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## CONSEQUENCE OF LAND CONFLICTS TO SMALL-HOLDER FARMERS IN MASINDI DISTRICT, MID-WESTERN UGANDA

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### ABSTRACT

The land is an economic asset for development and a path to other resources. As an agrarian economy, the value of land in Uganda is high as wealth and survival are measured by access to, use of and control over land and it is a central element for the survival of small-holder farmers in Masindi district. Due to its appreciating value, conflicts over access to, use of and control over land has also increased. Small-holder farmers in Uganda with long-standing de facto land rights. This study assessed the consequence of land conflicts on small-holder farmers in Masindi district, mid-western Uganda using secondary data. From the analysis of the data, lack of land productivity, ethnic divisions, threats, assault, physical injuries, and murders, land eviction, individualization of customary land and corruption in land institutions mandated to handle the conflicts were found to be the major consequences of land conflict in Masindi district affecting access to, use of and control over land. Despite government interventions through land-related legislation aimed to protect the small-holder farmer, land conflicts still rage on and remain politically and culturally sensitive. It is proposed that a local-based policy be applied so as to address the plight of the small-holder farmers in Masindi district.

### 1.0 INTRODUCTION

The land is commonly described by many as life; it is a surface that people live on, an economic asset, a point of access for other resources like minerals, territory for states and peoples and a central element in forming certain communities and identities (Food and agricultural organization, 2019). The land is, as a result, a resource with no cost of production, despite the fact that land use can be altered from less to more profitable resource, its supply cannot be increased – something that makes it a very important factor to society. The land is a valuable asset required as one of the inputs and or resources for both national level and local economic development. A small-holder farmer's access to land is central to a number of benefits such as food security and is one of the key sources of cash income. The land is a significant household asset that can be passed on to future generations and is a safety net for both the poor and the rich households (United Nations, 2019). During times of

economic hardship, households can turn back to small-holder farming so as to sustain them; and in extreme circumstances, it can be sold off to guarantee survival of the affected family.

The identity of a number of communities in Uganda is inextricably linked to the amount of land that the community owns. As a consequence, the history, culture, and ancestors of communities are tied up to land seeing that without land, a community may lose its characteristic identity (EU-UN Partnership, 2018). Therefore, understanding the complicated roles that land can facilitate in a community is fundamental to comprehending its role in times of human conflict. Land conflict involves competing claims over a piece of land by groups of people, of breadth and depth not easily resolved within the existing laws of the land (Mutekanga, 2019; Ado, 2018). Therefore, there is often no consensus on the rules that should be applied as the parties involved in the land conflict may have quite different understandings of the nature of that conflict.

## **2. BACKGROUND**

### **1.1. An overview of selected global land conflicts**

The current global land conflicts are causing radical changes in land use and its ownership in a number of countries and or communities around the world. The main process driving such land conflicts is the societal pressure on the global land and freshwater resources as a result of rising food demand due to the arithmetic growth of the human population and a variety of strategies adopted so as to enhance biofuel production coupled with infrastructural development in terms of residential housing, commercial housing, industry housing and recreational housing. For example, in 2016, an indigenous community called the Guarani Kaiowa Apika'y that is located in southwestern Brazil received a judicial order compelling them to leave the contested land in the state of Mato Grosso Sul, which is an agricultural region bordering Paraguay. This was so because the government had demarcated nearly 10,000 hectares of land to the indigenous group, but they never received a formal title to that land. As a result, plantation owners were able to register ownership of the land with local officials and evicted the small-holder farmers with long-standing *de facto* rights held for several generations (Arsenault, 2016). This was done without due regards to compensation and resettlement plan of the affected communities this rendering them to absolute poverty.

In the Philippines, twenty-two indigenous land and environmental defenders were killed as the government supported the aggressor to drive as well as to exploit the region's rich resources and in the end, more than 500,000 hectares of Mindanao's lands are now covered with mining applications, and more than 700,000 hectares are being converted to agribusiness plantations (Global witness, 2016). This action of government in this regard ignored the indigenous land rights at the expense of the foreigners. In Bangladesh, corrupt land and court officials together with the staff of those offices take bribes ranging from EUR 20 to 120 for every single step in land administration starting with surveying of land to the final land registry. This makes it difficult for poor people to afford registration of their land. A number of ordinary people have endured enormous losses in terms of money, time and mental torture (Transparency international Bangladesh, 2015). Thus, government lands meant for agriculture end up being allotted not to the needy but the local dominants that influence the allocation system. In every stage of the land conflicts, court officials throughout the process, take bribes from both the complainants and defendants.

