

Circumstances Behind Land Conflict in Wakiso and Mukono Districts



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ABSTRACT

Purpose: To examine the circumstances behind land conflict in Wakiso and Mukono districts.

Methodology: The research adopted a cross sectional and descriptive survey research design involving both qualitative and quantitative studies where both purposive and stratified random sampling methods were used in selecting respondents (Police land desk officers, district land board for purposive and others like victims of land conflict were under focused focus group comprising of 8 to 10 individuals with a sample of 385 respondents being used whereas both SPSS and content analysis were used to analyze the field data.

Findings: The findings indicate that weaknesses in the police force to investigate and gather evidence over land conflicts in a timely manner as presented by mean 4.01 std. deviations 2.01, also courts depended on investigations by the police to try cases as represented by mean 3.79 std. deviations 1.187. It was also found out that population growth in Uganda has the fastest growing population in the world, therefore much land that isn't occupied by people. The need for land has increased its value making it a very important resource than it was many years ago as shown by mean score of 4.64 Std. Deviation 2.097. In addition, inefficiency and confusion in all the country's land registries as shown by mean score of 4.90 Std. Deviation 2.010. Lastly, high political interference where court orders are often times not respected by politicians this was represented with mean 4.03 and a Sdt. Deviation 2.0

Unique contribution to theory, practice and policy: by a matter of fact Mukono and Wakiso district surrounds the capital city Kampala; increase in demand for land would be on the rise resulting from increased population from the city towards these districts. Therefore, police land desks are developing and identify the determinants of this development, and the implication of the development processes on land conflict management, Understanding the bases of land conflicts, and by unbundling these land conflicts by type, the study will shed light on the comparative impact of different conflict types on national budget. There would be ideal situations to share experiences and advocate collectively for equity in access to land, use and distribution among beneficiaries.

KEYWORDS: Circumstances, behind Land Conflict, Land Conflict

1.0 INTRODUCTION

1.1 Background of the study

This study was carried out in order to examine the circumstances behind land conflict in Wakiso and Mukono districts. Land is an essential natural resource for human activities and for the maintenance of all terrestrial ecosystems.¹ Studies have revealed that the availability of land as a resource is declining.² Globally, land grabbing for various use like food growing and others has been recorded, notably in Pakistan, Cambodia, Russia, the Ukraine and Georgia, and in parts of South America, including Paraguay and Brazil.³ In Africa, it is evidenced that even limited land conflicts can erupt into large-scale civil strife and violence,⁴ especially if 'political entrepreneurs' capitalize on the underlying grievances to further their cause.⁵

¹ FAO, "The state of the world's Land and Water resources for Food and Agriculture". FAO Rome 2011.

² P. H. Verburg; Heinemann, A, Mertz, O. Nagendra, H Golubiewski, N "Land system science and sustainable development of the earth system": A global land project perspective. *Anthropocene* 2015, 12, 29–41.

³ D. H. Borras, "Small-scale farmers increasingly at risk from 'global land grabbing', The Guardian.co.uk: Poverty Matters Blog. <http://www.guardian.co.uk/global-development/poverty-matters/2011/apr/15/risks-overincreasing-global-land-deals>.

⁴ C. & J. P. Platteau. "Land Relations under Unbearable Stress: Rwanda Caught in the Malthusian Trap." *Journal of Economic Behavior and Organization* 1998 34 (1):

⁵ B. K. Mensah, "Capturing Ambiguities: Communal Conflict Management Alternative in Ghana." *World Development*, 1999, 27 (6): 951-65.

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In sub-Saharan Africa still, conflict over land is intensifying at the local level in many countries.⁶ Similar cases have also been reported in West Africa in a state of In Nigeria where 15% of women in the sample had personally been involved in a land conflict within the past two years with two of the top three most frequent disputes being with children and spouses. In Rwanda, land has historically been a source of disputes and conflict, and was one contributing factor in the 1994 genocide. Beginning in 2003, the government of Rwanda pursued an intensive land tenure regularization program, which culminated in the registration of 10.3 million plots by August 2013,⁷ in part as a means of reducing land-related disputes with the potential to fuel ethnic conflict.

Land in Uganda like other agrarian societies is the only primary means of survival; to generate a livelihood, accumulate wealth and transfer it between generations. It is probably the most invaluable asset for the citizens of Uganda.⁸ With more than 80% of the population on rural land directly deriving livelihoods through subsistence agriculture, land access, ownership and use are core to economic, social and environmental drivers of land reforms in Uganda.⁹ However, land as a resource in Uganda has been labeled a major source of conflicts.¹⁰

The Districts of Mukono and Wakiso in Central Uganda (Buganda Kingdom), is known for having much Mailo land, which is relatively easy to change ownership. Also, the advantage of Mailo is that one can own the land forever. No newer titles of Mailo tenure are being issued, as all titles were issued before 1928. The Mailo tenure system sees two types of ownership: titled and Kibanja ownership. This former type of ownership is considered an occupancy right, and Kibanja holders are described as “tenants” as opposed to landowners. Kibanja holders have a significant vulnerability risk to property grabbing due to the perceived uncertainty related to this tenure system, even though the Ugandan government recognizes Kibanja as a form of land ownership. In its 2014 baseline study, IJM considered Kibanja ownership as one of four statistically significant risk factors for the prevalence of property.

