

# LAND GIVEAWAYS IN UGANDA:



**Assessing Compliance with Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and African Union Guidelines on Large Scale Land Based Investments**

**A Simplified Version**

**August 2020**


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Thank You,

## Acronyms

ALC	-	Area Land Committee
CEDAW-		Convention on the Elimination of All Forms of Discrimination against Women
CCO	-	Certificate of Customary Ownership
CLA	-	Compulsory Land Acquisition
DLB	-	District Land Board
DLT	-	District Land Tribunal
PAP	-	Project Affected Persons
UDHR	-	Universal Declaration of Human Rights
UIA	-	Uganda Investment Authority
RAP	-	Resettlement Action Plan
LSLBI	-	Large Scale Land Based Investments
NKG	-	Neumann Kaffee Gruppe
NFA	-	National Forestry Authority
MDAs-		Ministries, Departments and Agencies
VGGTs-		Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
UN	-	United Nations

## Introduction

Food Rights Alliance is a coalition with over 40 members spread out in all regions of Uganda. It's driven by a vision of a world free from hunger and malnutrition and promotes a mission; to promote the realization of the right to food in Uganda through strengthening sustainable farming systems and improving food and nutrition Justice.

FRA with financial support from Democratic Governance Facility conducted a research study to assess the compliance of large-scale land giveaways to voluntary governance of tenure of Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests and African Union Guidelines on Large Scale Land Based Investments.

The study's general objective was to carry out an analysis of the major land giveaways in the country to investors for public investment and their implications to land rights of communities and to ascertain and document the extent to what these giveaways conform to stipulations of the VGGTs and AU guidelines.

## Background

The land question remains one of the outstanding unresolved conflictual issues in post-independent Uganda that threatens the peace and tranquility. This is not surprising considering that land is deemed a lifeline for all the diverse communities in Uganda. In the same vein, the policy, legal and institutional framework governing land/property rights have become aspects of concern and scrutiny amongst a diverse range of scholars and policy makers in a quest for solutions to the protracted land dilemma the country faces. The problems facing land governance in Uganda are varied, each with its own dynamics and impact on the common man especially communities occupying land without the necessary documentation. Additionally, corruption, greed and the capture of both the central and decentralized institutions such the land offices, area land committees and district land boards by the powerful politically collected and moneyed individuals showing off as investors has bred injustices to the poor that have no financial and political muscle to contend with the rich and powerful.

The discourse on land has even become more pertinent considering the bulging population of Uganda now standing at 35million without necessarily a corresponding elasticity in this factor of production called land yet this population is expected to rise to 52.9 million in 2025, growing at a rate



of 3.2% per annum. Conflicts, therefore, are arising naturally due to competing land uses hence the need for strong and effective land reforms, which will lead to proper land use management in the country

The situation has not been helped by the quest for the middle level income status that has been projected as the main agenda of the government. It maintains, that to achieve this, the country must industrialize and to do, not only does it need to attract foreign direct investment through foreign investors but that this is partially possible if these investors are given incentives.

Uganda has committed to the FAO Voluntary guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) and the AU framework on largescale land-based investments. The guidelines in principle spell out the obligations of the state and responsibility of non-state actors including business entrepreneurs. As a matter of principle in implementation, the guidelines uphold human dignity, non-discrimination, equity and justice, gender equality, consultation and participation, transparency among others. The guidelines commit states to take reasonable measures to identify, record and respect legitimate tenure rights holders so as to refrain from infringing tenure rights for others.

Faced with the sanctity of Article 26 of the Constitution that guarantees against and prohibits arbitrary appropriation of

land/property from an individual or group of individuals, the government of Uganda, in search for land for investment has faced challenges. The recourse has always been twofold-compulsorily acquiring land from private owners after prior, adequate compensation or giving away the land it holds in trust for the public-public land held under the Uganda Land Commission or District Land Boards.

