

**COUNTRYWIDE SURVEY ON THE STATUS OF LAND
RIGHTS VIOLATIONS DURING COVID-19 LOCKDOWN
IN UGANDA**

Final REPORT

Prepared for:

Food Rights Alliance
P.O Box 5796 Kampala, Uganda
Plot 82 Muteesa I Road - Namirembe

September, 2020

Prepared by:

Mugambwa Robert and Bagaboine Isaiah,
Rodell Consult, Plot 27 Clement Hill Road, P.O Box 74733 Kampala, Uganda
Phone: +256 702296072, E-mail: pineapplesafrika@gmail.com, rodellconsults@gmail.com

Table of Contents

Acknowledgment.....	iii
List of Acronyms	iv
List of Figures.....	v
Executive Summary.....	1
I. INTRODUCTION AND BACKGROUND.....	7
1.1 Background.....	7
1.2 Enter Covid 19; The Pandemic & Property Rights.....	8
1.3 Rationale and Objectives of the Study	12
1.4 Approach and Methodology	13
1.4.1 Survey Design	13
1.4.2 Study tools and data collection methods.....	14
1.4.3 Data processing and analysis	15
1.4.4 Limitations of the Study.....	16
2. LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK FOR LAND IN UGANDA.....	17
2.1 Legal Framework	17
2.1.1 Land tenure systems in Uganda.....	17
2.2 Institutional Land Governance framework.....	20
2.2.1 Uganda Land Commission	20
2.2.2 Ministry of Lands, Housing & Urban Development (MLHUD)	21
2.2.3 District Land Boards.....	21
2.2.4 Land Tribunals	21
2.2.5 The Department of Land at state House & RDCs	22
2.2.6 The Local Councils Courts.....	22
3. STUDY FINDINGS.....	23
3.1 Introduction.....	23
3.2 Demographics of the study	23
3.3 Occurrences of Land Rights Violations During Covid 19 Lockdown.....	29
3.3.1 Large Scale land-based Evictions	29
3.4 Drivers of Land rights violations during Covid-19 Lockdown	50
3.5 Community Response towards land rights Violation during Covid-19 lockdown	52
4 Recommendations& Conclusions.....	61
4.1 Recommendations for better management of land during disasters and pandemics	61

4.2	Conclusions	63
5	Annexes	I
5.1	Annex 1: Survey tools	I
5.2	Annex 3: References & Citations	XIX

Acknowledgment

The study team greatly appreciates the close collaboration exhibited by stakeholders during the preparation process of this report. The team preparing this report was led by Mugambwa Robert and consisted of Mr. Isaiah Bagaboine and Rebecca Akello.

The Evaluation team is deeply indebted to the Food Rights Alliance (FRA) team for their contribution to the success of this report. The survey team is specifically grateful to the Executive Director, Ms. Agnes Kirabo, the Heads of Programs, Mr. Jude Ssebuliba, Freda Orochi Laura and Gloria Achayo, for their technical and logistical contribution to the success of this report.

The Evaluation team is also grateful for the contributions of stakeholders at national and regional level to this report: We appreciate the Chief Administrative Officers (CAO) and the Residence District Commissioners (RDC) from the 9 districts who okayed the survey in their districts amid the covid-19 pandemic. The team would also like to thank the study participants from the district departments and offices namely; the Judiciary, Lands, Police, Community Development and Civil society organizations.

The consulting team is also grateful to the Research Assistants led by Jocelyn Amongin, Sendyose Godfrey, and Xavier Ndyanabo for managing the field teams and data collection process.

May the good Lord bless you abundantly,

Mugambwa Robert, Team Leader

List of Acronyms

COVID-19	Corona Virus Disease 2019
CSO	Civil Society Organisations
DGF	Democratic Governance Group
DPC	District Police Commander
EA	Enumeration Area
FGD	Focus Group Discussion
FRA	Food Rights Alliance
KCCA	Kampala Capital City Authority
KII	Key Informant Interviews
LC	Local Council
MDA	Ministries Departments and Agencies
MLHUD	Ministry of Land Housing and Urban Development
NEMA	National Environmental Management Authority
NFA	National Forestry Authority
NGO	Non-governmental Organisation
NLP	National Land Policy
PAP	Project Affected Persons
RDC	Residence District Commissioner
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic Health Surveys
UNRA	Uganda National Roads Authority
UPDF	Uganda People Defense Force

List of Figures

Figure 1: Study Implementation Framework	13
Figure 2: Social demographic characteristics of respondents	24
Figure 3: Ownership of land at district level	26
Figure 4: Size of land owned by households	27
Figure 5: How household acquired land.....	27
Figure 6:How land is acquired at regional level.....	28
Figure 7: Figure showing who makes decisions to USE Land	28
Figure 8: Land size owned in Mubende.....	37
Figure 9: Who is violating Land rights in Mubende	38
Figure 10: What have Land rights violations led to?	38
Figure 11:Kinds of Land violations in Amuru	39
Figure 12: Who is violating Land rights in Amuru.....	39
Figure 13: Results of Land rights Violations.....	40
Figure 14: Results of land violations.....	41
Figure 15: Kinds of violations faced in Arua	41
Figure 16:Who is causing Land violations in Soroti	44
Figure 17: Who is violating Land rights in Moroto	45
Figure 18: Forms of Land violation in Moroto	46
Figure 19: Nature of Violations on Land in Kalangala.....	47
Figure 20: Who is violating Land rights in Kalangala	48
Figure 21: Who is violating Land rights During Covid-19 lock down	49
Figure 22: Kinds of Land Disputes during Covid-19 lock down.....	50
Figure 23: Land Justice Referral systems USED during Covid-19 lockdown	53
Figure 24: Citizens experience with noted referral systems	54
Figure 25: Authorities citizens feel confident to handle Land Rights Matters During Covid-19 Lock down	56
Figure 26: Who is most affected with Land rights Violations during Covid-19 lock down.....	58
Figure 27:Reasons as to why people are not adhering to Covid-19 guidelines	59
Figure 28: Categories of people that have violated Covid-19 Land guidelines	60

Executive Summary

Pandemics are very troublesome phenomena, and for that reason they both intrigue and frighten the people. As communities, governments and corporations' race against the strides made by the pandemic, the normal management of society, business and way of life are disrupted by the pandemic. This study was carried out between August-September 2020 by Rodell Consults to interrogate land rights violations in Uganda during Covid-19 lockdown. The study was participatory with key interactive sessions with district officials, judicial officers, households, land departments, officials from Uganda Police, among others.

General and Specific objectives

The countrywide study was undertaken to document land rights violations as a result of lock down operations of the Covid-19 pandemic. The survey was specifically aimed at:

- i) Collecting evidence of occurrence of land rights violations during the lockdown period
- ii) Investigating drivers of land rights violations during the targeted period
- iii) Documenting community response towards land rights violation during the Covid-19 lockdown
- iv) Developing a policy brief on the impact of the violations on the affected community and provide policy recommendations for better management for the sector during disasters and pandemics.

Methodology

The survey employed both quantitative and qualitative data collection methods to gather primary and secondary data. The following were the primary methods: Quantitative surveys (LCI and household) which used face-to-face interview, and KIIs and FGDs.

The study employed a multi-stage sampling frame, drawing from the 2014 Uganda population and housing census as the sampling frame combined with the 2011 Uganda Demographic Health Survey (UDHS) which divided the country into 9 sub regions. The sample was designed to provide population and land rights violations estimates for the country as a whole and for urban and rural areas separately. One district was selected from each sub-region using probability proportional to size per region. From each of the districts, 5 Enumeration Areas(EAs) were selected. From each EA, a minimum of 20 households were randomly selected. In each enumeration area/ village, one LCI member was interviewed.

Purposive sampling was used in sampling key informants and FGD participants. The study participants are selected with a gender balance perspective and a sample size of **1233** respondents. The content analysis was used to draw inferences from qualitative data. Quantitative data was analysed using Stata Software and graphs drawn with Microsoft Excel.

Findings

This report reveals that in situations of crisis like the existing global pandemic of Covid-19, people rely and hold on to the available limited resources in their reach for survival. Access to land is critical in times of crisis but it is often overlooked as focus is directed to sectors considered to be of higher priority, like health. It notes that the shutdown of Uganda increased the already soaring unemployment rates. And without public transport, neither service providers, nor their clients could easily access each other.

The lockdown further condemned low income earners to poverty because they were unable to carry on their day-to-day business transactions, majority of which are land based and are dependent on availability of public transport to access work sites. It is worth noting that over 80% of Uganda's labour force is engaged in the informal sector; many people rely on daily incomes which are meagre and they do not enjoy any social benefits or own registered assets. 13.7 million people of working age (UBOS, 2016) in the informal sector became more insecure and vulnerable to poverty, hunger, poor health, etc. due to the peculiar situation caused by Covid-19.

In regards to land governance, this report recollects the fact that Corona virus outbreak has greatly disrupted the land governance system of Uganda and yet it is key in the achievement of sustainable development and inclusive economic growth. The implementation of land laws, regulations, land processes, and initiatives had to be suddenly halted causing tenure insecurity to vulnerable populations. Closing land administration services during lockdown left the tenure insecurity for women especially and other marginalized groups at risk of suffering from land and property violations due to delayed justice.

The Findings from this study reveal that;

A third of community members were faced with land rights violations. 32.9% of the respondents reported to have heard of land rights violations in their neighbouring communities during Covid-19 lockdown.

Firstly, access to land justice has been a great challenge during lockdown, with restricted movement, people couldn't access the courts and other land administration institutions for redress. Some individuals and companies took advantage of Covid-19 lockdown and began violating Land Rights.

Large-scale land evictions during Covid-19 lockdown remained high despite the guidelines and measures given by government to avert them. The problem is extremely complex as on one hand it reflects a culture of impunity that has characterized Uganda's governance system while on the other hand, it is a consequence of the present economic, social, and political contexts and requires much more attention. Incidences of large-scale land evictions stem from the existing economic land concessions, the rising water level on water bodies, and the directives by government to remove encroachers, individual, and companies that act with impunity and with backing from state actors such as police, the army and the RDC

The study further discussed large scale violations into;

- a) 'Environmental' based evictions perpetrated by Government; During Covid-19 lockdown period, precipitated by increased rainfall, Uganda witnessed unprecedented rising water levels on Lake Victoria in Kampala, Jinja, Mukono, and Entebbe Municipality in Namiro swamp in Lugonjo, Nakiwogo, and other water bodies across the country. Majority of the communities occupying these shores undertaking businesses and residence, and had certificates of title for these lands. Others had legally obtained the requisite permission from the National Environment Management Authority (NEMA) to undertake non-detrimental business on these environs. The Government of Uganda reacted by announcing forceful evictions for all communities totalling an estimated 170,000 people who it called 'encroachers' and 'conscious liars'

- occupying the legally decreed protection zones of wetlands, shorelines and forest reserves referred to above so that it can demarcate the necessary boundaries
- b) Violations from the Western region of the country; The survey found that Kiryandongo district was the most affected with land rights violations during Covid-19 lockdown. A total of 44.34% of the respondents noted that they had had different kinds of violations on land during the lockdown. The study further interrogated about government ranch settler land rights violations where it was observed that during the lockdown period, some multinational companies used the situation to violently grab people's land. For example, it was reported that these companies used the first 35 days of Covid-19 lockdown which ended on May, 5th, 2020, to forcefully dispossess more than two dozens of smallholder farmers.
 - c) Violation from the central region of the country; in Kassanda district particularly, citizens faced all ills of injustice over land. Scores of Ugandans were evicted from their land; banana plantations were destroyed, houses were erased, and women raped. These land rights violations were witnessed in Bukompe village in Nalutuntu sub-county in Kassanda and were allegedly perpetrated by a one Abid Alam, a business man. The study also exposed more violations in Kampala and other parts of the region. In Central II, 27% of the respondents have faced land rights violations in their households and these happened mainly during the months of April, May and June. neighbours (29%), landlords (26%), and family members (26%) were identified as the most perpetrators of land rights violations during lockdown. These were followed by investors (13%).
 - d) Violations from Northern region of Uganda; In Northern Uganda, 25.2 % of the households visited noted that they faced land rights violations during the lockdown which were perpetuated by investors, neighbours, family members and local village leaders. Land rights violations by and large in this district led to violence (59%) and armed violence (48%) with few initiatives of peaceful resolutions. The households visited noted land issues led to fraudulent evictions and death (2%).