1.2 Statement of the Problem

Land conflicts in Uganda are broadly categorized into three major types: boundary, inheritance, and eviction (sometimes termed as land grabbing-related conflicts), which emerge differently.¹¹ Originally, Uganda land conflicts were consequences of colonial legacy structure around relations and management. Colonialists introduced individualized ownership of property rights in land previously held either communally or on the basis of sovereign trustees. For example, the existing indigenous land rights systems as the case for kingdoms.¹² However, in response to settle the land question and deal with fundamental issues in land tenure, land management and administration post-independence attempts were made through the Land Reform Decree (LRD) of 1975, enacted by the Idi Amin government, the 1995 constitution and The Land Act, 1998, cap 227 as amended¹³ have had limited success.

In 2013, Uganda government made further attempts in trying to reduce land conflicts in the country, and formulated a national land policy approved by cabinet to provide a framework for articulating the role of land in national development. The policy harmonizes the diverse laws on historical land injustices, land management and land use. The policy further consolidates various scattered policies associated with land and natural resources with emphasis on ownership, management and land development.¹⁴

Despite the progress made to address land-related legislative issues, the land sector in Uganda still faces several challenges that include insecurity of tenure, overlapping and conflicting land rights, and glaring inequity in access to and ownership of land. According to the Uganda criminal investigation directorate (CID) spokesperson, Charles Mansio Twine, land cases are on the increase and were greatly registered in the areas of Kampala Metropolitan (KMP) policing areas of Kampala, Wakiso, Mukono, Masaka, Mubende, Nakasongola, Nakaseke and Kyankwanzi districts.¹⁵ It has further been noted that, no literature has been done on mechanism/frameworks/ aimed at ending conflicts in these areas. Therefore, it’s against this background that the study seeks to examine the circumstances behind land conflict in Wakiso and Mukono districts.

2.0 THEORETICAL REVIEW

The study was anchored by Conflict Theory updated by Adam Hayes in 2020 and first purported by Karl Marx. The theory assumes that competition exists as a result of the scarcity of resources, including material resources; money, property, commodities, and

⁶ P. E. Peters, “*Inequality and Social Conflict over Land in Africa.*” Journal of Agrarian, 2004.

⁷ P. Gillingham, & F. Buckles, *Rwanda Land Tenure Regularization Case Study*. Evidence on Demand. Retrieved from <http://www.evidenceondemand.info/rwanda-land-tenure-regularisation-case-study>, 2014

⁸ D. N. Kobusingye, “*Where Do I Report My Land Dispute? The Impact of Institutional Proliferation on Land Governance in Northern Uganda.*” Paper prepared for presentation at the 2014 World Bank Conference on Land and Poverty. The World Bank - Washington DC, March 2014 ; 24-27.

⁹ World Bank conference, 2017

¹⁰ K. Boudreaux “*Land Tenure and Resource Rights Practice Lead*”, the Cloudburst Group Release Date: March 27, 2013

¹¹ Ngologoza, 1998; Ministry of Lands, 2011; Mwebaza and Ziwa, 2011

¹² Rugadya, 2009

¹³ The Land (Amendment) Act, 2004 and The Land (Amendment) Act, 2010

¹⁴ Land policy, 2013

¹⁵ The New vision of 20th May 2019

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more. Beyond material resources, individuals and groups within a society also compete for intangible resources as well. These can include leisure time, dominance, social status, sexual partners, among others. Conflict theorists assume that competition is the default (rather than cooperation). Conflict occurs between social classes, one outcome of this conflict is a revolutionary event. Human relationships and social structures all experience inequalities of power. In this way, some individuals and groups inherently develop more power and reward than others. Conflict theorists tend to see war as either a unifier or as a 'cleanser' of societies.

2.1 Strength of conflict theory

Conflict theory seeks to explain political and economic events in terms of an ongoing struggle over finite land resources in Wakiso and Mukono districts. In the same struggle, Marx emphasizes the antagonistic relationship between social classes, in particular the relationship between the owners of capital which Marx calls the 'bourgeoisie' and the working class, which he calls the 'proletariat'.

2.2 Criticisms of Conflict Theory

One common criticism of conflict theory is that it fails to capture the way in which economic interactions can be mutually beneficial to the different classes involved. For example, conflict theory describes the relationship between land owners and grabbers as one of conflict, in which the grabbers do not wish to pay for the land and owners are set in a position of defending their land as a resource. Moreover, institutions such as Uganda police, courts of law, land tribunals and land commission are failing to execute their duties.

2.3 General objective of the study

The general objective of the study was to examine the circumstances behind land conflict in Wakiso and Mukono districts.

3.0 METHODOLOGY OF THE STUDY

3.1 Methods and Data

The research adopted a cross sectional and descriptive survey research designs. Description of data in both qualitative and quantitative was helpful to establish the views and opinions, feelings and attitude of respondents about the circumstances behind land conflict in Wakiso and Mukono districts. The study population consisted of community members in Wakiso and Mukono districts who were affected by (victims of) land conflicts between 2008 and 2022. The size of the focus group was 8 to 10 individuals, plus a facilitator and a note taker. The study considered 4 to 6 key informant. The Cochran formula was used to determine the number of respondents for the household survey since the population size under study is unknown.