### **1.2. Conflicts over access to, use of and control over land**

Conflicts over access to, use of and control over land are as old as humankind and frequently

occur everywhere, ranging from intra-personal level to inter-personal level. For example, between siblings or neighbours, at the intra-societal level for instance between different ethnic groups for ethnic land conflicts such as between Meru and Isiolo communities in Kenya (Mwita, 2017). Between the state and local population between the members of Cambodian government, its security forces and government-connected business leaders resulted into forced evictions and displacement of over 830,000 households since the year 2000 without adequate compensation, which amounted to crime against humanity and resulted to litigation in the International Criminal Court (ICC) (International Federation for Human Rights, 2015). Sometimes such conflicts occur between traditional leaders and their subjects as revealed in a recent study conducted in Ghana (Kirst, 2020). At the inter-societal level, land conflicts are between different states, for instance, the Russian annexation of Crimean peninsula from Ukraine (Bebler, 2015). Having seen land conflicts manifesting at different levels of society, small-holder farmers have become victims of the phenomenon as well.

A small-holder farmer in this article is one whose livelihood is based on subsistence agriculture for the purpose of food security, survival and uses rudimentary tools (such as hand hoe, axes and ox-plough) in the process of agricultural production (Recha et al, 2018). Thus, small-holder farmers occupy the majority of landowners in a number of countries and produce crops such as maize, beans, rice, cassava, and sweet potatoes and livestock such as; goats, cows, and sheep and poultry such as; chicken, ducks, and turkeys, which accounts for the household food security and uses labour-intensive techniques while relying on the natural rainfall.

### **1.3. A chronology of land conflicts in Africa**

During colonial times (1870s-1900s), dominant European nations such as Britain, France, Germany, Belgium, Portugal and Spain occupied much of the land outside Europe, particularly in Africa. For strategic purposes, they settled in areas that seemed fertile or rich in mineral wealth such as Zimbabwe, South Africa, Democratic Republic of Congo (DRC), as well as Kenya and with this, they aggravated land conflicts since they displaced the local Africans from their land as well as committing what is referred to as countless black genocide in which hundreds of Africans were either massacred or taken to Europe as slaves. To date, the powerful national elites such as government officials, members of security forces and government-connected conglomerates and international mining, agricultural and bio-fuel multinational corporations are involved in massive land conflicts across the continent. In Mali, the Ministry of Agriculture gave 100,000 hectares of land to a private investor of which 75,000 small-holder farmers were evicted from the same land (Wehrmann, 2017). Rural communities throughout Africa have increasingly found their land rights under assault. Governments, investors and international agencies have deployed the rhetoric of wildlife conservation and economic development to justify large scale land grabs. This is because much of the land on the continent is held in customary tenure as a result, communities facing eviction are often unable to prove their rights to the lands they occupy.

The consequence of land conflicts among a number of small-holder farmers varies tremendously ranging from disturbed inter-personal relationships to the total destruction of community and or household livelihood. Much of the land conflicts do happen in blatant disregard to people's human fundamental rights and freedoms otherwise defined in a number of international legislations such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (United Nations, 2016). For example, the right to own property alone as well as in association with others, the right to an adequate standard of living, the right to freedom to choose one's residence, the right to adequate food,

the right to freedom from discrimination, and the right to take part in the conduct of public affairs.

#### **1.4. Land and land conflicts in Uganda**

The land is an essential pillar of development and economic growth in Uganda since the agricultural sector employs 65% of the working population and contributes 24% of growth domestic product (GDP) (Ministry of Agriculture, 2017). It is described as the most important factor of production before any of the factors such as labour, capital and entrepreneurship. However, land conflicts have become a major threat to many communities especially small-holder farmers in Uganda (Anying & Gausset, 2017). A few examples can be used to illustrate this notion: In July 2018, 234 Acholi small-holder farmers in northern Uganda situated in the remote area of Apaa made national news by infiltrating the compound of the United Nations office of the High commissioner for Human Rights (UNHCR) in Gulu town over their land that was under clear threat. This condition affects liveability in such areas including the urban such as Kampala which have not been spared at all (Nastar, Isoke, Kulabako & Silvestri, 2019). They began an occupation that would ultimately last for five weeks in protest of their eviction from their ancestral land by the Uganda Peoples Defence Forces (UPDF) and other state agents alleging that Apaa land belongs to a wildlife reserve (Weschler & Laing, 2018). As a consequence, the claim of rights over ownership of Apaa land by both government and the affected community has since remained politically volatile and unresolved as members of the community cry foul of non-resettlement package by government.