Drivers of Land rights violations

Land rights violations during covid-19 lockdown occurred on both large and small scale hence the presentation of the different drivers per the sale of violations. The household interactions and the various key informant interviews exposed the following drivers;

- **Large scale Agro-investments;** where the need to expand the production estates during lockdown, favoured by nice weather, saw an escalation of evictions by the investors on land that had encumbrances before the lockdown.
- **Infrastructure development;** in that the construction industry was classified as an essential service to respond to the clerical call of social economic transformation. The lockdown offered an opportunity to have uninterrupted construction works since many people stayed at home, observing the presidential directives and guidelines.
- **Response to effects of climate change;** with the raising water levels on Lake Victoria and Albert, NEMA, Police, UPDF and KCCA evicted people from the lake shores. Some evictions led to destruction of properties as was the case in Mulungu-Makindye division. Market stalls, stores and shops were destroyed, doors drawn out of the buildings and merchandise destroyed.

- **Conflict of guidelines and the Law;** when the Minister of Lands Housing and Urban Development issued guidelines that halted land transactions at all regional and district land offices, evictions and other land related matter before the judiciary. The guidelines were disregarded by some actors since the judiciary had already pronounced itself on such matters. A point in case is the Ndeeba St. Peter's Land evictions where the school and the church were destroyed and the priest evicted from his house. The court bailiffs acted with protection of police, citing the judicial position on the matter while disregarding the minister's guidelines.
- **Need of Increased agricultural output;** in that many urban dwellers relocated to their village homes for safety since Covid-19 cases were mostly found in the urban dwellings. With increased need of land in the communities, wrangles over boundaries increased during the lockdown as many needed to increase their food production owing to the fact that the family members had increased in number during the lockdown.
- **Urbanization and appreciating land value;** the announcements of the new cities also roused the land appetite of investors and speculators, catalysing the need for certificates of customary ownership. Families pushed for the processing land certificates during lockdown so as to benefit from the lucrative land value because of the coming of the cities. These processes however, have created more family tensions in Arua and Soroti over who is entitled to the land. In Arua city, the community members were persuaded by some politicians and speculators to register their land before the commencement of the city in July 2020 because the costs of processing customary land certificates in a city setting will be very high. Surveying of land continued during the lockdown as many were racing against the July deadline.

Community Response towards land rights Violation during Covid19 lock down

This study reveals communities by and large referred land violations cases to available offices with proximity to their dwellings. 36% referred land matters to the LCI while 20% reported to the Police¹.

Organizations like FIDA in West Nile, Justice Centers in Mubende are some examples of the institutions that people ran to for help. In Arua, for example, out of the 288 cases received by the community legal volunteers, the majority were arising from land.

Feedback from the various referral systems engaged to resolve land right matters during the lockdown spells out that 59.3% received assistance. However, a sizable number felt they were not treated fairly, others complained of the slow pace of handling land matters.

Corruption amongst the various referral systems was evident as 7% respondents noted that police asked for fuel, making referral processes expensive and thus eliminating those with minimal incomes to access land justice.

The study sought to understand whether Ugandans still felt secure from possible land rights violations during the remaining time of lockdown and beyond; 64.8% of the respondents still feel secure while 35.2% feel threatened

¹ Amuru, Mooroto and Luuka used the police more among other referrals

As regards what authority can strongly protect Ugandans from possible land rights violations during Covid-19 lockdown; many preferred their cultural institutions (42.84%) followed by the courts of judicature (8.79%) then the office of the president (8.23%).

Policy recommendations for better management for the sector during Disasters and Pandemics;

The following recommendations are proposed;

- *Development and implementation of an Inter-Sectoral Coordination and Cooperation Frameworks of Land administration;*
The pandemic has exposed how un-coordinated the land sector is therefore, as a matter of urgency, there is need to develop and make available an inter-sectoral coordination & cooperation framework between the different MDAs across the board to help in ensuring smooth land administration while focusing on the protection of land rights generally. In times of disasters, the frameworks need to spell out a continuation of land administration by the different MDAs to respond to the challenges of land rights violations.
- *Develop and operationalise Land mediation Committees to manage conciliations during pandemics and in normal times too;*
Pandemics confine people in a given locality which breeds more conflicts. This study shows that a lot of land rights matters, during Covid-19 lockdown, in communities were settled by mediation. It's important therefore for the law to be amended to incorporate mediation committees at the sub county and lower level which will have quasi-judicial powers with mediation element and more friendly in nature.
- *Support land administration offices with technology and other logistics to remain functional during pandemics and easily share land information with the judiciary and security organs;*
Land administrators especially the Ministry of Land and the District Land Boards should keep all channels of communication open amidst any pandemic because without open channels, it is hard to detect land rights violations at the grassroots. All the area land communities, parish and district structures should be capacitated to detect and handle land rights issues during pandemics and calamities, and to efficiently handle or forward the land rights issues to judiciary for redress.
- *Expedite the formation land acquisition, rehabilitation and resettlement policy and include clauses of land administration during disasters specifically increase the disturbance allowance to 65% in times of pandemics;*
To protect people's land rights, Ministry of Lands should finalize the land acquisition bill as well as the rehabilitation and resettlement policy to provide a clear path for communities with complex land challenges that come with displacement/evictions. The policy should clearly address land rights challenges faced in case of pandemics too. Currently, a disturbance allowance of either 15% or 30% of the total compensation amount, depending on the grace period given (a of minimum 6 months or less than 6 months respectively), is paid to both land owners and tenants. However, during a pandemic, the compensation costs of transportation, disturbance, settling-in, and transition support need to be considerate since costs skyrocket during a disaster or pandemic just like it was the case with Covid-19 lockdown. It's proposed that a disturbance allowance of 65% in a pandemic be offered to meet the PAPs' needs and encourage relocations too in such times.
- *Institute a team at district level to oversee fair compensations during pandemics;*

District Land Boards, Land and Judicial officers plus CSOs should form a team to oversee adequate compensations on contested land during pandemics and in normal situations. Similarly, the team should be mandated to ensure that compensation is done in an orderly manner and in a given timeframe to limit cases of re-occurrence of claimants that trigger confusion and violence. Government should ensure that fair compensation guarantees a continuation of the people's livelihood; a piece of land for land compensation with similar quality characteristics and size is recommended during a pandemic. This will safe-guard the livelihoods of the people displaced to a greater extent as opposed to only cash competitions.

- *Incorporate land administration guidelines during pandemics into the Law;*
The pandemic has presented a need to manage land administration in a way that is mindful of the land rights of people under confinement. The Ministry of Lands, Housing and Urban Development should ensure that the guidelines set during the pandemic shouldn't stop at being administrative tools only, but be incorporated into the law so as they can be of much effect. Some stakeholders disregarded these guidelines, arguing that they never had the backing of the law.
- *Development and realization of a policy on evictions;*
Ministry of Lands Housings & Urban Development should come up with stringent laws on evictions, because the guidelines on evictions alone will not address the root cause of the problem. A comprehensive policy should be set up to address the problems of land evictions and this policy should incorporate a thorough social impact assessment for activities that may result in land eviction. The policy should clearly discourage land evictions during pandemics in order to safeguard land rights. The current guidelines give a lot of powers to the police that necessitates a lot of to and fro engagements with the security apparatus before evictions are made. The policy adjustment should seek to harmonize the various roles of stakeholders while amplifying the need to secure the rights of the land owners and users in a pandemic.
- *CSOs;* There was little access to the various communities in which CSOs operate, save for organizations that used a community-based monitoring system of volunteers. Access to people that experienced land rights violations was a challenge. A consortium of landrights players can ensure coordination and widen the scope of reach during a pandemic. CSOs need to set up a robust response system to address land rights violations during pandemics as was the case with GBV incidences.

I. INTRODUCTION AND BACKGROUND

1.1 Background

Land includes the surface of the earth, what is beneath and above it, and all things fixed to it. This includes buildings, housing, and other improvements, as well as the natural resources located below or above the soil. Uganda covers 241,040 square-kilometres—197,100 square-kilometres of land. Arable land comprises 27.4%, and 11.2% is in permanent crops; only 0.1% of cropland is irrigated (World Bank 2009)². Bringing the dynamic aspects of human engagement into the picture, land also forms part of economic, social, political, cultural, and historical activity (UN-Habitat, 2018)³. In this sense, land is tied directly to many concepts that are fundamental to peace and security, human rights, and development. Land is a concept that crosses many disciplines: law, governance, human rights, economics, politics, and culture. Human rights abuses and violations linked to land take many forms. They include violent disputes over land and territory; forced evictions from houses and land; the loss of access to livelihoods and natural resources (UNDG-ECHA 2013); and the dispossession of land and property. Most households in Uganda have often experienced a combination of these situations. The control of productive land is also highly concentrated and unequally distributed across the regions, between income groups and by gender. Land inequality is highest in the central region, and is higher in urban areas than in rural areas. Mailo land (a customary form of freehold land) given by the British colonialists to the Buganda kingdom resulted in inequity that remains today (Green 2005)⁴.

Land is the main source of livelihood for many Ugandans and a vital resource in the development agenda of the country towards the middle-income status. Its management and governance is therefore essential towards nation building and people development. The 1995 Uganda Constitution and other legal frameworks namely, the National Land Policy, the Land Act 1998, provide for better land governance while protecting the rights of people using, owning and accessing the land. The call for stronger institutions and procedures for resolving land conflicts and disputes by government is unprecedented nowadays as the people face stiffer challenges in the use, management, and ownership of land. With Covid-19 lockdowns and limitations, the people face yet another livelihood challenge which has not spared land governance.

The Right to Land in Uganda; The Constitution of Uganda (1995, amended in 2005) vests land in the citizens of Uganda. Every person has a right to own property, either individually or in association with others (Section 26[1]). The Constitution guides that the citizens can hold land under four tenure systems namely; Mailo, Freehold, Leasehold, and Customary. The registered person or customary owner of that land which they hold is known as the landlord. On registered land, there may be other people occupying and utilizing the land other than the landlord. These people are known as tenants. They too, are protected by the

²World Bank 2009 World Development Indicators, Washington DC: World Bank.

³UN-Habitat, 2018: LAND AND CONFLICT, Lessons from The Field on Conflict Sensitive Land Governance and Peacebuilding

⁴Green, Elliott D. 2005. Ethnicity and the politics of land tenure reform in central Uganda. Development Studies Institute Working Paper Series, 05–58. London: London School of Economics and Political Science.

law from being illegally evicted. An illegal land eviction is any forcible removal of a tenant, directly or indirectly, without prior court approval. Illegal eviction involves the threat or use of violence; a landlord's attempt to make a land unliveable in the hope that the tenants will leave⁵. No matter what the issue is between the tenant and landlord, as long as the landlord does not obtain a court order, then his/her actions constitute an illegal land eviction.

Pandemics are potentially very troublesome phenomena, and for that reason they both intrigue and frighten the people. As communities, governments, and corporations' race against the strides made by the pandemic, the normal management of society, business, and way of life are disrupted by the pandemic. As people ponder on how this disease spreads, what destruction it does to the body, how to prevent the spread, little attention is given to production, trade and public administration of factors of production such as land. The Covid-19 pandemic in Uganda is not exceptional to the observed characteristics of pandemics and social management in general.

1.2 Enter Covid19; The Pandemic & Property Rights

When the first Covid-19 case was confirmed in March 2020, a number of actions geared towards reducing the spread of the deadly virus were announced and executed by government, namely; closure of schools, suspension of public and private transports, ban on large gatherings, curfews and social distancing. Specific ministries also made a number of pronouncements and guidelines to respond to pressures caused by the pandemic. The Ministry of Lands Housing and Urban Development in particular put up guidelines namely; No land transactions (like searches, transfers, subdivisions, Caveats, assessment, and payment of Stamp duty) were to be executed by any land office during Covid-19 lockdown. The guidelines further spelled out that no person should be evicted from their land during the current Covid-19 lockdown period. They halted the payment of ground rent and execution of all court orders on evictions until after the Covid-19 quarantine was partially lifted in June 2020.