Data collection methods catered for both primary and secondary sources (Amin, 2005). Primary data was collected from the field using questionnaires, focus group discussions and key informant interviews. Secondary data was collected by documentary reviews that were done in the course of the study. Survey questionnaires were administered to household's victims of land conflicts and these included heads of families' fathers and mothers, children ages above 18 years and other clan members in the districts of Wakiso and Mukono. Interviews were conducted to improve the content's authenticity. To improve the content's validity, besides literature review, an expert judgment was used.

Key informant interviews (KIIs) were used to collect qualitative in-depth data from police land desk officers and district land board officials. Focus Group Discussions involved respondents from the general public, not necessarily those affected by land conflicts, but representatives of various groups in the community. The affected community's representation obtained on people of different occupations and households. Secondary data is any kind of data that has been written by other scholars in field of study¹⁶. Secondary data for this study was collected by reviewing already published literature. This included; annual reports, journals and other books from libraries.

Data Analysis Methods was used to analyze data where quantitative data encompasses calculations such as averages totals as compared to grand totals of responses expected. The process of data analysis involved editing, examining the collected raw data to detect errors and omissions and correcting such mistakes when possible. After central editing, questionnaires were then brought back and then computer data entry was done into a statistical package for social scientist (SPSS) software. SPSS was used to capture data, and to conduct data analysis and management (Lind et al., 2006). Tables and graphs were generated, and then exported from SPSS into the Microsoft Word document and interpretation was done.

Qualitative data analysis was done where the researcher organized and prepared data for analysis by sorting and arranging the data into various themes as reflected in the key informant guide and Focus Group Discussion Instrument. The researcher read through all the data to obtain a general understanding of the information collected, code the responses, and generated themes for analysis and interpretation¹⁷. A mixture of thematic content analysis and narrative analysis was adopted¹⁸. This was through getting familiar

¹⁶ Science Direct, 2016

¹⁷ M., Lewis, P. Saunders, Research Methods for Business Students. Pearson, New York. ABSTRACT: Research methodology in a research study 2009

¹⁸ C. Marshall, Designing Qualitative Research (5th ed.). Thousand Oaks, CA: Sage Publications. has been cited by the following article: 2010.

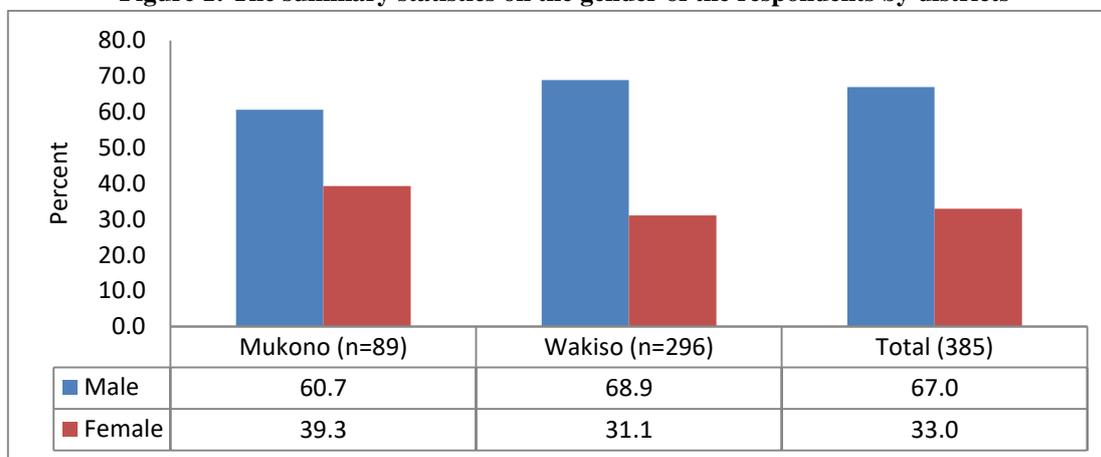
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with the data by reading and re-reading after previewing the recordings with the written interviews per selected interviewees. This was followed by coding (labeling) the whole text. Then, themes with broader patterns of similar connotation were identified, reviewing themes to make sure they fit the data, and then designating these subjects to provide for a comprehensible description that comprised quotations from the respondents.

4.0 RESULTS OF THE STUDY AND DISCUSSIONS

4.1 Gender distribution by district

Figure 1: The summary statistics on the gender of the respondents by districts



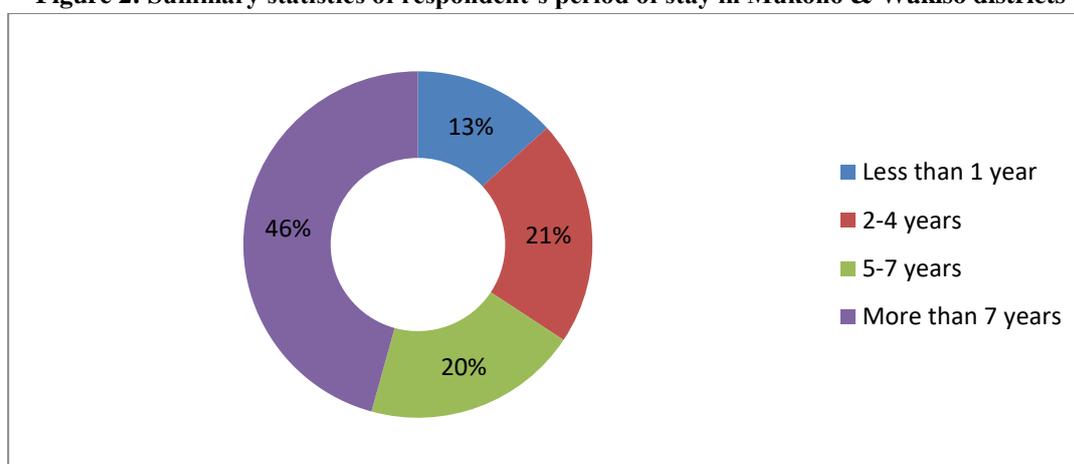
Source; Field Survey (2021/2)