## Methodology

Multifaceted approach was employed in the execution of this study; namely-the employment of both qualitative and quantitative methods.

primary data was largely sought from a desktop review of the available literature from media reports, relevant government agencies concerned with the land giveaways, human rights reports and land rights from CSOs Purposive sampling model-MDAs and PAPs; These were further fortified by qualitative interviews undertaken with a select number of stakeholders across both the government entities concerned with land giveaways; the CSOs that monitor such trends of land rights in Uganda and the alleged victims of the giveaways of land.

respondents were purposively selected owing to their experience and access to firsthand information either as victims of land giveaways or perpetrators of the same or oversight civic organizations monitoring the trends and patterns of land giveaways in the country.

The field work areas were selected purposively justified by them hosting cases of land giveaways or home to various relevant decision-making government entities or both as informed by the initial literature review at the commencement of the study. These were Wakiso district and Kampala City

Metropolitan. These two host some of the power centers that determine the course of administration and management of land use-land governance in Uganda including the land giveaways. Secondly these districts hold some of the most lucrative and prime public lands, being the concentration of economic activities and resources such as wetlands that have been targets of acquisition by various investors. As such these districts are very critical in providing the study with case studies of trends and patterns of land giveaways in the country.

Amuru and Gulu provide very interesting study cases of land giveaways in post-conflict communities that to date still grapple with land conflicts arising out the land use, administration and management disruptions that happened as a result of the 25 year civil war waged by the Lord's Resistance Army (LRA). These districts remain central in appreciating the dynamics governing land giveaways in regions where the traditional land holding tenure system is customary with suppressed individualism in relation to ownership of land rather emphasis of communality.

But also to note, Amuru district in particular provided a very interesting case study that has kept the entire region on tenterhooks in a protracted struggle by the communities to counter land giveaways to sugar making factories, a conflict that often involved use of military and gun force.

In the same vein, Kalangala islands also provided another case study of large-scale land acquisition, part of which gotten as a result of giveaway of formerly occupied public lands. Kalangala is very peculiar since it carries an aspect of environmental protection of natural water-logged lands and forest covers. It should also be noted that beyond the above three particular case studies used, the net was also cast wider to identify, present and critic other cases of land giveaways across the country in including eastern and western Uganda to trace a thread link of patterns and trends that govern this phenomenon in the country.

Whereas the laws governing land rights, administration, management and use in Uganda are wide-ranging, for this particular study, focus is geared on the Constitution of Uganda-1995 as amended; the Land Act Chapter 227 in the laws of Uganda and the subsequent amendments made therein the Land (Amendment) Act, 2004 and the Land (Amendment) Act, 2010; the Land Regulations, 2004; The Land (Amendment Regulations), 2012; the Registration of Titles Act, Chapter 230 of the Laws of Uganda and the Land Acquisition Act of 1965. Others of concern are the National Land Use Policy and the Uganda National Land Policy of 2013. Of particular importance however is the common denominator in all the above laws and policies relating to the governance of public lands and the guiding principle of public trust doctrine

For purposes of this study, focus was largely geared on the first aspect of land giveaway of public land but with seating tenant communities who, following the 1998 Land Act as amended, after long unchallenged usage and occupation of such lands attained equitable rights over it and as thus a legitimate claim that must be settled in case of any dispossession of the said land. In Uganda, this land giveaway has taken the form of leasehold at a certain often negligible premium to the beneficiary entity or individual while in some cases, there is just allocation at no cost at all to the benefactor. Such have often come in form of Presidential directives as the study depicts.

## Findings of the research study

Despite the discovered challenges facing the processes and procedures of land giveaways in Ugandans, Uganda should be applauded for putting together a litany of laws and policies that are meant to strengthen the governance of large-scale land acquisition/giveaway. This legal system is equally supported by institutions that if well facilitated could provide the necessary oversight in governance of lands and forests.

Indeed, the law is not necessarily the problem rather the side-stepping of the provided legal processes and procedures that are alive to the rights and duties of the various stakeholders in such land giveaways.

