for the protection of the elderly. And yet how can any of this be achieved when the basic necessity of all – land – is being denied to so many of the weakest? Children orphans are being denied to so many of our Church leaders preach about morality and protecting the weak, but how can values be passed on to our children when the fabric of society is so torn and they see around them that we do so little to protect it? LCs and clan leaders hear cases, but when the land grabber ignores their rulings, they feel powerless and leave the victim to seek justice where they can find it at some out of reach Court. Uganda has hundreds of radio stations and newspapers in everyone's hands, but until a case ends in murder or involves political scandal, you will never read or hear about the problem of land grabbing. Almost no family is untouched, and yet land grabbing remains a problem that we do not deal with. It's not that no-one cares, it's just that no-one quite knows what to do.

The time for excuses has come to an end. The customary law is there for us to use. The customary law also forbids stealing the police and LCs and the customary law forbids leading the police and clan leaders to together to bring an end to this shame.

We are publishing our research in the hope that thousands of individuals and communities, and scores of organisations will see that this problem touches them, that their work cannot go ahead whilst this cancer problem remains unaddressed. Individual



“Making land work for us all”



“Making land work for us all”



# Let's face up to Land grabbing.

The 1998 Land Act was a huge step towards securing the land rights of Ugandans. Unfortunately the reality on the ground has not lived up to those hopes. Land rights violations are rampant. The misery and poverty which this brings those who lose their land is only a part of the problem. Many children are growing up rejected by their families simply because of greed for the children's rightful land. Most people in rural areas live in uncertainty about whether or not they will be able to hold on to their own land. Mistrust is growing deep inside communities and between communities and the State. Conflict, violence, fear, witchcraft and abuse are all part of land grabbing which are passing by unnoticed and unaddressed.

The Land and Equity Movement in Uganda (LEMU) was very concerned by what it knew about the problem and wanted to know what could be done about it. We knew that none could achieve alone, but with many voices together we could bring change. Others were also concerned about the problem and together a coalition was formed, with the cultural institutions of Teso and Lango (Iteso Cultural Union (ICU) and Lango Cultural Foundation (LCF), Church organisations - Justice and Peace in Soroti and international NGOs (NRC, Lutheran World Federation (LWF) and TROCAIRE.

We had two main aims. We wanted to know more about how land grabbing actually happens and why it is so rampant. Why were all the mechanisms which are supposed to stop crime and exploitation not working? Only by understanding in detail the strategies of land grabbers and the weaknesses of society's controls could we know what needed to be done and only by knowing what people were doing to defend their land and when they were successful would we be able to help them. Our second aim was to sound a wake up call and to put land grabbing in the national consciousness as a problem to be tackled, and not as an inevitable fact of life. In order to persuade policy makers and politicians, community leaders and ordinary citizens, that this was a fight that needed fighting, we had to have the facts about land grabbing, so that no-one could use the excuse that we were just reporting a few stories.

We hope one day to have the facts about the full national picture. So far, only organisations in the North and East have come together and so the papers in this pack refer only to about half the country. We are now looking for partners in the West and South of Uganda to join us in extending this work so that land grabbing can be fought as a national problem and not as if it were a problem only in one or two regions.

This pack contains papers analysing different aspects of land grabbing. (The full research report will be made available on [www.land-in-uganda.org](http://www.land-in-uganda.org)) They are our contribution to what we hope will become a long national debate and fight against a problem that can truly unite all Ugandans of good-will, because regardless of any ethnic, political or religious differences, we all believe in a Uganda where people can live on their land and in their communities in peace, security and harmony.