The above findings in figure show that; male's respondents from Mukono district greatly participated in the study as represented with 60.7% whereas 39.3% of the respondents were female's respondents. Findings from Wakiso district reveal that male respondents strongly participated in the study compared to females as represented with 68.9% of respondents whereas women were represented with 31.1% of respondents. The results from the findings shows differences in the representations of gender in the study because of the following reasons; first was that the male respondents actively participated in the study and had good views since they are they are heads of families who almost take control everything in the family including responsibilities, decisions during conflicts like in this case land wrangles.

Secondly according to the result, women were less represented in both district of Mukono and Wakiso due to the fact that in Uganda when it comes to inheritance of family property such as land, women are less recognized and this therefore also justifies their numbers in this study. The issue of gender in this study was important because land conflict in Uganda affects both male and female genders and therefore it was vital for the researcher to analyse gender in the study of land desk in Uganda police force and its implications on conflict management.

4.2 Respondents period of stay in Mukono & Wakiso districts

Figure 2: Summary statistics of respondent's period of stay in Mukono & Wakiso districts



Source; Field Survey (2021/2)

Numerous responses were put forward when respondents were asked of the period they had stayed in the districts of Mukono and Wakiso and their responses were as follows; majority of the respondents represented by 46% said more than 7 years whereas 20%

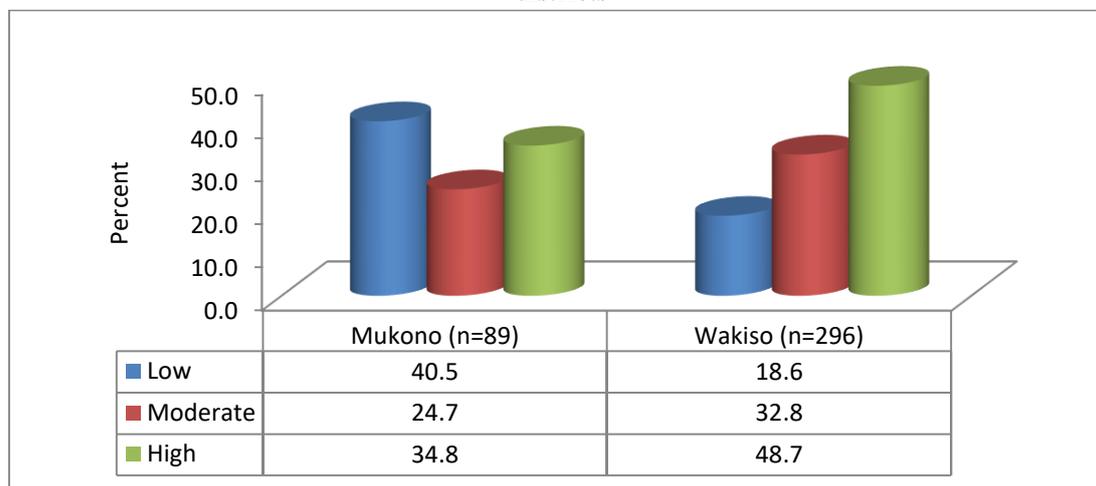
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of the respondents who revealed to the researcher that 5-7 years , 21% of the respondents revealed that they had stayed in Mukono and Wakiso districts for a period of 2-4 years and lastly 13% of the respondents said had stayed in Mukono and Wakiso districts for less than 1 year.

Different reasons are put forwards to support the result from the findings about respondent’s period of stay the both districts under the study. First states that the biggest percentage of respondents having stayed or leaved in the both district under the study for more than 7 years imply that they are born from there and they are indigenous citizen of those districts.

4.3 Levels of land conflicts in Mukono and Wakiso districts

Figure 3: Summary statistics of respondent’s views as regards to the levels of land conflicts in Mukono and Wakiso districts



Source; Field Survey (2021/2)

Figure presents the comparative results from Mukono and Wakiso districts on the levels of land conflicts in the following ways; from Mukono district where (n=89) as the number of respondents interviewed or who answered the questionnaires out of the total number (total n=385), 40.5% of respondents revealed that land conflict was low in Mukono district, followed by 24.7% of respondents who revealed that land conflict in Mukono district and 34.8% of respondents said land conflict was high in Mukono district.

4.4 Circumstances behind land conflict in Wakiso and Mukono districts

The first objective in this study was to explore the circumstances behind land conflict in Wakiso and Mukono districts, respondents in each item were asked to rate at which circumstances have led to the increased land conflict in Wakiso and Mukono districts whether these act as an extent to which agree or disagree with each item.