The findings have been categorized according to the specific objectives drawn from the general objectives that the study sought to fulfill as summarized below:

### ***An analysis of the major land giveaways in the country to investors or public investment and their implications to land rights of the vulnerable communities***

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#### ***The study reveals that:***

- The land giveaways in Uganda target prime land either in form of strategic location in the city or in form of its fertility and vastness to support extensive agri-business in rural areas. This explains the loss of city/urban and peri-urban prime land housing public

schools and health centers in different parts of the country to the investors. It also explains the pursuit of fertile lands surrounding water catchment areas, wetlands, and forests such as the case in Kalangala, Amuru and Mubende districts among many more.

- The land giveaways are mainly being fueled by government entities emerging right from the presidency deep to the decentralized level of the governance involving area land committees and mainly the district land boards that are mandated to be custodians of public lands within their respective areas of administrative power.
- The giveaways have targeted various categories of land including land owned by government ministries, departments and agencies (MDAs) and semi-autonomous entities such as the Uganda Investment Authorities; public/government aided schools, health centers in the rural areas, wetlands, forests and forest reserves among others. More prominently, in the quest for agri-business, massive lands that are former public land, currently occupied by hundreds of people have been targeted exclusively for giveaway as was revealed in Kalangala (partly), Mubende and Amuru districts among others.



- Most of these lands' giveaway are central to the livelihood of the communities within which they are situate, these communities having settled there uncontested well beyond the recommended period of the Constitution and as thus they are protected by law as bona-fide occupants on these lands and as thus cannot be evicted without due compensation.

***Inquire into and assess the impact of these land giveaways to the land/property rights of vulnerable communities and the entire spectrum of land governance in the country;***

***Finding reveal that the implications have taken the form of;***

- ***Environmental Degradation:*** There are/were negative effects of the land giveaway in Kalangala, arising from the distortion of the ecological system due to the destruction of the environment as the Company sought to set up the oil palm plantation. Specifically, the Ministry of Water and Environment 2003 statutory instrument obligates developers on water bodies to maintain a 200 meter buffer belt between the developments-in this case-the oil plantations and main water bodies. This legal directive was blatantly ignored making way for the oil palm plantation to be cultivated on a substantial part of the directed buffer zone on Lake Victoria. This contravenes the VGGTs 8 and 9. This, the study, contends is a breach of Principle 15 governing LSLBI which provides that the Results

of rigorous, holistic and independent environmental and social impact assessments of LSLBI are utilized to confirm the desirability of LSLBI prior to their approval.

- ***Deprivation of the right to participation in land/natural resources governance:*** The requirement that the ideal impact assessments should be based on prior, meaningful consultation of affected people made widely available in appropriate language and format accessible to the people likely to be affected was not fulfilled in in most of the cases cited in the study including more prominently in Mubende, Kalangala and Amuru districts.
- ***Violations of economic, social and cultural rights:*** In virtually all cases that are discussed in the report, land giveaways hardly followed the LSLBI and VGGTAs principles that emphasize the centrality of the dignity of the communities amidst such transactions. The giveaways were undertaken without consultation of the communities that were occupying and owning equitable interests in this land.
- ***Securitization of the land giveaways;*** the giveaways were often followed by very brutal evictions of the communities with the use of security agencies mainly the military and the police as was the case in Mubende district.

- **Food insecurity due to evictions and massive land acquisitions;** The affected communities lost access rights to these lands which include forests and, in the process, would not farm leading to acute food insecurity with many opting to eat one imbalanced meal a day to survive as was the case in Mubende. Community livelihoods were distorted owing to the disruption of the farming activities from which many derived subsistence. In Kalangala district, the food insecurity vagaries that arose from the land giveaway still prevail to date. The massive acquisition of lands for the oil plantation led to the reduction in the land cover for food crops production hence negatively affecting agriculture especially subsistence which was central to the rural livelihood sustenance. In the same vein, the pollution emanating as run off from the chemicals used as fertilizers in the plantation into the surrounding waters negatively impacted on fishing, another main activity for the communities in the region and a source of food as well. In the extreme, respondents maintain, they have had to buy from the surrounding main land districts of Masaka etc to counter food insecurity, an aspect that has also led to a high cost of living hence rural poverty.
- **Family disruptions:** The income disruption ushered in family separations coupled with domestic violence as extreme poverty set in further entrenching patriarchy

as households heads resorted to machoism to assert authority in absence of financial sustenance.