Essential & Non-Essential Service

In situations of crisis like the existing global pandemic of Covid-19, people rely and hold on to the available limited resources in their reach for survival. Access to land is critical in times of crisis but it is often overlooked as focus is directed to sectors considered to be of higher priority.

The Government of Uganda, like other governments in Africa and the world at large, put in place preventive measures including but not limited to; social distancing, self-isolation, suspension of public transport and gatherings, country wide lockdown, etc. to contain the spread of corona virus. Indeed the measures slowed down the rate of new infections and death, but populations that are dependent on land based livelihoods were exposed to a higher risk of poverty, hunger, and death.

A number of the businesses had to close during the crisis as directed by the government because they were categorized as non-essential (not engaged in health-related or

⁵Ministry of Lands, Housing and Urban Development (March 2017): What the Law Says on Land Evictions, Transaction Procedure series No. 18, Government Communication Strategy Implementation Series No.4

agricultural-based enterprises) hence service delivery all over the economy was/has been greatly disrupted. Service providers of various sectors have since opted for electronic-based platforms to reach and maintain working relationships with their clients. This mode of service largely excludes the illiterate and poor citizens, especially those in rural areas who are unable to afford or access the platforms.

Although both men and women have been affected, women have been affected more mainly because they are the primary users of land, providing the bulk of “non-contractible” agricultural labour (80 percent of the agricultural labour force in the country), and producing 80 percent of food crops in Uganda (FAO, 2010; UNDP, 2012). Limited or no access to land during the lockdown aggravated the already existing socio-economic gender inequalities.

Lockdown Announcements

The shutdown of Uganda increased the already soaring unemployment rates, with many people put out of work. Without public transport, neither service providers nor their clients could easily access each other. The lock down further condemned low income earners to poverty because they were unable to carry on their day-to-day business transactions, majority of which are land-based and are dependent on availability of public transport to access work sites. It is worth noting that over 80% of Uganda’s labour force is engaged in the informal sector; many of these people rely on daily incomes which are meagre and they do not enjoy any social benefits or own registered assets. 13.7 million people of working age (UBOS, 2016) in the informal sector became more insecure and vulnerability to poverty, hunger, poor health, etc. due to the peculiar situation caused by Covid-19.

Majority of the informal workers are involved in small-scale businesses such as weekly roadside and rotational markets, small retail shops, street hawking/vending, casual labour, and subsistence agriculture to support their livelihoods. [Small-scale] farmers have been the most affected because they don’t have land titles, and they have limited access to extension support, social security, and formal credit markets (Rugasira, 2016). Most people returned to their villages and focused on agriculture or crop production to buffer their incomes and secure food.

Following several reports of illegal land evictions in Uganda, the MLHUD issued interim land management guidelines to halt all kinds of land evictions during Covid-19 lockdown (The Independent April 16, 2020). The Government received reports of illegal land evictions in several districts, including; Kiryandongo, Hoima, Mubende, Mityana, Kassanda, Wakiso, Luwero, Nakaseke, Nakasongola, Masaka, Mayuge, Napak, Kotido, Abim, Mukono, Kayunga, Wakiso, Kabermaido, Bunyangabu, Kampala, Kiboga, Kyankwanzi, and Mbale⁶.

Consequently, the Ministry guided the citizens and the general public as follows:

1. No tenant by occupancy should be evicted from their bibanja, or the land they are in possession of during the current Covid-19 lockdown period;
2. There should be no collection of annual nominal ground rent by landlords or the representatives during the Covid-19 lockdown period;

⁶<https://ugandamediacentreblog.wordpress.com/2020/04/16/press-statement-on-directive-to-halt-any-evictions-of-bonafide-and-lawful-occupants-on-registered-land-during-the-covid-19-lockdown-period/>

3. Any land sharing engagements between tenants by occupancy and landlords are prohibited until after the lifting of the Covid-19 lockdown period. Any forceful engagements and /or impending evictions should be reported to the Police and other law enforcement agencies as soon as possible.
4. Where a landlord chooses to sell land to a different person other than the tenants during this Covid-19 lockdown period, the rights of the existing tenants shall not be affected in any way, and the old landlord shall take the responsibility of introducing the new landlord to the tenants for purposes of paying him/her busuulu, after the Covid-19 lockdown period is lifted.
5. The District Security committees chaired by the respective Resident District Commissioners are directed to assist lawful and bonafide occupants to remain and enjoy quiet possession of their bibanja, and to suspend the implementation of any eviction order during the Covid-19 period, aware that Government issued a “stay at home” guideline, and with most Government officials out of station to intervene in the protection of lawful and bonafide tenants.

Conversely, the judiciary also announced a set of guidelines for the operation of court. On 19th March 2020, the chief justice issued a circular (CJ/C-7) that spelled out the administrative and contingency measures to prevent and mitigate the spread of coronavirus by the judiciary. Notable six out of the eight the guidelines included;

1. All court hearings and appearances are hereby suspended for the period of 32 days with effect from 20th March 2020. For cases at the stage of submissions, the respective courts may advise the counsels/ parties to file written submissions.
2. During this time, prisoners and remandees will not be presented to court. Where possible proceedings may be conducted by video link.
3. All execution proceedings are hereby suspended for the same period of time except where attachment has already taken place.
4. Courts will continue to handle certificates of urgency and taking plea for serious cases and bail applications. Only the applicant and his/her lawyer, or in the case of bail application, the sureties will be allowed in court.
5. During this time, all Judicial officers and staff will continue being on duty. However, there will be no open court appearances. Judicial officers with pending judgments shall use this period to complete them. Where possible Judgments and Rulings may be issued to the Parties online or via E-mail.
6. All conferences, workshops, meetings and training programmes local and foreign are hereby suspended for a period of 32 days.

On March 31st 2020, more stringent measures by the executive were set, the administration of justice was not listed among the essential services, yet the consequences of the public disobedience of the measures meant that violators were sanctionable by law. The accessibility of judicial processes, such as arraignments, the taking of pleas, and the right to apply for bail were given little or no thought. This made the legally provided timeline for the filing of civil matters and the required efficiency in the judicial ethical code difficult to maintain⁷. With time these measures have since been renewed, in the Uganda Chief Justice’s

⁷COVID-19 and the Administration of Justice: A Reflection on Ethical Judicial Conduct By: Justice Henry Peter Adonyo

“Guidelines for online hearings in the Judiciary of Uganda” (29th April 2020), an online hearing of cases was enabled with technological and logistical challenges.

As the Covid-19 lockdown raged on, some opportunistic actors such as government, land owners, and wealthy investors used the crisis to evict people from houses, land, and informal settlements without prior notice. This has led to loss of livelihoods, hopelessness and frustration, increased landlessness and has fuelled deadly conflicts. Women, especially widows, single women, and children have been most affected by the evictions. Despite the government ban on any land transactions happening during the lockdown, incidences of rights violations have continued to rise, mainly due to lack of knowledge of land rights, low or absent knowledge on existing legal framework on land, and inability of complainants and defendants to access court or land administration offices.

The moratorium on land transactions by the Minister of State for Land, Housing and Urban Development was aimed at ensuring protection for the most vulnerable, however it was inefficient as it was and has been disrespected by many. On several occasions, security agencies including the police and army have been reported to protect land grabbers in situations of eviction rather than the vulnerable community members. Cases of eviction have been sited country wide and in refugee camps like Kyangwali and Kiryandongo. Over 5,000 people were displaced from Kyangwali refugee settlement during lockdown while some host community members were forced to sell off their land cheaply. The same situation happened in Kiryandongo and Atiak to over 500 families that were rendered homeless (Tenywa, 2020). Other cases of land related violations include demolition of schools by investors, destruction of, homes, gardens and farms. Some landlords as well threatened tenants with eviction notices over non-payment of rent. The old taxi park in Kampala was fenced off during the lockdown depriving many such as taxi drivers/conductors and vendors of their known stations of work and frustrating the park users. Human rights activists have been unable to support some of the affected communities due to the restricted access and heavy deployment of security officers to guard the areas.

Land Governance

The coronavirus outbreak greatly disrupted the land governance system of Uganda yet this is key in the achievement of sustainable development and inclusive economic growth. The implementation of land laws, regulations, land processes, and initiatives suddenly had to be halted causing tenure insecurity to vulnerable populations. Closing of land administration services during lockdown left the tenure security of women especially and other marginalized groups at risk of suffering from land and property violations due to delayed justice.

Land conflicts continued to escalate during the lockdown because mainstream justice administration systems were functional but with only skeleton workers who were undeniably overwhelmed by the workload. The lack of clear guidelines to address unresolved land cases during the crisis coupled with lacking land law enforcement exacerbated land grabbing as the grabbers took advantage of the state of affairs to grab more land from the vulnerable who could not seek redress.

NDP III & Urbanization

The pause on economic activities triggered a change in social behaviours and de-urbanization with more urban dwellers abandoning urban settlements to move to their small home towns in rural areas in search of tenure security and livelihood support. Without jobs to support themselves and families, many found themselves unable to financially support the highly commercialized lives let alone afford shelter, they thus chose to move to villages. While some decided to re-think or change from settling in the urban and purchasing land in the less developed districts. This is causing competition and scramble for productive resources such as land in rural areas and rise in land injustices coupled with the struggle to re-integrate. On the other hand, the urban-rural migrants have left behind properties some of which are not registered and are at risk of being taken over by opportunists causing more land related challenges.

While the land and housing market in urban areas is bearing the unemployment brunt, the same may not be said for rural areas. The changing patterns of land use are cause of concern; there is increasing encroachment on land gazetted for wild life for purposes of agriculture and land for settlement; communities are losing their land to oil mining and refinery development, airfields and cities. Depending on the development approach taken by government, the situation presents an opportunity to strategically plan to develop and adequately facilitate rural areas to accommodate the increasing population and demands.

Impacts of climate change during Lock down

During the Covid-19 lockdown period, Uganda witnessed impacts of climate change such as rising water levels on major water bodies in the country. This left thousands of homesteads along the shores submerged in water. However, to many Ugandans, this presented a double tragedy; on top of being displaced by the rising water level, people were evicted from their land with no settlement options offered. Whereas the responsibility of government would be to find temporary shelter for the displaced people, on the contrary government institutions such as the Ministry of Water and environment (NEMA), KCCA and the UPDF marine used the opportunity, like other perpetrators, to evict people and left them homeless.

1.3 Rationale and Objectives of the Study

The countrywide study was undertaken to document land rights violations as a result of lockdown operations of the COVID19 pandemic.

Specifically, the survey aimed at:

- v) Collecting evidence of occurrence of land rights violations during the lock down period;
- vi) Investigating drivers of land rights violations during the targeted period
- vii) Documenting community response towards land rights violation during the COVID-19 lockdown
- viii) Developing a policy brief on the impact of the violations on the affected community and provide policy recommendations for better management for the sector during Disasters and Pandemics

1.4 Approach and Methodology

This part presents the methodology adopted for the countrywide survey. The section runs through the survey design, sampling framework, study methods and tools. Quality control mechanism, analysis plan, ethical considerations, and limitation of the study are also discussed in this part.

1.4.1 Survey Design

The Survey adopted a Descriptive cross-sectional study to ensure that data and information obtained from the sampled areas are transferable and able to be generalized for other areas as well. A collaborative and participatory mixed method approach that draw on both qualitative and quantitative participatory techniques was applied to ensure in-depth probing, as well as structured and less biased capture of information in order to document land rights violations as a result of lock down operations of the COVID19 pandemic in targeted communities. The survey was organized and implemented through major tasks and processes illustrated below:

Figure 1: Study Implementation Framework



- a) *Inception Phase*: This entailed holding an inception meeting with FRA to discuss and agree on the following issues: i) Understanding of the ToRs; ii) Project point of Contact; iii) survey team; iv) roles and responsibilities of each team in the implementation of the review; v) expected deliverables for both parties; v) Sampling, survey methodology, and study tools; and v) Project timeline.