Table 1: Summary statistics of respondent’s views on circumstances behind land conflict in Wakiso and Mukono districts

A1	Statement	Mean	Std. Deviation	Interpretation
A2	Weaknesses in the police force to investigate and gather evidence over land conflicts in a timely manner.	4.01	2.01	Often
A3	Courts depend on investigations by the police to try cases.	4.79	2.187	Always
A4	Population growth in Uganda has the fastest growing population in the world. Therefore, there isn't much land that isn't occupied by people. The need for land has increased its value making it a very important resource than it was many years ago.	4.64	2.097	Always
A5	Inefficiency and confusion in all the country's land registries.	4.90	2.98	Always
A6	Political interference, court orders are often times not respected by politicians. Instead of strengthening courts of law, politicians spend the best part of their time chiding them.	4.03	2.02	Often
A7	Delays in land compensation processes are essentially caused by corruption, compensations for land meant for public projects such as roads.	3.87	1.87	Often
	Average mean	23.015	1.0485	

Source; Field Survey (2021/2)

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According to table it was found out that the circumstances behind land conflict in Wakiso and Mukono districts was as a result of weaknesses in the police force to investigate and gather evidence over land conflicts in a timely manner as presented by mean 4.01 std. deviations 2.01 and interpreted high. The findings are in agreement with the authors argument who reveal that in Uganda, land conflicts can be broadly categorized into three major types: boundary, inheritance, and eviction (sometimes termed as land grabbing-related conflicts), which emerge differently.¹⁹ It is clear that the occurrence of disputes on land is not a new happening but it is heightened phenomenon because of a changed environment in which capacities for response and containment both informally and formally is weakened or dysfunctional.²⁰ Due to the historically disproportionate population distribution in the country, land scarcity became rampant in densely populated areas earlier than in other parts. Land scarcity, coupled with soil exhaustion due to over cultivation and the absence of technology adoption to maintain higher yield on small pieces of land, led to emigration from the densely populated communities. The fact that, in Uganda, legal changes aiming to reduce the incidence and impact of conflict did not automatically result in success and it's against such that, the government has set up a Police land desk department in districts across the country to carry out investigations, sensitizes communities on crimes associated with land wrangles and their penalties, express hearing of crimes associated with land wrangles. Further to note, Police as an institution was used because wrangles are coupled with violence where victims tend to lose their lives in the process.

Furthermore, the study findings in table showed that the respondents further revealed that courts depended on investigations by the police to try cases as represented by mean 3.79 std. deviations 1.187 and interpreted as moderate. The findings in the study are in line with author's studies that thus linked land conflicts to weak or non-existent formal land institutions, and the failure of current customary land tenure systems to resolve conflicts.²¹ It starts from the realization that, in order to understand the relationship between land desks or institutions and land disputes management, it is necessary to have a clear and deep understanding of the special characteristics of the particular land conflict, the causes of the conflict, its transformation, the actors involved and their power relations with each other.²² Throughout, the study highlights the connection between the rampant land disputes in northern Uganda and the recently ended civil war. Therefore, in light of weak/non-existing formal land institution referred by both Fred and Donge above, the Police Land desks should be entrusted to take up the task of managing the continuing land conflict in Uganda according to the study of the land desk in Uganda Police and its implication on conflict management using Wakiso and Mukono as the circumstance.

More so the study results on table showed that the respondent's further that Population growth in Uganda has the fastest growing population in the world, therefore much land that isn't occupied by people. The need for land has increased its value making it a very important resource than it was many years ago as shown by mean score of 4.64 Std. Deviation 2.097 and interpreted as high. In the same way, the causes, consequences, and control of land use change have become topics of enormous importance to contemporary society. Concern are perhaps most broadly evident in the attention to urban sprawl and the expressed desire for "smart growth."²³ But land use issues in nonurban settings are also of significant interest. Rural issues include intensification of agricultural production in the form of large confined animal feeding operations; abandonment, a forestation, and desertification of agricultural lands; loss of wetlands to agricultural or other uses; fragmentation of forests by roads and second home developments; and the proper multiple-use management of public forests and range lands. The reasons for societal interest in land use and land use change are many. Land use both reflects and determines where economic activity takes place, and where and how communities develop. Land use affects the built environment in which individuals live, work and recreate. It also affects the quality of the natural environment, with impacts on air quality, water quality, water supply, the costs of natural hazards such as flooding and earthquakes, the probabilities of hazards including flooding, and the functioning of terrestrial and aquatic ecosystems.²⁴

The study findings on table further showed that the respondents agreed that inefficiency and confusion in all the country's land registries as shown by mean score of 4.90 Std. Deviation 2.010 which was interpreted as high. Correspondingly to note, In Kosovo revealed that a broad range of Higher Level Planning (HLP) issues existed, including informal settlements, unregulated illegal construction, illegal occupations, problematic housing restitution, ineffective dispute resolution mechanisms, lack of documentation, inaccurate and incomplete property rights registries, conflicting and overlapping legal regimes, inadequate and discriminatory administration systems, and issues linked with returns and minorities as well as lack of coordination and synergy through the property rights related institutions.²⁵

¹⁹ P. Ngologozo, "Kigezi and its People". Kampala: Fountain publishers Ltd, 1998.

²⁰ M. Rugadya, "Land Reform.: The Ugandan Experience. Land use and villagisation workshop Hotel de mille Collins, Kigali, 2009.