- ***Right to Shelter and habitable dwelling.*** The right to shelter was disrupted as houses were erased down to pave way for the beneficiaries of the land giveaway to commence their works;
- ***The right to education:*** the right to education was disrupted as schools situate on the lands given away are demolished or resettled to far off distances from the villages hosting the communities using them; cultural related rights were violated with the destruction of family burial grounds and graves among others.
- ***Breach of the Right to Health:*** The health situation of the affected communities in the case studies was also disrupted after the curtailment of access to clean water sources that existed within the land that was given away. In Mubende district, 69% of the members of the communities evicted were not able to access clear water. After much complains, the NKG company constructed a water pipeline from the Coffee plantation to the village of Kyengeza where majority of the evicted members were situate but even then, the water flow too was intermittent. Majority of the women who were not able to access this water due to the long queues had to part with their money to hire some people to bring them the water especially the

elderly. To cope with the situation, some households would instead get water from the surrounding water ponds which was decried as contaminated and would occasion family members sickness.

- In Amuru district it was not any different. Communities in Amuru for example decry the lack of safe water arising out of the threatened eviction for the wells that existed in the village were destroyed when the graders came to destroy the land. Rubbish was thrown in these wells and so they ceased to exist. Right now, the people rely on rain water and when there is no rain, they have to walk very long distances to get water for their families. This has also affected farming which was their source of livelihood and would help them pay school fees for the children hence also affecting the right to education.

***Document the extent to which these giveaways (in terms of procedures, institutional and legal regime) conform to the stipulations of the VGGTs and AU guidelines.***

***Findings hereunder reveal the following:***

***A. Progressive Aspects of Compliance***

- Findings reveal that all the three case studies critically focused on in the study-palm oil in Kalangala districts/islands, coffee plantation in Mubende district and envisaged sugar plantations in Amuru district indeed carry prospects of enhancing the economy in various

ways including creation of employment opportunities. This aspect alone augments the recommendation from the principle 14 which maintains that LSLBI should be commercially viable and profitable businesses, structured to provide maximum benefit to the national economy and improve the livelihoods of local communities;

- ***Consideration of Equitable employment for the communities by the beneficiary companies in alignment with Principle 2 of the LSLBI.*** In tandem with Principle 2 of LSLBI, the beneficiary companies of these large scale land based investments arising out of land giveaways which call for consideration equitably for gainful employment without discrimination the relevant stakeholders including the dispossessed communities, employed the evictees in their company. Further, in alignment with the LSLBI Principle 1, which provides for the equitable consideration for ‘gainful employment without discrimination on the basis of gender or any other consideration,’ of the disposed communities, in Kalangala, the communities that lost their lands were integrated in the Palm Oil Company agenda as employees. In Kalangala there is an existence of an Out-Grower Scheme on 4,700 ha of land including small holder trainings for the farmers with the final employment totals of 1,500 employees (inclusive of office staff and field workers) and 1,600 out-growers.

- In the same vein, in Amuru, the envisaged integration suggested has been the providing of market to the communities to be out growers of sugar cane as a form of employment so as the company can buy from them. This is in tandem with Principle 5 which calls for the acceleration of the ‘...incorporation of smallholders into primary and processing production, rather than competing with and leaving them in the same poverty.’
- **Progressive legal framework:** The legal framework governing land giveaways is three faced focusing on this as a *human rights issue* (right to property and attendant rights/freedoms); *as property or/ and land law* aspects (covered under Article 26 of the Constitution that emphasizes protection against arbitrary deprivation of property); *procedural/ administrative law* that oversees how authority/power is dispensed of in relation to a particular decision by a government agent and agency-in this case, how these lands are given away, whether the processes follows legally established administrative avenues.
- **Uganda’s Commitment to regional (AU) and international UN human (property) rights instruments that guarantee property rights amidst land giveaways through signing, accession and ratification.** Uganda is party to various instruments

that guarantee rights of persons over property and prescribe their entitlements even during lawful deprivation. These include Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights among others. By acting upon these regional and international standards through domesticating them, Uganda would guarantee further the rights and freedoms of vulnerable communities during land giveaways positively. The challenge lays in the non-implementation of these regional and international provisions governing right to property and land giveaways.