During this phase, desk review was undertaken to have an understanding of the project. The desk review generated questions that guided the drafting of the research tools, it generated background information on the historical and contextual understanding of land rights violation in Uganda and how these have affected the wellbeing of the communities. It also generated information on the legal, policy and institutional framework underpinning land in Uganda.

- b) *Field Phase*: The field phase of the survey was undertaken in a participatory manner. In essence, this phase encompassed consultations with different stakeholders and field visits in the sampled districts to engage stakeholders including household, district officials and community leaders. Consultations adopted both quantitative and qualitative forms of engagements, drawing on household surveys, key informant

interviews and focus group discussions (FGDs). The data and information gathered was critically reviewed and analysed to identify answers to the study objectives.

- c) *Synthesis Phase*: This phase involved drafting the study report, validation, learning, and submission of the final report and action recommendations for better management of the sector during Disasters and Pandemics. After drafting the study report, it was submitted to FRA for review, suggestion of comments and improvement. The final report aided in drafting the Policy Brief on the impact of the violations on the affected community and policy recommendations.

1.4.2 Study tools and data collection methods

a) Study Tools:

The survey employed both quantitative and qualitative data collection tools. These included the following: Key Informant Interview guides, focus group discussion guide, and questionnaires (Household and Local Council I).

b) Methods of data collection

The survey employed both quantitative and qualitative data collection methods to gather primary and secondary data. First, a literature review of all available documents relevant to the assignment was written to provide a clear understanding of the project and generate a summary of issues that required further investigation. Secondly, the survey utilized the following primary methods: quantitative surveys (LCI and household) which used face-to-face interview, KIIs and FGDs. The sections below present a brief discussion of the primary data collection methods employed in the baseline survey:

○ **Key Informant Interviews (KIIs)**

Key informant Interviews were used to examine explanatory and causal factors and a qualitative review of issues under the survey. The KIIs employed unstructured, standardized open-ended questions, which offered flexibility for non-standardized follow-up questions. These varied between key informants, allowing new questions to be brought up during the interview relative to what the interviewee said. Key informant interviews were held with Government institutions⁸, local leaders⁹, district officials, land department officers at local and national level. The list of key informant interview participants is presented in annex below.

○ **Focus Group Discussions (FGD)**

FGDs were also conducted to understand the current attitudes and behaviours that relate to land rights violations because of lockdown due the Covid-19 pandemic. In order to allow open discussions from all categories of people in the various communities, FGDs were stratified according to adult (women and men), and youth. Open-ended questions were employed to trigger discussions among participants.

○ **Household and Local Council I Survey**

Household and local council surveys were conducted with the aid of a household and a local council questionnaire. These were answered by the head of the household or the spouse. Where the household head was absent at the time of the visit, any adult household member

⁸ Such as Uganda Police Force, Judiciary Land division, Ministry of Lands & Urban Development etc.

⁹ Each Enumeration Area will have a community Volunteer interview the local leader and 20 households

aged 18 years and above was interviewed. The household survey provided information on the socio-economic conditions of all members of the household. It also provided specific information in relation to the land rights violations because of lockdown operations of the Covid-19 pandemic. The local council questionnaire on the other hand, was answered by the LCI chairperson or any other committee member in case the chairperson was not present at the time visit. Both the household and Local Council interviews were conducted in the form of a one-to-one interview in the local language with responses recorded by the research assistant using mobile Android phones/tablets, using Survey CTO Collect software platform.

c) Sampling

The study employed a multistage sampling frame drawing from the 2014 Uganda population and housing census as the sampling frame combined with the 2011 Uganda Demographic Health Survey (UDHS) which divided the country into 9 sub-regions. The sample was designed to provide population and land rights violations estimates for the country as a whole, and for urban and rural areas separately. One district was selected from each sub-region using probability proportional to size per region. However, FRA project districts and districts where land evictions and violations were rampant during the Covid-19 lockdown had an added advantage. From each of the districts, 5 Enumeration areas (EAs) were selected. From each EA, a minimum of 20 households were randomly selected. In each enumeration area/ village, one LCI member was interviewed.

Purposive sampling was used in sampling key informants and FGD participants. The consulting team ensured that the study participants are selected with a gender balance perspective. Table 1 below presents the actual sample size achieved

Table 1: Summary actual Sample size achieved

Sub-region	District	Surveys		FGD		KII	
		Household	LC	Adult	Youth	Participants	No. of KIIs
Central 1	Kalangala	114	5	10	10	4	
Central 2	Mubende	111	5	10	10	4	
Eastern	Soroti	111	5	10	10	5	
East Central	Luuka	93	5	10	10	4	
Northern	Amuru	105	5	10	10	4	
Karamoja	Moroto	118	5	10	10	4	
Western	Kiryandongo	106	5	10	10	4	
West Nile	Arua	107	6	10	10	5	
Kampala	Kampala	103	5	12	10	3	
Total		968	46	92	90	37	0

1.4.3 Data processing and analysis

The baseline survey involved a critical review of the information gathered to identify answers to the survey questions. Content analysis was used to analyse qualitative data collected during the fieldwork. The content analysis allowed the survey team to draw inferences from qualitative data. Some direct quotations and citation have been included in the report. Quantitative data was analysed using Stata Software and graphs drawn with

Microsoft Excel. Data analysis generated descriptive statistics, frequencies, percentages, and cross-tabulation that was complemented by the qualitative findings.

1.4.4 Limitations of the Study

a) **Reluctance and lack of cooperation from some officials:**

It appears that some officials have been implicated in land rights violations, as such, they were hesitant in authorizing the survey while others could not easily reveal information on land rights violations. For example, before the interview, they would say there has been land rights violation during the lockdown. Once you asked questions about the drivers and perpetrators of land rights violation, then aspects of social desirability would come in by answering the questions in a way that would favour them or they would avoid the question. To overcome this challenge, the interviewer would ask some questions in a way that would solicit for general answers, the interviewer also emphasized the importance of the study.

b) **Political season:**

The survey was conducted at a time when most political parties were engaged in their party primaries. For example, the study coincided with the National Resistance Movement (NRM) party primaries, which was conducted at village level in the entire country. Finding local council leaders at their offices or places of residence was therefore, difficult. Most household had gone to the polling centres, while some district official received the study with suspicion in relation to the political season. To overcome this, the researchers made several call-backs to the households and LC that were not present at first visit. The researchers also presented introduction letters to the officials who were suspicious about the study

c) **Bureaucracy:**

The bureaucratic tendencies and existence of several power centres at Kampala Capital City Authority (KCCA) affected timely data collection. This was overcome by making repeated call-backs.

2. LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK FOR LAND IN UGANDA

2.1 Legal Framework

Uganda has undertaken a series of ambitious legal and policy reforms with regard to land and property rights and resource governance since 1995, with the intention of bringing about fundamental reforms in rights, tenure management, and control of land. Article 26 of the Uganda Constitution 1995 affirms peoples' right to property, and Chapter 15 of the constitution explains the institutional framework governing land¹⁰. The Land Act 1998 sets the laws on how land matters raised in the constitution can be implemented; the Land (Amendment) Act 2004 affirms women and family rights to land; the Land (Amendment) Act 2010 harmonizes the interest of "bona fide" and Customary/bibanja tenants and national land policy was put in place in 2013 (Oloka-Onyango 2017). These laws are explained in details below:

a) *The Constitution of the Republic of Uganda*

The Constitution of Uganda (1995) redefined land rights, attempted to resolve old conflicts, and provided an institutionalized framework for land management with decentralization a key feature of that framework. Article 237 (1) states that land in Uganda belongs to the citizens of Uganda. Land is vested in the citizens of Uganda in four land tenure systems: Customary, Freehold, Mailo and Leasehold. Article 237 (8) of this constitution and the Land Act [CAP 227] guarantee the security of occupancy of tenants (Bibanja holders) on registered land. The constitution also defines a bonafide occupant and lawful occupant of the land: to qualify to be a bonafide occupant, one must have settled and utilized the land unchallenged by the registered owner for twelve years or more before the coming into force of the 1995 Constitution, This is a person who settled and used the land before 8th October 1983; a Lawful Occupant on the other hand means: a person occupying land by virtue of: a) The repealed laws; (i) Busuulu and Envujjo Law of 1928; (ii) Toro Landlord and Tenant Law of 1937; (iii) Ankole Landlord and Tenant Law of 1937. (b) A person who entered the land with the consent of the registered owner, and includes a purchaser; or (c) A person who had occupied land as customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring a registrable interest.

The constitution of Uganda buttresses the rights and freedoms of Ugandans in the fourth Chapter where it is categorical with Land rights. Article 26 clearly spells out how Ugandans are protected from being deprived of their properties like land. Objective 14 (b) of the Constitution recognizes the responsibilities of the state; "*General social and economic objective* provides that the State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that—all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits". The protection of people from injustice of all forms is a promise from the state as presented by the 14th National Objective and directive principles of state Policy.

2.1.1 Land tenure systems in Uganda

The 1995 Constitution [Art. 237 (3)] recognizes four types of land tenure systems in Uganda; customary, Mailo, freehold and leasehold.

¹⁰The Constitution of the Republic of Uganda 1995

Freehold Land Tenure System is the way of owning land in Perpetuity or Time Without end and was set up by an agreement between the Kingdoms and the British Government. The 1998 Uganda Land Act defines 'freehold tenure' as a land tenure that develops its legitimacy from the Constitution and the written law. The Land Act specifies that the freehold land holder has full powers of ownership over it. This implies that that person may use it for any legalized purpose like selling, letting, leasing and disposing it off by will or execute it in any way as he/she may deem it right and prudent.

The Mailo Land Tenure System is where land is registered and owned in eternity or perpetuity with its holder having a land title for it. This land tenure in Uganda has its basis from the allocation of land pursuant to the 1900 Uganda Agreement, subject to legislative qualifications. Land held under mailo tenure is mainly confined to the central region of Uganda. The system confers freehold granted by the colonial government in exchange for political co-operation under the 1900 Buganda Agreement. Mailo land, like freehold, is registered under the Registration of Titles Act. All transactions must therefore be entered in a register guaranteed by the state. Under this tenure, the holder of a mailo land title has absolute ownership of that land.

Leasehold Land Tenure System is a kind of land ownership for a particular period of time. The terms and conditions of which may be regulated by law to the exclusion of any contractual agreement reached between the parties. In Uganda one can get a lease from an individual, a local authority, an organization or Company, an institution like Buganda Kingdom or from Uganda government for a period usually 49 or 99 years or in between under agreed terms and conditions.

The Customary Land Tenure System is an arrangement under which land is owned by Indigenous communities and administered in line with their customs and norms. Customary Land Tenure applies to specific land areas and are governed by customary laws. Land under this tenure system is communally or jointly owned by particular groups of people. Land use under this tenure is commonly controlled by elders, clan heads or a group in its own well-defined administrative structure and authority. In Uganda, this land tenure is found in the north, south and western Uganda. Land Act identifies the fact that customary land occupancy conveys legitimate rights minus documented evidence and offers what is known as a "Certificate of Customary Ownership." The 1995 Constitution and the Land Act of 1998 puts customary tenure as standing at the same level as freehold, leasehold and mailo. However, Rose Nakayi points out that "... there is a gap between the expected implication of such legal inclusion about the customary and practice on the ground" (Nakayi, 2013: 461)¹¹. Part of the practice is the transition that the courts of law need to make in order to fully accommodate this form of tenure. Quite clearly there is need to revisit the manner in which customary law as a whole is treated both within the legal (evidence) instruments that govern the issue of proof in the courts of law and by the judiciary in their attitude to them. Rose Nakayi points out that, factors other than the rules of evidence need to be taken into account.