²¹ Fred-Mensah, B. K. (1999). "Capturing Ambiguities: Communal Conflict Management Alternative in Ghana." World Development 27 (6): 951-65.

²² W. Wehrmann, "land conflict can be understood as "misuse, restriction or dispute over property rights to land"2008.

²³ S. Leckie, "UNHCR", Housing, Land and Property Rights in Post-Conflict Societies: Proposals for a New United Nations Institutional and Policy Framework, 2005.

²⁴ FAO, "FAO "The state of the world's Land and Water resources for Food and Agriculture. FAO Rome, 2011.

²⁵ GTZ, "GTZ "Land Conflicts: A Practical Guide to Dealing with Land Disputes, Eschborn, 2008.

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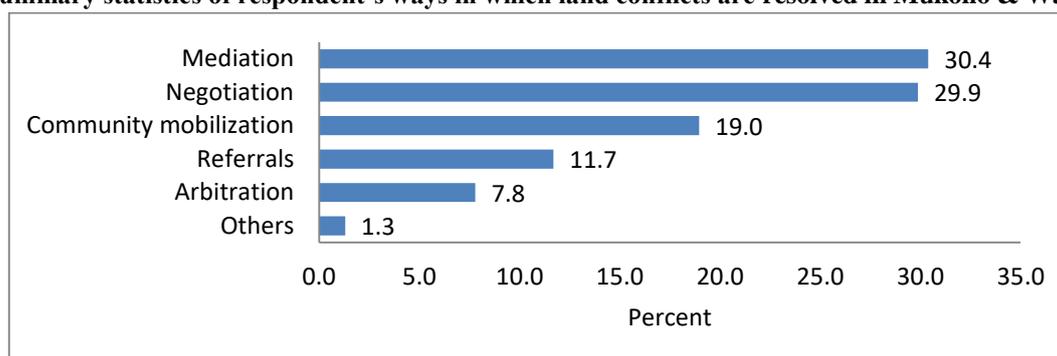
One of the most useful processes was the Standards process prior to Kosovo's unilateral declaration of independence. This process, while flawed, did bring together the various stakeholders into one working group.²⁶ It facilitated a comprehensive strategic plan for improving protection of HLP rights taking into account the different systems and institutions involved and facilitated coordination. The process was assisted by the existence of one organization, the Organization for Security and Cooperation in Europe (OSCE) that developed and maintained an overview on the issue and was able to provide technical support. In Kosovo, for instance, with the return of the Kosovar Albanian refugees, UNHCR and OCHA initiated a GIS effort using data from a Rapid Village Assessment (RVA) to help assess basic needs and answer pressing questions such as: What is still in place and where? What is functioning? Where are the priorities in terms of shelter, health services, and basic infrastructure networks? Not all issues were settled.²⁷ For example, the cadastral records held by Serbia were not returned because in order to create political leverage during status negotiations and political decision makers did not prioritize their return.²⁸

Further findings revealed that Political interference, court orders are often times not respected by politicians. Instead of strengthening courts of law, politicians spend the best part of their time chiding them this was represented with mean 4.03 and a Sdt. Deviation 2.02 and interpreted as high. The findings are in agreement with studies from Cambodia²⁹ asserts that the main land issues include land grabbing, social land concessions, title questions, use of land. Land grabbing is often perpetrated by people in a position of authority such as politicians, the military and the rich, which leads to high insecurity of tenure for the poor. Mechanisms and structures to allocate land for 'social concession' to the poorest were established by the Cambodia Mine Action Programme, focusing on land that was contaminated with mines.³⁰ Emphasized the clearance of the land was a prerequisite for social land grants. The project responded to a national problem of land grabbing and displacement. It was a success in the limited confines in which it worked, which is mined land. The main outcome was the allocation and preservation of land for the poorest and returnees, even if it was often hard for the beneficiaries to secure their tenure. Often in fact the land was confiscated by soldiers after the clearance of landmines. The programme brought the case to municipal and district authorities and then the Mine Action Planning Unit to take action on this issue but the process took a few years to solve.

Lastly on the circumstances behind land conflict in Mukono and Wakiso district. Respondents revealed that delays in land compensation processes are essentially caused by corruption, compensations for land meant for public projects such as roads as represented by mean 3.87 with a standard deviation of 1.87 interpreted as moderate. Similarly to note, according to the studies the actors potentially get involved in urban land conflicts include both state and non-state entities and individuals, whose disputes over land reflect not only their immediate interests but also longer term political and economic goals, as well as the sedimentation of past grievances who normally tend not compensate sole land owners or delay to do the compensation which brings unrest among land owner in communities. They include state bodies, private-sector actors, residents and local leaders, and civil society organisations. Conflicts may arise among as well as between these broad groups. State actors may include political and bureaucratic agencies such as central and subnational government, line ministries, autonomous agencies and the courts. For example, policy makers' visions of the future city and the interests of those who stand to lose through dispossession of their land or undermining of their political influence are often incompatible.³¹

4.4 Ways in which land conflicts are resolved

Figure 4: Summary statistics of respondent's ways in which land conflicts are resolved in Mukono & Wakiso districts



Source; Field Survey (2021/2)

²⁶ FAO, "FAO" Land Tenure Alternative Conflict Management, Land Tenure Manuals 2, Rome. 2006

²⁷ FAO, "FAO", Access to Rural Land and Land Administration After Violent Conflicts, 2004.