- ***Uganda's Reformist Constitutional Guarantees on Right to Property during land giveaways more specifically-Article 26 and 237 of the Constitution;***

Uganda's domestic legal framework provides supervised over by the Constitution provides for and guarantees the right to property either individually or in association with others. The Constitution guarantees against arbitrary deprivation of land/property save for when the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health and even then, this can only be after the prompt payment of fair and adequate compensation, prior to



the taking of possession or acquisition of the property. Additionally, there is a right of access to a court of law by any person who has an interest or right over the property or aggrieved in any way. The above are the imports of Articles 26 and 237 of the 1995 Constitution as amended. By this, the Constitution of Uganda is in tandem with the aforementioned regional and international human rights standards and more so the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security *and* Guiding Principles on Large Scale Land Based Investments in Africa issued by the African Union that emphasizes the right to property and compensation in case of deprivation of whatever manner such as land giveaway.

- *In particular, the Constitutional provisions emphasizing compensation are in allegiance with LSLBI Principle 2 which provides that 'Persons who lose access to or ownership of land and land related resources and benefits due to LSLBI are awarded compensation which is fair and timely in compliance with existing national laws and relevant international instruments.'*
- ***Progressive subsidiary legal framework that guarantees proprietary/land rights of vulnerable communities in land use, administration, management and dispossession in situations of land giveaways-The Land Act 1998 (as amended,***

*2004 and 2010*); operationalizes Article 26 and 237 of the Constitution further providing for the protection of various proprietary interests on land even in situations of land giveaways. The Act also provides for land giveaways by both the central government and local government through the district land boards and Uganda Land Commission. Through various sections, the Land Act protects vulnerable groups and their proprietary/land rights and interests for *women (Section 39 (1)-(9))*, *children and persons living with disabilities (Section 27)* on one side and what it calls '*bona-fide and lawful occupants*' (*Section 29-31*) on land.

- The recognition of these groups of people who may not necessarily have a legal interest in the land given away, equips them with equitable interests within in such lands, which arguably elevates their position as legitimate interest holders in land sought after by the government for giveaway. They thus become candidates for all the benefits that accrue to such people including compensation, consultations as affected communities, entitled to be part of the decision-making processes affecting the lands they occupy in tandem with the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security *and* Guiding Principles on Large Scale Land

Based Investments in Africa issued by the African Union. Again, despite these legislative guarantees, as the study has established, the practice is different.

- *The Land Act 1998 (as amended, 2004 and 2010) establishes more protective avenues of customary tenure landowners-certificates of customary ownership and certificates of occupancy.* These legal documents accorded to such groups of people to strengthen their interests brings them within the ambit of legitimate claimants of various rights and benefits available to affected communities during large scale land investments and land giveaways. This is progressive in as far as the law does not only recognize them but also accords them legitimation through issuance of the aforementioned titles.
- The above legal framework is in tandem with LSBLI Principle 3 which indulges Member States to establish and maintain a legislative environment and institutional arrangements to govern LSLBI and to protect the rights of relevant stakeholders. Additionally, the study reveals that the protection accorded to owners of land under customary tenure and as thus recognizable even during land giveaways to facilitate LSBLI correspond with the requirement under Principle 1 which entails LSLBI respect the existing, customarily-defined rights of local people and communities to land and land related resources.