¹¹Nakayi Rose(2013), "Proving customary tenure in Uganda: A Review of Hon. Ocula Michael & Ors. v. Amuru District Land Board & Ors [HCT-02-CV-MA-No.12 of 2008]", East African Journal of Peace & Human Rights, Vol.19, No.2: 451-478

b) The Land Act:

The Land Act (1998) provides for the tenure, ownership and management of land; it also provides for the amendment and consolidation of the law relating to tenure, ownership and management of land; and provide for other related or incidental matters. The Land Act was enacted to regulate the land management system in Uganda. It provided for a certificate of occupancy to be issued to the occupant on application to the registered owner. The certificate is meant to enable the occupant to prove that he/she is bona fide. This therefore makes bona fide occupants statutory tenants of the registered owner and these occupants are required to pay ground rent to their landlords on mutually agreed upon rates. So, the original land owner remains, but the law also provides for the rights of the inhabitants on the land. In 2010, a new amendment to the Act provided that tenants who have lived unchallenged on registered land for 12 years or more, or who are settled on the land by the government, cannot be evicted for any reason other than non-payment of a nominal ground rent.

The Land Act also explains the roles and functions of different local and central government land structures such as Courts of Law, Land Tribunals, District Land Boards, District Land Offices, Area Land Committees, and Recorders at the sub-county levels and local councils in protecting peoples' land rights and mediating land disputes in accordance with the constitution of Uganda.

c) Policy framework

Uganda's government has undertaken a number of legislative and policy reforms on land. These reforms, combined with a rapidly-evolving economic situation, are raising new land and resource governance issues that need to be resolved. Key issues include: 1) optimizing agricultural productivity for food security and economic growth in part, by ensuring tenure security in ways that promote investment in sustainable development; 2) ensuring equity of access to land for all Ugandans, regardless of gender; 3) development of land markets that are transparent, sustainable and appropriately-priced; 4) facilitating foreign investments in resource-based enterprises while assuring a fair and adequate return for all Ugandans and avoiding "land grabbing" and "speculation"; and 5) establishing functioning public institutions that ensure responsible governance on behalf of the Ugandan public.

d) The Uganda National Land Policy (NLP)

The Government of Uganda formulated a national land policy in 2013 to provide a framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management, and control of land (MLHUD, 2014)¹². The Policy has two major objectives: (1) to re-orient the land sector in national development by articulating management co-ordination between the land sector and other productive sectors in the economy; and (2) enhancing the contribution of the land sector to the social and economic development of the country. The policy harmonizes the diverse views on historical land injustices; land management and land use; and contemporary land issues. It further protects the rights of the citizens to own land, which should be optimally utilized. The policy therefore, consolidates the various scattered policies associated with land and natural resources with emphasis on both ownership and land development.

¹²Ministry of Lands, Housing and Urban Development, *The Uganda National Land Policy*, Kampala, available at https://landportal.org/sites/default/files/the_uganda_national_land_policy-_february_2013.pdf

The Land Policy addresses the following key issues: Historical injustices and colonial legacies, which have resulted in multiple rights and interests over the same piece of land; disposition and loss of ancestral land by some communities; border disputes arising out of tribal, ethnic groupings, and trans-state border disputes; and the ineffective dispute resolution mechanisms, which have resulted into illegal evictions. It also tackles issues of inefficient and ineffective land administration and management system, which has made the system prone to fraud and forgeries. The policy provides for; the creation of a customary register to facilitate the registration of customary rights; the need to overhaul the existing institutional framework for land administration and land management through the decentralization of more efficient, cost-effective and accessible land services; the strengthening of women's land rights through the enactment of provisions promoting the regime of marital property law and joint ownership of land and property for married parties; re-institution of administrative Land Tribunals to handle escalating land conflicts and land evictions; and the legal recognition of the dual operation of both the customary and statutory systems in land rights administration, land dispute resolution and land management by empowering customary authorities to perform their functions (Naome Kabanda, 2013)¹³.

The policy further introduces essential reforms for stemming off escalating land conflicts and land evictions through re-institution of administrative Land Tribunals, creation of a special division in the Magistrates Courts and the High Court, and recognition of the dual operation of both customary and statutory system in land rights administration, land management and land dispute resolution.

Whereas the NLP has several noble and admirable statements of intent, it demonstrates a degree of dysfunction in the government. First, the policy should have preceded many of the laws on land which are no longer in tandem with the stated government elements now enshrined in the NLP (MacAuslan, 2013: 85)¹⁴. Second, the policy carried over many of the historical problems engendered by the colonial experience, coupled with the addiction to neo-liberal market interventions promoted by the World Bank.

2.2 Institutional Land Governance framework

2.2.1 Uganda Land Commission

Article 238 of the 1995 Uganda Constitution and Section 46 of the Land Act establishes the Uganda Land commission. The Commission has the power to grant estates and create rights or interests in land, and to manage, dispose of and otherwise deal with the estate, or interest in relation to land vested in it. The Commission; (a) holds and manages land which is vested in or acquired by the Government in accordance with the Constitution; (b) where applicable, holds and manages land acquired by the Government abroad, except that the commission may delegate the management of such land to Uganda's missions abroad; (c) procures certificates of title for any land vested in or acquired by the Government; (d) performs such other functions as may be prescribed by or under the Land Act or any other enactment.

¹³Naome Kabanda (2013), *Uganda's National Land Policy: Background, Highlights and Next Steps, Focus on Land*

¹⁴MacAuslan, Patrick (2013), *Land Law Reform in Eastern Africa: Traditional or Transformative?* Routledge, Abingdon/New York

2.2.2 Ministry of Lands, Housing & Urban Development (MLHUD)

The ministry is mandated to ensure a rational, sustainable, and effective use and management of land, and orderly development of urban and rural areas as well as safe, planned, and adequate housing for socio-economic development. It's also responsible for putting in place policies and initiating laws that ensure sustainable land management, promote sustainable housing for all, and foster orderly urban development in the country. The ministry sets national standards for matters regarding sustainable use and development of land and provision of safe, planned, and improved housing/human settlements.

Other roles of the ministry include; to monitor and coordinate initiatives in the Local Governments, provide support, supervision, and technical back-stopping to Local Governments as regards the lands, housing, and urban development sub sectors. Liaise with neighbouring countries for the proper maintenance of territorial boundaries.

2.2.3 District Land Boards

Section 56 of the Land Act establishes the district land boards. The board is a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name. The board is composed of a minimum of five members, consisting of the (a) a chairperson;(b) one member representing municipal councils;(c)one member representing urban councils; and (d) one member from each county in the district. The functions of the board include: (a) to hold and allocate land in the district which is not owned by any person or authority; (b) to facilitate the registration and transfer of interests in land; (c) to take over the role and exercise the powers of the lesser in the case of a lease granted by a former controlling authority; (d) to cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents; (e) to compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed; and (g) to deal with any matter which is incidental or connected to the other functions.

2.2.4 Land Tribunals

The district land tribunal consists of a chairperson and two other members. The chairperson is a person qualified to be a magistrate Grade I, while a member of the tribunal is a person with knowledge and experience in land matters. The district land tribunal has all the powers of a magistrate's court Grade I granted under the Magistrates Courts Act and, insofar, has the power to grant decrees of specific performance and issue injunctions, and generally has the power to grant such relief, make such orders, and give such decisions against the operation of any action, notice, order, decree or declaration made by any official or any board or any committee or any association or the commission, as the circumstances of the case require. And without limiting the generality of that power, may— (a) cancel any action, notice, order, decree or declaration; (b) vary the operation of any action, notice, order, decree or declaration; (c) postpone the operation of any action, notice, order, decree or declaration; (d) substitute a different decision for the one determined by any official, board, committee, association or the commission; (e) confirm any action, notice, order, decree or declaration made, notwithstanding that some procedural errors took place during the making of that action, notice, order, decree or declaration if the district land tribunal is satisfied. Whereas these land tribunals were established under the Land Act and

operationalised in 2001, because of inadequate funding, they were phased out in 2004. The national land policy provides for the reinstatement of the land tribunals.

2.2.5 The Department of Land at state House & RDCs

This was established under the broad mandate of the presidency to exercise executive powers as provided by the 1995 Constitution in 2006. The department was mandated to assist parties resolve land disputes through mediation. At the district level, the same mandate is executed by the RDC who is the president's representative. Statehouse has had various initiatives to resolve land rights violations. During the Covid-19 lockdown, the RDCs headed the Covid-19 district task force and were also in charge of issuing movement permits to people that were faced with an emergency.

2.2.6 The Local Councils Courts

Section 13 of the Local Council Courts Act, 2006 establishes the first court in which complaints like land rights violations can be reported which is the village local council court. The Local councils at all levels¹⁵ have powers to handle land matters for land located within their area as adduced by sections 9, 10 of the Act. For customary land, these courts deal with any size or value of land, but with other land tenure systems, the local council courts only deal with land disputes where the value of land is UGX2,000,000 and below (*section 10 of Local Council Courts Act, 2006*).

¹⁵ Village, Parish, Sub county & district

3. STUDY FINDINGS

3.1 Introduction

This chapter presents the findings of the countrywide survey on land rights violation during the Covid-19 lockdown in Uganda. The survey covered nine districts from nine sub-regions. To fully understand the study findings, the study first presents the demographic characteristics of respondents paying keen attention to gender, age, marital status, education status, and the main source of income for households. The chapter further presents land characteristics, expanding it to include incidences of land rights violations during the lockdown, drivers of land rights violations, and community responses towards land rights violations during the lockdown.

3.2 Demographics of the study

The study undertook a demographic inquiry into the respondents to best appreciate their various characteristics. It was found necessary for the study to highlight the various effects that the lockdown land violations have had on particular categories. In particular, how issues such as age, gender, and marital status among others either aids one's ability to stand up against violations or how they can further make one more vulnerable to the exigencies of land related violations which often are about power imbalances. Additionally, the study sought to be more representative, hence the analysis of gender, age, marital status, and education status of respondents. *The summary of findings is shown in figure 2 below.*

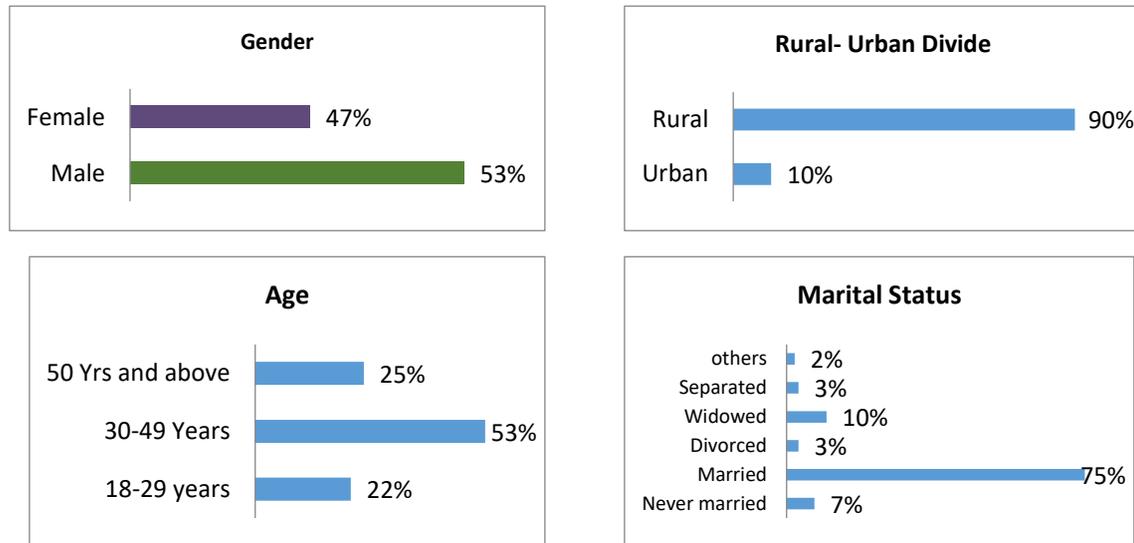
As a leading binary, the study focused on the gender of respondents. The results show that 53% of the respondents were male, and 47% were female. Clearly, the gender pendulum swings in favour of males. This also indicates that land discussions are patriarchal in nature even in times of pandemics like Covid-19, and women are seldom included. 38.9% of the respondents whose households faced land rights violations were women.