²⁸ International Peace Academy, "International Peace Academy," Housing, Land, Property and Conflict Management: Identifying Policy Options for Rule of Law Programming, 2005.

²⁹ FAO, "FAO" Access to Rural Land and Land Administration after Violent Conflicts, Rome. 2005.

³⁰ OECD, "OECD "Land, Violent Conflict and Development. 2004 Working Paper 233

³¹ E. Denis, "La financiarisation du foncier observée à partir des métropoles égyptiennes et indiennes". Revue Tiers Monde 2: 2011. 139–158.

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From figure above shows results from respondents in Mukono and Wakiso districts on the ways in which land conflicts are resolved and their responses were as follows; majority of respondents represented with 30.4% said it was through mediation, these were followed by 29.9% of respondents who said land conflict were resolved through negotiation. Whereas 19.0% of respondents revealed that land conflicts were resolved through community mobilization, 11.7% of respondents indicated that land conflict were resolved through referrals, lastly but not the least 7.8% of respondents revealed land conflict were resolved through arbitration, lastly 1.3% of respondents from both Mukono and Wakiso said land conflict were resolved through other means such as; holding community meetings to facilitate open dialogue, this involves bringing together all those involved in a disagreement and creating an open, public discussion. The purpose is to hear all of the stories and identify the roots of the problem, the harm done and all relevant laws. Both customary/indigenous and formal/statutory laws should be discussed. A facilitator should moderate the discussion to ensure that everybody has an opportunity to speak and that all important details are addressed.

4.5 Qualitative finding of circumstances behind land conflict

One elder from Wakiso district, focus group had his to say;

“The police are not equipped with the skills necessary for this job. There might be a Land Squad in the police force; however, in most cases they don't adequately investigate cases. In some other instances, some elements in the police force side with land grabbers leaving the public frustrated”.

He further went on to say;

“Courts take too long to dispose of cases. Many lawyers have land cases that stretch to more than five years, and others over a decade. There is a High Court Division responsible for land but it doesn't solve these cases on time. More often than not judges and magistrates don't turn up or simply adjourn sessions. Judicial officers are transferred without finalizing cases and then those newly posted have to study files all over again thereby frustrating the litigants”.

From the focus group discussion in the field, one local council (LC) chairman from Mukono district had this to say on the circumstances behind land conflict in Mukono district.

“Public officials who design these infrastructure projects rush to the same areas and purchase tracts of land well aware that a project is going to be implemented there. Land prices go up and when the time for compensation comes, they demand much more because they created artificial demand in the first place. In some other cases, they leak government plans about the establishment of given infrastructures thereby causing artificial escalation of land values”.

Rich versus poor: The rich are mostly favored while resolving land conflicts because they are financially able to give bribes. According to the local council (LC) chairman from Mukono district, there exists inequality in land matters.

“Whenever land conflicts are being resolved, the police doesn't care about the poor because it typically cares about money yet the police is supposed mind about equality”.

The youth representative from Wakiso added;

“The rich can easily develop land where a conflict is very fast and once that is done, it becomes hard to demolish the developed area.”

Women: The women rights are not protected incase disputes arise. In most cases, men are the most prioritized even when land belongs to both the woman and the man in a given household. According to the women representative;

“Especially when we have worked together and have been together in marriage for a long time, it hurts when a man does not involve his woman when selling land”. “This is also the case with family land. Males and females do not equally share land as the females are marginalized. This is where land matters begin from.”

Children/youth: Children are not considered in matters of land conflicts. The youth representative in Mukono district stated:

“Sometimes when a man dies, the children get affected because family members of the children's deceased father take over the land even when it had been purchased by both of their parents.”

The LC-I chairman in Wakiso district added that the youth are taken advantage of when land conflicts arise since they are the most arrested. He stated;

“Youth get arrested because they over get involved in are easily arrested.”

Men: The male secretary in Mukono district highlighted;

“Women always want to equally share land in case problems arise and land has to be divided”. “Yet they find men already owning land and hence do not contribute anything in its purchase.”

4.5.1 Local council involvement

The last level of leadership in a community is a local council that exists in every village/zone in the country. It is the nearest and most accessible to community members. Findings from this study have indicated that the LCs are the most trusted leaders with authority by the community members. This is because they are viewed to be most knowledgeable leaders in matters of that affect the community. Hence, much as they may not have certain authority, community members feel that the government should always consider/involve them in matters related to land conflicts. The woman representative in Mukono district advised;

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“Government should work hand in hand with LCs because they know well their areas more than these others land officials. Therefore, the government should give the LCs more powers and authority.”

The community member in charge of security in the same area similarly adds that;

“The police should always sit with the LCs because they are the most aware of what is going on ground.”

The community further advised that the police should consult the community leaders especially during investigations in land conflicts. The chairman LC-I in Wakiso stated:

“The police should always first consult with the locals before making decisions because the locals know the genesis of land cases and the area where they are better, and the rightful owners of land”. “Failure to do so has made land cases to be wrongly solved. It has even made the process lengthy and sometimes innocent people end up facing mob justice”.

4.5.2 Community sensitization

Findings from this study have revealed that ignorance of the community members on how to solve land conflicts is alarming.