- The protection accorded to women rights and other vulnerable members of the community in the Constitution-1995 and Land Act-1998 commensurate with LSLBI Principle 11 that provides for the promotion of gender equality in land governance in national laws as a prerequisite to ensuring that LSLBI promote sustainable development and Principle 12 that calls for the LSLBI to observe and respect women’s equal rights to own, access, control, and use land as the case may be under different tenure regimes.
- ***Progressive though not binding Guidelines for Compensation Assessment under Land Acquisition (GCALA)-2017.*** In June, 2017, the government of Uganda adopted the Guidelines for Compensation Assessment under the Land Acquisition Act, to ease the valuation and assessment of fair and adequate compensation due to communities that are dispossessed of their land. The Guidelines that are based on regional and international human rights standards provide for 10 principles as best practices upon which assessments for property/land of the affected communities can be undertaken to arrive at fair compensation rates.
- ***Progressive Institutional framework to govern LSLBIs and land giveaways-Decentralized land governance:*** Findings reveal that Uganda has put in

place a progressive institutional framework that allies with the recommended model to facilitate LSLBIs and land giveaways. Uganda's institutional framework that runs from the national to the local district level with the presence of Uganda Investment Authority, Uganda Land Commission, recorder/sub-county chief, Chief government valuer office, district land officer/office, Area Land Committees and District Land Boards among others fulfills the LSLBI Principle 6: that provides for effective and decentralized land administration systems that are a pre-requisite for good governance of LSLBI.

- ***Availability of Dispute resolution mechanisms (at least in the law);*** Uganda also has provided, in its legal framework, for an elaborative dispute resolution framework on matters of land to include among others the District land tribunal and mediator combined with the judiciary to deal with LSLBI and land giveaways potential conflicts on land. This is in line with LSLBI Principle 8 which provides for Effective, transparent and well-resourced mechanisms for prevention and settlement of land disputes and corruption contribute to improved governance of LSLBI.

#### ***B. Non-Progressive Aspects (Non-Compliance)***

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- ***Incapacitation, corruption and sidelining of the District Land Boards and Area Land Committees at***

***the Sub-county in land giveaways contrary to VGGTs.***

DLBs, are mandated by law to hold and allocate land as they deem fit. The findings reveal that most of the land given away without following the due process is a product of the district land boards that prioritize money to the detriment of the local communities that have rights and legitimate interests in these lands. Findings also reveal that the most of the land under the custodianship of the DLB is former public land which has since been occupied and used by communities as bona-fide occupants and as thus protected by the law-1998 Land Act as amended.


- ***Corruption in the land giveaways:*** The DLBs, findings show, have been corrupted by the moneyed investors that come in these diverse districts and pay their way to attaining leases over land that is occupied with seating tenants as local communities. Despite the fact that regional and international best practices provide that the local communities as sitting tenants must be given an opportunity for title to such land especially that surrounding natural resources such as forests, majority of DLBs across the country deny the communities this right.

- ***Lack of District Compensation Rates to facilitate a fair land giveaway process:*** In the same vein, the DLBs in the districts visited are not well facilitated to compile the rates of compensation which is one of their mandates within the law. These rates are necessary to guide the compensation of the communities deprived of their land. In absence of these rates, the compensation awards have often bred disputes as local communities protest the alien assessments by technicians from beyond their districts that have no basic knowledge on the socio-economic set of the district and the other attendant invaluable cultural dynamics that determine land value. This, the study finds, frustrates compensation efforts of the affected communities.
- ***Defunct District land tribunals and the impact of their absence on LSLBs and Land giveaways disputes.*** The D.L.Ts that are mandated to deal with disputes at the district level emerging from land rights related disputes were non-functional at the time of the study. Disputes concerning land ownership, multi-interests on land such as legal and equitable interests on land given away by the District Land Boards (DLBs) would potentially have been dealt with by the DLT. With their absence, the affected parties have to resort to formal Courts, majority of them not situate in the districts where the land contended is situate for example the case of Mubende where the affected communities

had to travel to the High Court and Court of Appeal in Kampala for over 17 years concerning their cases which negatively impacts on access to justice for communities affected by the land giveaways.