The Constitution of the Republic of Uganda (1995) establishes Land Institutions such as Land commission, District Land Board and Land Tribunals to deal with current and future land conflicts. The gravity of land conflicts led to the passing of a controversial and highly contested Land Act of 2010 that aims to protect lawful and bonafide occupants especially small-holder farmers from being evicted. Despite all these government efforts, Land conflicts still rage on and remain culturally and politically sensitive neither resolved countrywide.

#### **1.5. Land conflicts in Masindi district**

In the Albertine graben of mid-western Uganda (popularly known as Bunyoro) where oil was discovered, land conflicts are threatening agriculture production, food security and community livelihoods for thousands of local communities in the oil-rich region. These conflicts, some of which have turned bloody, have displaced thousands of people leaving them with no land for cultivation neither settlement. One of such conflict is in Bwijanga Sub County of Masindi district which pitted ex-Minister for Presidency (Kabakumba Masiko) against more than 4,000 residents. A court injunction was imposed in 2018 on that land, restraining the occupants or its rightful claimants from neither using nor occupying it for any activities until the court case is concluded thus leaving squatters in uncertainty (Bategeka et al, 2018). The appreciation in the value of land following the discovery of commercially viable oil and gas deposits has fuelled more land conflicts as speculators especially wealthy individuals and companies have moved to set up oil-related infrastructural projects.

The Uganda Police Force (2017) Crime statistics obtained from Masindi central police station reveal that seven people were murdered in 2017 over land-related conflicts in Masindi district. Polanyi Sub County suffered the worst violence where one Oromcan Samuel was murdered in cold blood at around 4:00 pm and his body was covered using grass in the garden at Kyababyara village in Kyatiri parish. His father Onegi John was equally beaten and left unconscious by the same group. Thirteen people were charged in connection to these crimes of murder and attempted murder

respectively in the court of law. In a similar vein, three villages of Katugo, Kisindi I A and Kisindi II B in Kyatiri parish, Pakanyi Sub County of Masindi district are pending eviction due to fraudulent sale of land of a former Akumulikire Cooperative Society limited by some few board members without consulting the general membership, this matter is likewise under police investigation. Therefore, the purpose of this article is to assess the consequence of land conflicts on small-holder farmers in Masindi district of mid-western Uganda.

### **3.0 METHODOLOGY**

#### **3.1. Data sources and collection methods**

The data for this article was generated from secondary data sources based on the research variables from already established evidence by other scholars and reports of government departments and or agencies. A secondary data source includes published materials and abstracts of various scholars relating to the topic and or problem of investigation/discussion (Virgillito & Polidoro, 2017). These sources include libraries, archives, records from selected development partners, online information, textbooks, and newspapers as well as unpublished research reports. This was based on the fact that they were readily available and easier to comprehend by the investigators.

### **4. METHODS OF DATA ANALYSIS**

Data analysis in this article started by identification of dataset of related and supporting literature and thorough evaluation of the dataset to learn about what was already known and what remained to be learned in the article.

### **5. RESULTS AND DISCUSSION**

After critical analysis of the consequence of land conflicts on small farmers in Masindi district, the findings or results included loss of land productivity, ethnic divisions among the small-holder farmers, threats, bodily injuries, assault and murder, land eviction, individualization of customary land and a new wave of corruption which are presented and discussed as follows.

#### **5.1. Loss of land productivity due to civil litigation**

Most lands in Masindi district are subject of conflicts and has remained redundant for quite a long time, since conflicts and the attendant litigation is often protracted eating away resources and time that would otherwise be used in beneficial engagements, thus draining all resources of poor small-holder farmers (Bategeka et al, 2018). Several court injunctions have been slapped on many contested pieces of land leaving small-holder farmers in uncertainty. Such pieces of land cannot be utilized by both claimants either through small-holder farming or sale until court pronounces itself on the ownership; this is a fertile ground for land grabbing in many instances in a number of areas in Uganda (Santiago, 2019). One such conflict is in Bwijanga Sub County that is pitting farmer minister for presidency against more than 4,000 residents. Although the residents allege they customarily own the estimated 690-acre pieces of land, the former minister claims to have bought it from the custodian board, Kinyara sugar estate. We, therefore, observed that the small-holder farmers in the district have become poorer because of the court injunctions put on their pieces of land which cannot allow them to either cultivate or sale.