According to an elder in Wakiso district, community members are easily evicted because of ignorance. He stated that;

“They grab our land because of ignorance of land laws and being unaware of how to handle land conflicts when they arise.”

The member in charge of security in Wakiso district added that sometimes the community is taken advantage of because of their ignorance of the law. He stated that;

“The community should be sensitized on laws and procedures on how land conflicts can be resolved in case they arise. This is because sometimes even the police arrests people in ignorance.”

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

From the analyzed in field, it was found out that male’s respondents from Mukono district greatly participated in the study as represented with 60.7% whereas 39.3% of the respondents were female’s respondents. Also majority of the respondents represented by 46% said more than 7 years whereas 20% of the respondents who revealed to the researcher that 5-7 years, 21% of the respondents revealed that they had stayed in Mukono and Wakiso districts for a period of 2-4 years and lastly 13% of the respondents said had stayed in Mukono and Wakiso districts for less than 1 year.

Finding from Mukono district where that (n=89) as the number of respondents interviewed or who answered the questionnaires out of the total number (total n=385), 40.5% of respondents revealed that land conflict was low in Mukono district, followed by 24.7% of respondents who revealed that land conflict in Mukono district and 34.8% of respondents said land conflict was high in Mukono district.

It was found out that the circumstances behind land conflict in Wakiso and Mukono districts was as a result of weaknesses in the police force to investigate and gather evidence over land conflicts in a timely manner as presented by mean 4.01 std. deviations 2.01. Findings in table showed that the respondents further revealed that courts depended on investigations by the police to try cases as represented by mean 3.79 std. deviations 1.187. Study results on table showed that the respondent’s further that Population growth in Uganda has the fastest growing population in the world, therefore much land that isn’t occupied by people. The need for land has increased its value making it a very important resource than it was many years ago as shown by mean score of 4.64 Std. Deviation 2.097. further showed that the respondents agreed that inefficiency and confusion in all the country's land registries as shown by mean score of 4.90 Std. Deviation 2.010 and findings revealed that Political interference, court orders are often times not respected by politicians. Instead of strengthening courts of law, politicians spend the best part of their time chiding them this was represented with mean 4.03 and a Std. Deviation 2.02.

Lastly, majority of respondents represented with 30.4% said it was through mediation, these were followed by 29.9% of respondents who said land conflict was resolved through negotiation. Whereas 19.0% of respondents revealed that land conflicts were resolved through community mobilization, 11.7% of respondents indicated that land conflict were resolved through referrals, lastly but not the least 7.8% of respondents revealed land conflict were resolved through arbitration, lastly 1.3% of respondents from both Mukono and Wakiso said land conflict were resolved through other means such as; holding community meetings to facilitate open dialogue, this involves bringing together all those involved in a disagreement and creating an open, public discussion.

5.2 Conclusions

Land conflicts seldom result directly from any absence of rules or an overlap of regulations. They rather result from the egoistic exploitation and intentional continuation of institutional gaps and the disregard of formal institutions. The reasons not to respect formal institutions or to take advantage of their weaknesses are numerous and diverse: Many people are in need of land or shelter but cannot afford to follow formal rules for obtaining it. Others simply don’t want to. This could be because of a desire to resist formal institutions because of previous experience of disrespectful treatment by them (e.g. through failure to grant recognition of legitimated customary or informal claims, or through a misuse of power) and the lack of trust or hurt feelings resulting from this.

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Another reason a person might choose not to follow the formal rules and regulations for obtaining land is because of a material desire for wealth or an emotional desire for status.

5.3 Recommendations

There is need for training of police land desk officers in current policies and land tenure systems its interpretation access, ownership and rights. This will help the investigating officers working in police land desks to be conversant with the land laws. This will in turn benefit them to avoid errors and prosecute the criminals who cause land conflicts.

The Police land desk should be facilitated as the measure to help the weak investigate their cases reported. This will aid to find out the truth rather than police receiving facilitation from the land grabber who has all money and is ready to facilitate the investigating officer who at the end will be compromised by the so called the rich.

Independent establishment of directorate of lands. The Uganda Police management should propose to police authority the establishment of independent directorate of lands with the increased powers to approval against political interference.

There is a strong need for the public land inventory is to create transparency on the current situation, to map it and thereby provide a base for discussion and problem solving. The establishment of such a public land inventory, generally, requires the use of GPS and GIS software. The identification of boundaries should be done together with the responsible authorities, local authorities and representatives of the local population. In areas which are not covered by satellites providing GPS coordinates or which are hardly accessible on the ground, satellite images can be used for the participatory identification of boundaries.

- There is need for a critical overview on the legal frame of public land management
An overview of all different types of irregular allocation of state land (eventually grouped according to the type of state land)
- There is need for identification of the extent of irregularly allocated state land over the past 10-20 years (in both hectares and as a percentage).
- There is need for identification/documentation of the location of those lands
- A list of all beneficiaries and public officials involved, preferably by name and otherwise by institution, to give at least an overview of the offices/authorities involved
- A list of those individuals and groups that have been negatively affected by the irregular allocation of public land
- Recommendations for appropriate measures for the restoration of illegally allocated lands to their proper purpose, as well as for prevention of future illegal allocations and for appropriate criminal prosecutions.

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