In relation to the age of respondents, majority of the respondents (53%) were aged between 30-49 years, 25% were 50 years and above, while 22% were aged between 18-29 years. Land rights violations during Covid-19 lockdown were reported more by the 30-49 years age bracket (54.4% reported violations). This is because it's the most engaged age group as regards owning of properties like land and faced more responsibility during Covid-19 lockdown. This is also explained by the fact that most have families and the elderly to look after as well, hence the need for land and its utilization. Therefore, they have to deal with issues pertaining land ownership, use, and management, and when not well-handled leads to rights violations.

As regards marital status, 75% of the respondents were married, 10% widowed, 7% single while the divorced and separated represented 3% each. More incidences of land rights violations were reported by the married (76.5%). A deeper interrogation of this finding further revealed that decision-making about use of land and other productive assets in the household are vested in the head of the household(63%). Few respondents, 24%, reported that both the household head and spouse make decisions on land and other productive assets. Conflicts on land arise from the unpleasant decisions made at the household level.

The average number of people in a household was 4 males and 3 females. This clearly shows that the number of people per household is very high and in case of land rights violation, many people would be affected.

Figure 2: Social demographic characteristics of respondents



This study sought to understand the education status of respondents, their main sources of income, and their ranking in the community in terms of wealth. It should be noted that these characteristics contribute much in one's understanding of the power relations and ability to withstand shockwaves that normally come with land rights violations. Various previous studies attest to the centrality of poverty and lack of education in accentuating vulnerability of people and as thus making them susceptible to being deprived of their land rights. The details are presented in table 3 below.

With regard to education status, majority of the respondents (46%) had stopped at primary level of education, 24% at secondary level, while 22% had no formal educations. Only 6% had tertiary level of education. 37.9% of respondents that had no formal education were found in Moroto district that was faced with illicit acts of land purchase based on the ignorance of the people. 11% of respondents with non-formal educations were found in Luuka district and 13.8% in Amuru ditrict. To make matters worse, 63.4% of respondents with non-formal education were women exposing them to more risks of losing land user or ownership rights due to fraudulent agreements and documentations.

Majority of the households (40.59%) earn their income from arable farming, 10.37% earn from a combination of arable farming and casual labour, while 9.58% practice mixed farming which involves the growing of crops and rearing of animals. The other sources of household income such as trade, wage labour, and pastoral farming represented an average of 3%. Clearly, the majority of the households earn their incomes from subsistence farming and, it's no mistake that the majority of complaints (39.8%) on land rights violations were from people that rely on crop farming alone.

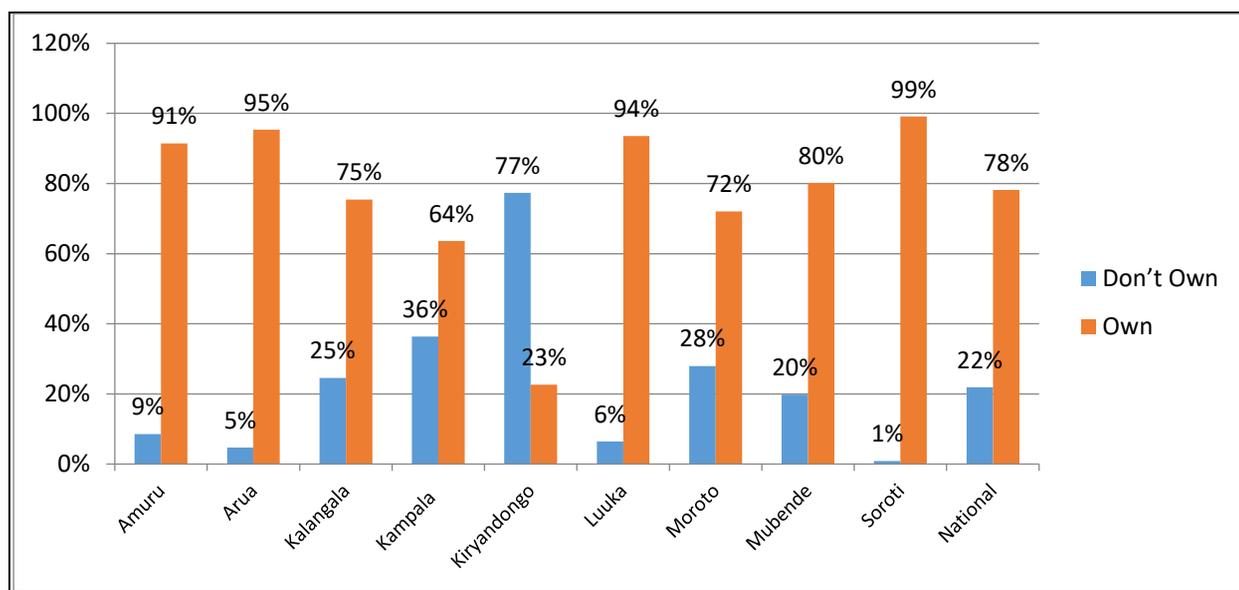
The study also asked households to rank themselves on how they are standing in terms of wealth in their communities. More than 50% of the respondents ranked themselves as poor/ low-income earners at 58%, 36% ranked themselves as medium earners, while 5% did not know their status. Only a paltry 1% ranked themselves as wealthy people. The corona virus pandemic disrupted economies, Uganda inclusive, as a result people’s wellbeing was hinged on land as a productive asset for food production and survival as most businesses were shutdown. This characteristic therefore gives a bearing of how wealth contributes towards protection of land rights.

Table 2: Household characteristics

Education Status	No formal Education	22%
	Primary Education	46%
	Secondary Education	24%
	Tertiary Education	6%
	Other (Specify)	1%
Main sources of income	Farming (Crops)	40.59
	Farming (Crops) & Casual Labour	10.37
	Farming (crops & animals)	9.58
	Casual labour	5.41
	Farming (Crops) & Trade	3.95
	Trade	3.49
	Wage Labour	3.38
	Farming (crops & animals) & Trade	2.82
	Farming (Livestock)	2.48
Wellbeing Rank	High	1%
	Medium	36%
	Low	58%
	Don't know	5%

Findings shows that, majority of the households (78%) owned land, while 22% did not own land. The question on the type of ownership, and whether they had documentation of the said land is discussed in subsequent sections. However, the implication here is that majority of the households live on their own land or owned land somewhere. As regards the customary land tenure system in the various communities visited, ownership is access rights to the land since most customary land is owned by the community, clan or family so no single individual claims its ownership.

Figure 3: Ownership of land at district level



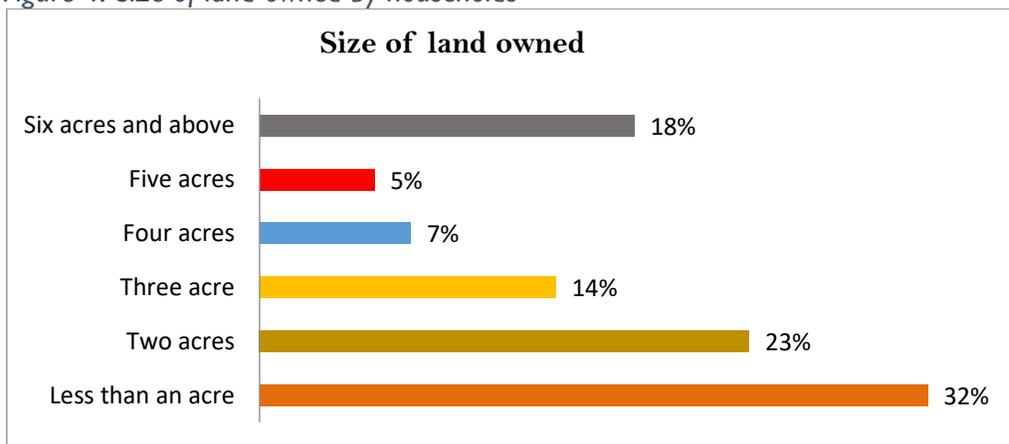
Source: Primary Data

A deeper analysis however, shows that majority of the households in Soroti (99%), Arua (95%), Luuka (94%) and Amuru (91%) have access rights to customary land. On the other hand, districts that have a mixture of freehold and Mailo land tenure systems like Kampala, Kalangala, and Mubende registered a slightly high number of people who do not own land. However, districts like Kiryandongo, where there's a high concentration of migrants and people displaced due to natural disasters registered a high number of people (77%) without land.

The study further revealed that more than 50% of the households own less than 3 acres of land. Those who owned between three and five acres of land were 26%, while those who owned more than five acres of land were 18%. Before the Covid-19, the problem of land fragmentation due to population increase was subsisting, characterized by more pressure on the land resource and attendant conflicts as many sought to have a parcel of the limited resource.

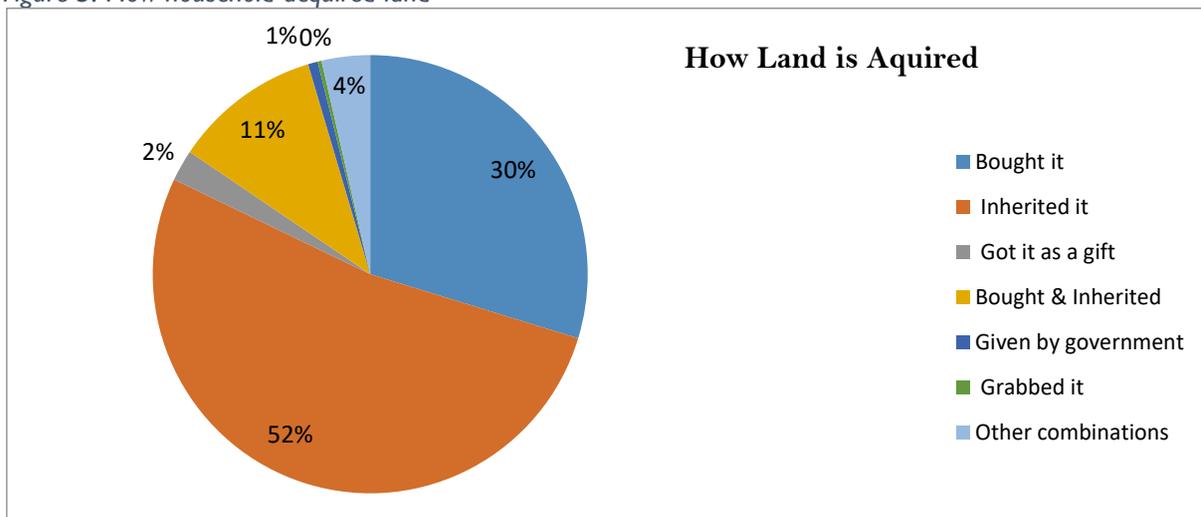
During the Covid-19 era, this was further exacerbated. Due to the restrictions that locked down almost all economic activities within the urban centres, there was manifest reverse migration from urban to rural areas. This ultimately led to increased reliance on land as a resource by the exploded rural population in a quest for survival. And also, the now returned urban dwellers increased friction and conflicts on land ownership and access to land use as against the rural cultivators that were using it before the spread of Covid-19. Additionally, as the findings reveal, majority of the respondents did not own land. Some only had user rights while other rented the land upon which they tilled from the land owners, using their hard-earned resources from selling off part of their subsistence procedure. With the economic losses that defined the Covid-19 period, some of the small-scale subsistence farmers renting land for their farming could not fulfil the necessary rent obligations and therefore lost the attendant rights to till accruing from these lands.