This is in agreement with (International Federation for Human Rights, 2015) that expresses a similar incidence in Cambodia where over 400 families from a sleepy rural settlement in Sre Ambel district in south-western Cambodia were pushed off their farms to make way for sugar plantations

which have resulted to a landmark legal case in International Criminal Court (ICC) that could change the way global corporations manage large-scale land acquisitions. It is also observed that the case is internationally significant as it could change the community displacement in the wake of large-scale land deals as it is being tested and prosecuted under international law. We, therefore, note that the consequence of land conflicts on small-holder farmers is not a local issue of Masindi district but it is a global challenge which must be tackled at both local and international level so as to alleviate poverty and reduce global inequalities. It is also noted by Agheyisi (2019) that, access to land has been shown to be important to poverty reduction, economic growth, and empowerment of the poor.

### **5.2. Ethnic divisions among the small-holder farmers**

The findings indicated that the influx of immigrants like the Alur, Lugbara, Acholi, Congolese and Sudanese who are small-holder farmers in the district has exacerbated the conflicts to run along the ethnic lines as well as gender differences (Sebina-Zziwa & Kibombo, 2020). Violence, the threat of bodily injuries, and crop damage among different ethnic groups have affected small-holder farming in the district. This is due to the increase in the population of the locals combined with the increase in the value of land in the district where access to, use of and control over land across the groups is highly unequal and governed by ethnicity. The appreciation of land value to small-holder farming is due to the high population in the area. In one of the unpublished research, a small-holder farmer remarked that “when we came into this place we were few, but we have produced and our numbers have increased, but the land is not expanding.”

This problem is observed in other African nations such as Nigeria where he excluded the Islamist uprising of Boko Haram from issues of land conflicts but emphasized that the current landscape of violence in the north and the Middle Belt region of Nigeria is dominated by clashes between Fulani pastoralists and farmer groups and sporadic inter-ethnic clashes in the major cities; in the south, the fight is between the oil companies and the local communities, a decades-long battle that has spawned a number of rebel groups including the Bakassi Boys and the movement for the Emancipation of the Niger Delta (Dewan, 2019). According to the Nigeria Watch database, the country as a whole has witnessed 11,640 violent deaths over land-related conflicts in mid-2014. We, therefore, argue that the timing of land conflicts settlement among different ethnic groups anywhere across the Central and Eastern Africa is imperative (Büscher, 2018). If the parties to the conflict are unable to settle their territorial land questions early in their relationship, the resulting conflict is likely to last for many years and if a conflict lasts for years, a legacy of conflict is constructed that makes any type of peacebuilding effort much more difficult.

### **5.3. Threats to person, bodily injuries, assault and murder**

The findings suggest that the consequence of land conflicts on small-holder farmers included family threats, bodily injuries, violence, assaults and murder due to boundary discrepancies, land ownership conflicts, inheritance and succession conflicts, and illegal land occupation due to lapses in land tenure administration and management. The Uganda police force (2017) crime statistics show an increase in crime related to land conflicts which claimed 7 lives within the district. Some of these conflicts that occur are sometimes not reported to any dispute resolution institutions, given the severity of land conflicts in the entire region (Kinyera & Doevenspeck, 2019). Our point of emphasis is that some of these unreported conflicts are precursors to social tensions that could erupt into violence. These very waves of criminal acts related to land conflicts have not spared other parts of the world like the Philippines where 22 small-holder farmers and environmental defenders were killed in 2015 and this was observed by (Global Witness, 2016). This was as a result of government aggressive

drive to exploit the country's resources where land occupied by the indigenous people were allotted to mining companies and agribusiness plantation owners at the expense of the poor small-holder farmers. We observed that this kind of approach to development where government superimposes on citizens rendering them landless increases poverty level and inequalities and may become a source of civil disobedience in the country.