- ***Inadequacies in Chief Government Valuer Office.*** The human and financial resources' incapacitations that characterize the Office of the CGV also hamper the realization of rights of communities affected by land giveaways. The persons that are have rights and interests in the land given away are entitled to compensation, an assessment of which must be arrived at by the CGV to facilitate their payment for them to vacate the land under question. Findings reveal that this office is not widespread in the entire country as it is supposed to be in each district to liaise with the district land boards in coming-up with compensation rates of the district to facilitate a smooth process of compensation. Because they are not available, communities now depend on private valuers who are not only expensive but subject to manipulation to under or over value certain properties depending on the agenda of the person hiring them.
- ***Judiciary: justice delays for affected communities of land giveaways.*** Communities affected by the land giveaway in Mubende, Amuru and Kalangala districts that sought to challenge the government and district authorities continue to wallow in the injustice





occasioned by the Court delays in delivering justice to their cause. In Mubende district for example, the Court case has taken over 17 years oscillating between appeals and contempt of Court as government officials under look the Court orders issued to compensate the affected, evicted communities. Additionally, the Court process is inaccessible to many due to both the expenses involved and indeed distances communities have to travel to attend hearing their cases when called upon in situations where the Courts are not within the geographical location of the contentious land.

## Recommendations

1. Enactment of Regulations to governance Assessment and Payment of compensation: These regulations should provide for a reasonable, equitable formula on how to determine what is fair, adequate and prompt compensation and also provide for a time frame within one must receive compensation for his/her property before eviction.

2. Legislative Reform (Article 26 (2) of the Constitution of Uganda): Need for legislative reform, in particular to define the central terms that justify land giveaway for conceptual clarity. These terms as used in Article 26 (2) of the Constitution include 'public interest,' 'public order,' 'public safety' and 'timely, 'adequate,' 'fair and prompt.' Such amendments would rely or purpose to consolidate the progressive inroads that have been made by the Court of law in their quest to define these terminologies.

3. Development of guidelines on free, prior and informed consent It is evident from the study that most of the land giveaway were affecting communities who were beneficiaries on the land in question. The government therefore needs to develop guidelines on FPIC that will enhance meaningful participation during land giveaway. The guideline should also stipulate how best the community can be engaged by the government agents responsible for giving away land.

4. Development collaborative co-management agreements of natural resources between government and

communities living on/ next to these natural resources. The government needs to explore the option of developing collaborative co- management agreements with communities who are living on / next to natural resources so that they can co-manage these resources sustainability instead of giving away these lands to investors especially where communities derive their livelihoods from these natural resources.

5. Capacity Building for the District Land Boards on their obligations and limitations; Capacitate the District Land Boards through increased funding and training of members of the Board to ensure the timely appraisal of District compensation rates which are key for expedient compensation at the district level

6. Revival of the District Land Tribunals and Area Land Committees; Rejuvenate the functionality of the District land tribunals and Area land committees through increased funding and capacity building to boost their potential role at the local government in the expeditious resolution of land disputes during land giveaways especially of government land. Their functionality shall also contribute to reduction of the case backlog related to land disputes in the mainstream formal Courts of law.

7. Capacity Building for Personnel in the land giveaway and large-scale land acquisition Chain The Government needs to initiate capacity building and strengthening programmes for the various personnel in the various government agencies, central and local government levels that handle

land give away and large-scale land acquisition to enhance professionalism and their knowledge base on effective and efficient execution of this aspect. The capacity building would also aim at enhancing the expertise of these personnel with a human rights-based approach (HRBA) to large scale land giveaways especially during compensation.

8. Development and Operationalization of an Inter-Sectoral Coordination and Cooperation Framework During land giveaways There is need for development and operationalization of an inter-sectoral coordination and cooperation framework between the various MDAs across the board to help in the restoration of the livelihoods of the people who have lost their lands during land giveaway processes.

9. Equip the IGG office to counter Corruption in land give away processes Facilitate the Office of the Inspector General of Government (I.G.G) to adequately investigate, and prosecute the corrupt agents in the different MDAs in the chain of land giveaways.

10. Facilitate and fund a country wide programme to help communities occupying former public lands and customary land tenure holding families to access titles (Freehold and Customary Certificates of title.

11. Rejuvenation of the Land fund  
Revive the land fund to facilitate buying of land for communities affected by land giveaways and to support livelihood restoration.

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