Figure 4: Size of land owned by households



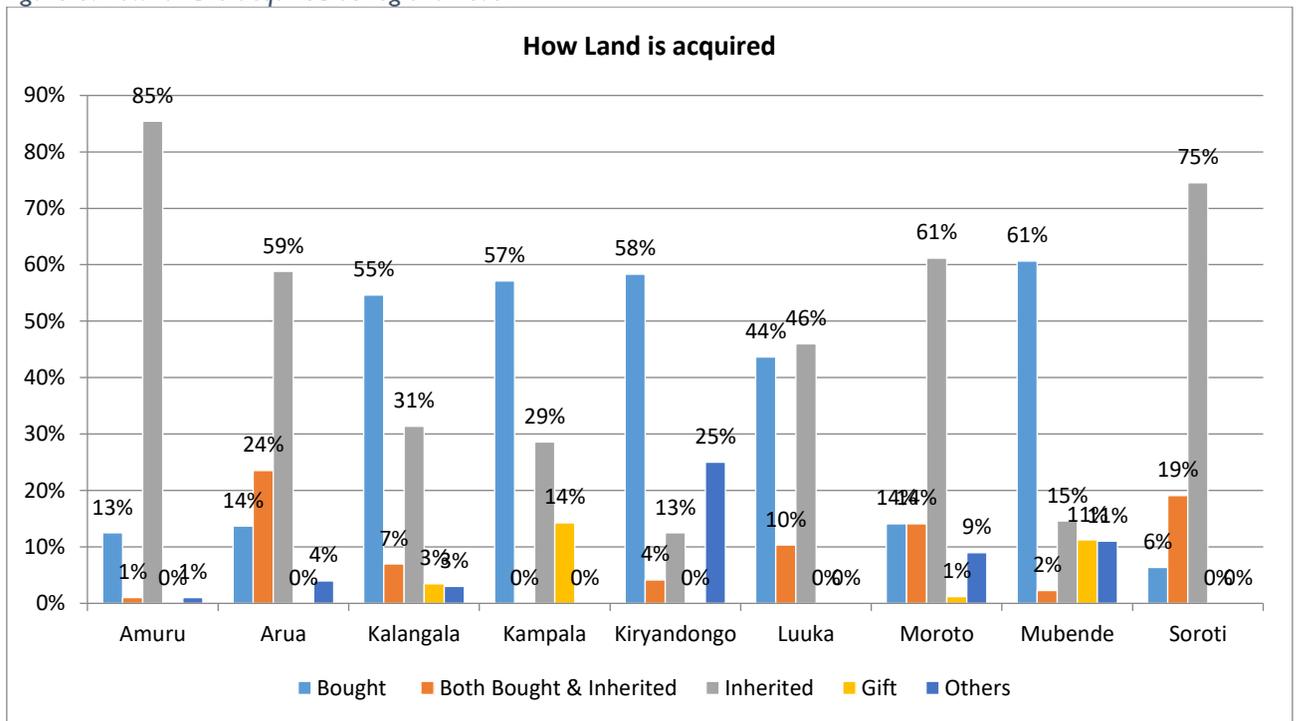
To put land ownership more in context, the study asked participants how they acquired the land they owned (The findings are presented in figure 5 below). More than 50% of the households inherited the land they owned. This explain why districts like Arua, Amuru, and Soroti that practice customary form of land tenure system—an arrangement under which land is owned by the community and passed on to the next generation, have high number of households owning land. It should also be noted that a significant number of households (11%) had a combination of inherited and purchased land, an indication that land in Uganda has been acquired largely through inheritance. 30% of the respondents had acquired the land they owned through purchase, while 2% had acquired their land as a gift.

Figure 5: How household acquired land



The study observed that; Northern (85%), Eastern (75%), Karamoja (61%) and West Nile (59%) regions all register a high number of households which acquired their land through inheritance, while sub-regions in the greater central region such as Kampala (57%), Kalangala (55%) and Mubende(61%) register more or less the same number of households which acquired land through purchase. Considering that majority of the respondents are peasants and low-income earners, this explains why they own less than three acres of land. This is because land is very expensive or greatly subdivided by family.

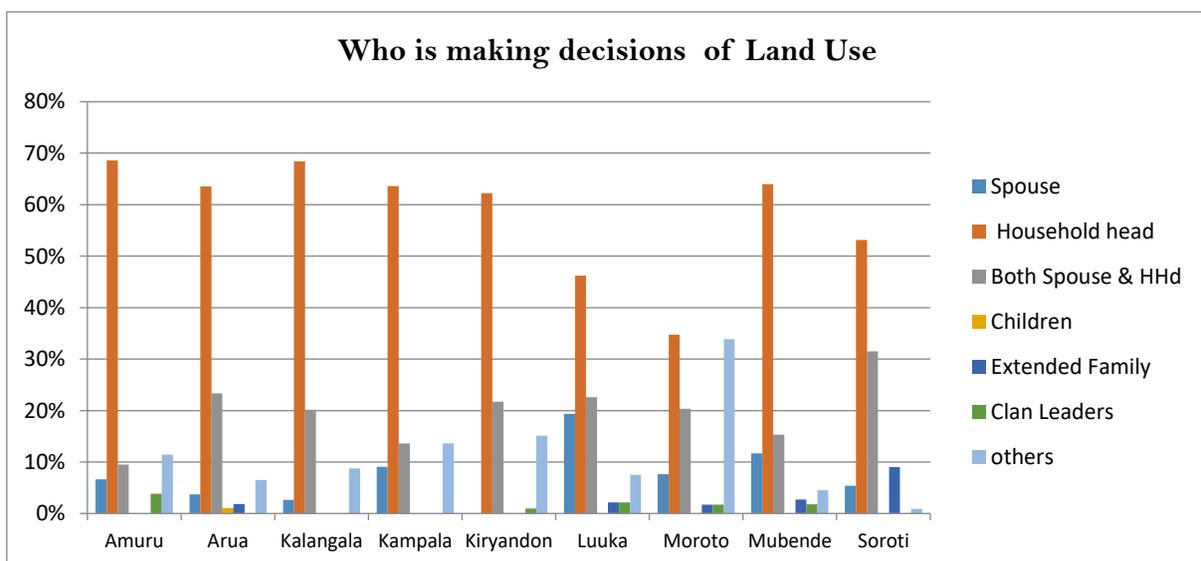
Figure 6: How land is acquired at regional level



Source: Primary Data

As regards decisions to use land are still under the domain of men. The patriarchal setting of land use and management has resulted to land rights violations, especially the land user rights for women and children. When the man wants to utilize a piece of land, he can easily displace any other user. During Covid-19 lockdown, household heads have been in the decision-making seat on how land should be used, what to plant and the acreage to use as shown in the figure below.

Figure 7: Figure showing who makes decisions to USE Land



3.3 Occurrences of Land Rights Violations During Covid19 Lockdown

Despite the government ban on any land transactions during the lockdown, incidences of land rights violations continued to rise mainly due limited knowledge of land rights, inability of complainants and defendants to access court or land administration offices, and protection of large-scale perpetrators by well-placed individuals and offices.

Firstly, access to land justice has been a great challenge during lockdown with no movement of people to access the courts and other land administration institutions for redress. Some individuals and companies took advantage of Covid-19 lockdown and began violating Land Rights. At a local level, people took advantage of those who were held by Covid-19 lockdown in Kampala and other towns and started utilizing their land, shifted boundaries, and harvested food planted thereon. In the following part, the study details the various violations that were documented during the Covid-19 period, that was subsisting even at the time of filing this study albeit with eased movements.

3.3.1 Large Scale land-based Evictions

Large-scale land evictions during Covid-19 lockdown remained high despite of guidelines and measures by government to avert them. The problem is extremely complex as on one hand it reflects a culture of impunity that has characterized Uganda's governance system, while on the other hand and it is a consequence of the present economic, social and political contexts, and requires much more attention. Incidences of large-scale land evictions stem from the existing economic land concessions, the rising water level on water bodies and the directives by government to remove encroachers, individual, and companies that act with impunity and with backing from state actors such as police, the army and the RDCs.

a) 'Environmental' based evictions perpetrated by Government

During Covid-19 lockdown period, Uganda witnessed unprecedented rising water levels on Lake Victoria in Kampala, Jinja, Mukono and Entebbe Municipality in Namiro swamp in Lugonjo, Nakiwogo, and other water bodies across the country precipitated by the increased rainfall. Majority of the communities occupying these shores, undertaking businesses and residence thereon had certificates of title on these lands while others had legally obtained the requisite permission from the National Environment Management Authority (the "NEMA") to undertake non-detrimental business on these environs.¹⁶ The flooding waters affected communities that were situated within 100 meters of Riverbanks, 300 meters for wetlands and 200 meters for Lake Shores and in forest reserves.¹⁷

The Government of Uganda reacted by announcing forceful evictions of all communities, totalling an estimated 170,000 people, who it called 'encroachers' and 'conscious liars' occupying the legally decreed protection zones of wetlands, shorelines and forest reserves

¹⁶The Independent, '174,000 face eviction from Lake Victoria shores,' 25th/May/2020. Accessible at <https://www.independent.co.ug/174000-face-eviction-from-lake-victoria-shores/>

¹⁷Gerald Tenywa, 'Lake Victoria water level surpasses 1964 record,' The New Vision, 12th/May/2020 Accessible at <https://www.newvision.co.ug/news/1518723/lake-victoria-water-level-surpasses-1964-record>

referred to above so that it can demarcate the necessary boundaries.¹⁸ This move stemmed from a presidential directive on April 21st 2020. The National Water and Sewerage Corporation and UMEME were directed to disconnect the affected areas to ensure that the communities pinpointed would vacate the shores.¹⁹ These evictions were undertaken without any remedies to the evictees, despite the fact that some of them were legal permit holders and others held legitimate legal interests, some titled on these shores of Lake Victoria.²⁰

These developments left thousands of homesteads along the shores facing a double tragedy; many, on top of being displaced by the rising water level, were evicted from their land in fulfilment of the Presidential directive. Whereas the action of government would be to find temporary shelter for the displaced people, on the contrary the government, through its institutions such as the Ministry of Water and environment, KCCA and the UPDF marine used this opportunity, like other perpetrators to evict people and left them homeless.

On the shores of Lake Albert, the government evicted over 200 fishermen from the Songagagi and Nana landing sites in Kigoroby and Buseraku sub-counties, Hoima district. Many were left stranded at Hoima landing site football playground in Buseruka Sub County. The evictions were executed by the Uganda Peoples Defence Forces -UPDF- soldiers who thereafter demolished the houses of these fishermen communities.²¹

These actions prevailed and presented a dilemma in addressing land rights violation in the country since they were undertaken in total disregard of the guidelines issued by MLHUD in preventing land evictions across the country. Of concern from these eviction incidents was the failure by the Government to plan for its people, including re-settling those living along rivers banks, lakes and swamps, and also the inhumane manner in which these evictions were executed, using the brutal military and police.

The intriguing part of these incidences of land rights violations is that the evictions, illegal sales, among others did not only lead to homelessness or the violation of the right to housing, but it equally violated people's right of access to food. Secondly, the evictions were not only inconsistent with the stay home policy by the President of Uganda, but a violation of the international human rights law, including the right to food and the right to housing.

¹⁸ See Apollo N. Makubuya and Racheal Kugonza, 'Revisiting the Legality of Evictions on the Shores of Lake Victoria,' 5th/Aug/2020 Accessible at <http://www.mmaks.co.ug/articles/2020/08/05/revisiting-legality-evictions-shores-lake-victoria>; Kenneth Kazibwe, 'Museveni directs encroachers on wetlands, lakeshores, river banks to be evicted immediately,' The Nile Post, 30th/April/2020. Accessible at <https://nilepost.co.ug/2020/04/30/museveni-directs-encroachers-on-wetlands-lakeshores-river-banks-to-be-evicted-immediately/>

¹⁹The Independent, '174,000 face eviction from Lake Victoria shores,' 25th/May/2020. Accessible at <https://www.independent.co.ug/174000-face-eviction-from-lake-victoria-shores/>

²⁰See Apollo N. Makubuya and Racheal Kugonza, 'Revisiting the Legality of Evictions on the Shores of Lake Victoria,' 5th/Aug/2020 Accessible at <http://www.mmaks.co.ug/articles/2020/08/05/revisiting-legality-evictions-shores-lake-victoria>.

²¹ The Independent, 'Evicted Lake Albert fishermen stranded,' 23rd/May/2020. Accessible at <https://www.independent.co.ug/evicted-lake-albert-fishermen-stranded/>; see also Emmanuel Mutaizibwa, 'L. Albert Evictions Put Residents at Covid-19 risk', The Daily Monitor, 1st/June/2020.