#### **5.4. Land evictions**

Eviction of small-holder farmers is another consequence of land conflicts affecting Masindi district. This is revealed by the Uganda police force (2017) crime report where three villages of Katugo, Kisindi I A and Kisindi II B in Kyatiri parish in Pakanyi Sub County are pending eviction due to fraudulent sale of land of a former Akumulikire Cooperative Society limited by some few board members without consulting the general members, of which the matter is under police investigations. Similarly, the Uganda police force (2019) report indicates that 2000 small-holder farmers from Kimengo Sub County in Masindi district were evicted from the land purported to belong to Uganda Investment Authority (UIA). The similar report indicated that a team of police officers backed by Uganda people defence force (UPDF) soldiers stormed the area under the command of the Resident District Commissioner and asked the residents to vacate the land within hours. They allegedly demolished resident's homes, destroyed crops like maize, banana plantations, and beans then arrested 18 residents for resisting the eviction. We noted that previous socio-cultural bonds that existed between small-holder farmers like the feeling of brotherhood and good neighbourliness in the district are being increasingly dissolving as the value of land is appreciating on the land markets and increase in land conflicts. Therefore, tenure relations have degenerated as well. However, Masindi district's situations are not any different elsewhere, (Weschler and Laing, 2018) explored the eviction of the Acholi small-holder farmers from Apaa land in Amuru district in northern Uganda by the Uganda Wildlife Authority (UWA), the Uganda People's Defence Forces (UPDF) and other state agents alleging that Apaa land belongs to a wildlife reserve. This led to the occupation of the United Nations Office of the High commissioner for Human Rights (UNOHCHR) in Gulu town by the affected community. The occupation of the UNOHCHR drew enough attention to Apaa's plight that the Ugandan government was compelled to engage the community to find a harmonious solution to the conflict.

#### **5.5. Individualizations of customary land**

There was a trend of extensive sporadic individualization of customary land where large chunks of land were registered in the form of leaseholds across the district. This rapid and extra-ordinary transition was driven by individual scramble to strategically reap from the expected demand for land anticipated in the region due to oil discovery (Nakayi, 2017). Most land in the district is leased and fenced and has been turned into commercial farms and ranches by companies and highly connected people in government. These individualized lands have small-holder farmers in them and they have become squatters without any land rights. The most affected area was Kimengo Sub County which included Kiryana, Ziwa, critical mass ranches, Asili farm, and others. This has become a breeding space for potential land conflicts as small-holder farmers rise up to defend their land rights especially when that land is customary owned (Komujuni & Büscher, 2020). Owing to the above, individualization of land as a consequence of land conflicts are also witnessed in Brazil in the state of Mato Grosso Sul, an agricultural region bordering Paraguay where government had demarcated nearly 10,000 hectares of land to the small-holder farmers but they never received formal title to that land (Arsenault 2016). Therefore, plantation owners were able to register ownership of the land with

the local official and sought a judicial order and evicted them.

### **5.6. A new wave of corruption**

Land conflicts in Masindi district have brought a new wave of Corruption and illegitimate demand for money both in land administration and dispute resolution centres such as courts, land commission (ULC), land tribunals, police and Resident District Commissioners (RDC) offices. Kingwill and Rosalie (2017) argue that corruption has cropped up through laws that have facilitated large transfers of land to foreign corporations and wealthy investors. Far from providing secure titles to those who need it most, such transactions backed by certification of buyers claims have displaced low-income land users and reinforced the power of corrupt authorities, hence increasing inequality within local communities of the small-holder farmers *vis-a-vis* access to, use of and control over land. Therefore, people with money bribe corrupt officials and take the landowners to court and in turn take away their land (Meinert & Kjær, 2016). This explains the increase in murders as a consequence of land conflicts in the district. Further still, delayed court processes make the parties lose trust in the court system and motivate them to use the disputed land by force resulting in violence and death. However, we view corruption in land administration as a global phenomenon which requires concerted effort from all actors to address the vice. Transparency International Bangladesh (2015) revealed the agony that the poor small-holder farmers in Bangladesh go through in the hands of corrupt land and court officials and staff of those offices that take bribes ranging from EUR 20 to 120 for every single step in land administration starting with surveying of land. This makes it difficult for poor people to afford the registration of their land (Kobusingye, Leeuwen & Van Dijk, 2016). Ordinary people have endured enormous losses in terms of money, time and mental agony. In every stage of the land cases, court officials throughout the process take bribes from both the complainants and defendants.

## **6. CONCLUSION**

The study explored the consequence of land conflicts on small-holder farmers in Masindi district in relation to access, use of and control over land. It also examined how land conflicts have resulted to loss of land productivity due to litigations, ethnic divisions among small-holder farmers, threats, assault and murder, land evictions, individualization of the customary lands and a new wave of corruption. This has greatly affected the small-holder farmers who use land as a means of production and sustainability of their livelihoods since their land rights are under threats with little or no protection from the government. We therefore, recommend that government revisits its land laws so as to develop better and possible means of avoiding the escalation of land conflicts such as creation of special tribunal particularly to deal with land conflicts and corruption which hinders land conflict management. Furthermore, government should also harmonize the traditional conflict resolution system and the formal system, such that the decision of traditional leaders is recognized by the formal system. This would minimize mistrust in the court of law.

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