The Committee on Economic, Social and Cultural Rights, noted that being evicted from your home in the face of this Covid-19 pandemic is a potential death sentence²². Articles 4 and 5 of the International Covenant on Economic, Social and Cultural Rights states that the right to adequate housing is not subject to derogation in times of emergency. Limitations to this right are only permissible as determined by law and in so far as they are compatible with the nature of this right, and solely for the purpose of promoting the general welfare in the society²³. Government in this regard, did not safeguard the interests of those who were evicted and as such, a substantial number of people in the country become landless and with no means of livelihood.

Incidences of large-scale land evictions were registered mostly in Western, Central, and Northern regions of the country. The other regions had small scale land incidences emanating from family wrangles, landlords, and conflicts between neighbours. This section presents an account of land rights violation as they occurred in each region.

b) Violations from the Western region of the country

a) Kiyrandongo

The survey found that Kiyandongo district was the most affected with land rights violations during Covid-19 lockdown. A total of 44.34% of the respondents noted that they had had different kinds of violations on land during Covid-19. In Mutunda sub-county, people's gardens were destroyed by tractors leaving no trace of crops planted. The people were stopped from accessing their gardens while those with structures on disputed lands, had their houses knocked down.

“Ever since Covid we can't sleep, we don't eat we don't cultivate, because all our food was ploughed down during Covid, so we lost totally. In March, we had some food, and we were getting ready to plant because the past season was gone, so the seed we had planted that March and April was all ploughed down by some tractors, in the villages of Kisaranda and Kimogora”. FGD participant, Mutunda Sub-county, Kiyandongo District

“I had gone to dig with my colleague's this morning, then the employees of Great Season Company came with the police the OC called Ibra, he asked us to stop and said the DPC and RDC had sent them to stop us and he said “do not dig here again until the court decides, so we stopped and walked away with our seeds to go home: its then that they started caning us and tear gas as well.” And yet even last Friday they did it again, there were gun shots, canes and tear gas”. FGD Participant, Kiyandongo District

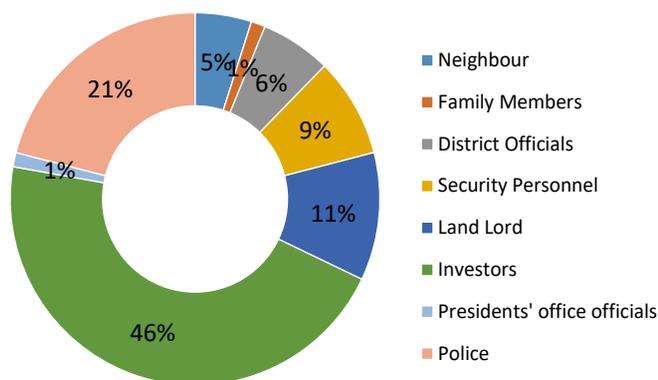
The lockdown exacerbated the problem of land rights violation. This is because the perpetrators took the advantage that victims could not access institutions mandated to handle land matters such as land offices, the judiciary, and probation office among others. Similarly, staff within the institutions were either not working, or working from home, which limited access to justice.

²²Committee on Economic, Social and Cultural Rights, General Comment No. 7 on forced evictions, passim and para 16.

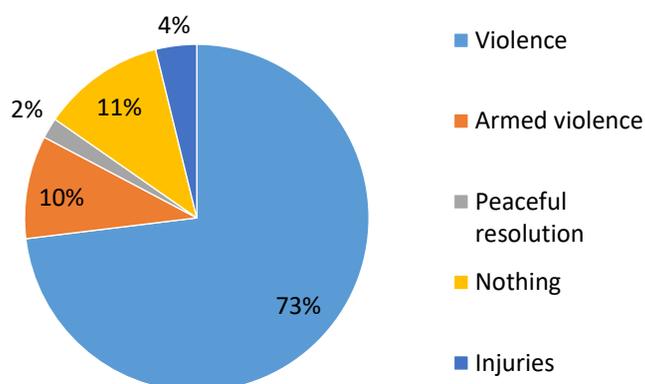
²³Articles 4 and 5 of the International Covenant on Economic, Social and Cultural Rights

“the mistreatment increased during covid 19 lockdown, we were evicted from land that we have lived on for several years, and they used that opportunity because nobody was seeing what was happening and the district personnel were given some money, so we could not be helped”. FGD participant, Kimogora/Kisaranda village, Kiryandongo District

Who is violating land rights in Kiryandongo during Lock down?



Results of Land rights Violations in Kiryandongo



Government ranches settler land rights violations

According to respondents, investors (46%) and Police (21%) are said to violate land rights during Covid-19 in this district. These were followed by landlords and then other security personnel. The land in Kiryandongo has had long history of conflict and these land conflicts continued in the lockdown. When land lacks adequate legal and institutional protection, it becomes a commodity subject to manipulation and abuse. The study found that the land problem has been facilitated or exacerbated by functional and institutional deficits and the failure to solve some historical issues surrounding land management. For example, according to the OC CID, Kiryandongo District, the land in Kiryandongo is predominantly government ranches (composed of 37 ranches each ranging from 5 square miles and more). They were gazetted as ranches in the early 1970s to supply Soroti meat packers. This government project failed due to the insurgencies that characterized Uganda in the 1970s and 1980s. When the NRM government came into power, people bought the land while others rushed and occupied the vacant land. Similarly, the Alice Lakwena and Kony war in Northern Uganda in the 1980s and early 2000s worsened the land problem, people fled the war from the northern region and occupied most of the ranches. In 1995, there was a policy on restructuring/ degazetting the ranches but it failed to take course as some of the ranches were already under private ownership, while others had squatters. These historical deficits have continued to cause problems around land in the district. During the lockdown, most of the affected communities were sitting tenants within these ranches.

The Minister of Lands, Hon. Betty Kanya had reached an understanding with the parties involved, such as the District leadership, community members, the companies (investors) and the Ministry of Land to have a meeting on 14th April 2020, however, the Covid-

19pandemic and the lockdown in March changed everything and the perpetrators took advantage of this to evict people from their land.

*Betty Kamyia told us to put a report together and bring it to her. She also said we should write to the Attorney General and they fixed a meeting for 14/04/2020. So, she wanted to meet all of us, companies, community members, and district leadership; unfortunately, Covid interfered and the meeting was not fixed. Then we went back to the Minister and told her look here, during Covid, things are worsening, these people are really beating us, then she went on media and said no land evictions, she even included Kiryandongo on the list. But these people have a lot of impunity, they do not listen!"*FGD Participant, Kiryandongo District

Multinationals and land violations

Multinational companies such as Agilis Partners, Kiryandongo Sugar Company, and Great Seasons control large square miles of land in Kiryandongo district. This land is largely the former government-owned ranches that had been encroached by people long before the promulgation of the constitution. Some of the people qualified to be regarded as bonafide occupants, and some bought the land without the knowledge of ownership. When the land was sold to the multinationals, there were no proper relocation plans for the occupants, and those who were willing to relocate were given little compensations as little as UGX150,000 for someone who owned more than 5 acres of land, while others have been subjected to protracted court cases.

We have tried to reach the RDC, and we have requested for the Covid food because we are dying! The RDC and the DPC told us that, "we told you to vacate that place, whether you receive 200.000/= or 150.000/=, leave the place, all of you who are resisting to leave are rebels, and we are not going to help you. FGD participant, Kisaranda village, Kiryandongo District

During the lockdown period, these multinational companies used the situation to violently grab people's land. For example, it was reported that these companies used the first 35 days of Covid-19 lock-down which ended on May 5th, 2020, to forcefully dispossess more than two dozens of smallholder farmers. They demolished houses belonging to the affected communities and hundreds of acres of maize, sweet potatoes, cassava grown and owned by poor communities (Witnessradio.org)²⁴. They did it under the protection of state police, army, and private security companies. According to witnessradio.org independent research, individual community members whose properties were destroyed, were at the same time blocked by Kiryandongo district police from opening up criminal cases against companies and their agents. It was reported that while police blocked communities from reporting the criminal cases of torture, malicious damage to property, assault, threatening violence, and other crimes, they happily arrested and detained residents on trumped charges by the said companies.

i) Kiryandongo

a) Kiryandongo sugar

Evictions at Kiryandongo have been a continuation of land wrangles between the investors and the communities that were already occupying the land prior to the purchase of the land by the investor.

²⁴<https://witnessradio.org/agilis-partners-asili-farms-resort-to-torture-to-disempower-and-grab-land-from-the-poor/><https://afsafrica.org/publications/>

During the lockdown, it's reported that families that still settled in the embattled land were forcedly evicted and structures destroyed. According to Moses a CSO representative from Kiryadongo, over 40 schools have been demolished by investors who have left scores of people landless. He said as activists, accessing the affected communities has been rendered impossible due to the heavy deployment of security that guards the area.

"Right now, we have three cases in court following land evictions in Kiryadongo, but we can't have access to the affected land. Only district chairpersons, police officers, and other security personnel are allowed. This makes it so hard for us as activists to help these affected communities," said Moses.

b) AgilisPartners and Great Season Ltd

Agilis Partners and Great Season SMC limited were named as part of the companies that were perpetrating land rights violations in Kiryandongo former government branches displacing/evicting communities that are protected by the law as bona fide occupants. Agilis Partners wanted to cultivate sim-sim, maize, sunflower, and soybean on a large scale.²⁵ It is estimated that over 15,000 members of the communities residing in over 15 villages suffered the plight of these evictions from over 9000 acres of land in Kiryandongo.²⁶ They were not accorded any time to negotiate or/and be compensated despite being protected by the law. These companies were aided by the security agencies and private security personnel in undertaking these evictions of the local communities. The organisations monitoring this situation noted that;

Sadly, however, the evictions, arbitrary arrests and human rights violations – even during the Covid-19 pandemic and despite a ministerial directive not to evict any land occupants – have continued. The companies have taken advantage of the lockdown to intensify pressure on the locals to leave. There have been reports of Agilis seizing cattle from local people and of Kiryandongo Sugar blocking community access to water and ploughing up people's gardens. There are even recent cases of community members being captured and tortured by men working for the company.²⁷

These evictions disrupted the various livelihoods of the families, affected their economic stability reinforcing the vulnerabilities of society members such as children and women.

²⁵AbouKisige, 'Foreign investors responsible for land evictions-Report,' The New Vision, 26th/August/2020.

Accessible at <https://www.newvision.co.ug/news/1525597/foreign-investors-responsible-land-evictions-report>
²⁶ See AFSA, GRAIN, Witness Radio, 'Land grabs at gunpoint: Thousands of families are being violently evicted from their farms to make way for foreign-owned plantations in Kiryandongo, Uganda,' 25th/August/2020.

²⁷ See AFSA, GRAIN, Witness Radio, 'Land grabs at gunpoint: Thousands of families are being violently evicted from their farms to make way for foreign-owned plantations in Kiryandongo, Uganda,' 25th/August/2020.

ii) Albertine Graben

a) Kyangwali

In July, 2020, over 1,600 households were evicted by the Office of the Prime Minister (OPM) from the land hosting the expansive Kyangwali refugee settlement in Bukinda-made of 28 villages, Kyangwali sub-county in Kikuube district.²⁸ The Kingdom of Bunyoro Kitara Kingdom within which these evictions were happening, petitioned Government through the Prime Minister over these evictions. The government, interestingly, averred that this was a mere relocation and not an eviction.²⁹ In a counter to resist the evictions, many communities ran away from the settlement and sought temporary shelter in wetlands and forests nearby.

b) King Fisher Site- Buhuka

According to the interview with the ministry of Lands official, days into the lockdown as water level on Lake Albert were rising; the UPDF evicted 2 villages or communities from their land under the guise of flooding which will further spread Covid-19. The people had a title they had just received from MLHUD. There was no settlement arrangement to these communities, they were left to survive on their own despite owning the land at Buhuka. It's estimated that more than 400 households were affected by this eviction. This incidence came to the notice of the ministry of Lands through the operator of the site, CNOOC that was equally concerned about the plight of the people.

c) Violations in central part of the country

i) Mubende

The central region and greater Mubende is no stranger to land rights violations and in the recent past, the incidences have manifested into mass and violent evictions, leading to death of many Ugandans. During the Covid-19 lockdown, in Kassanda district particularly, citizens faced all ills of injustice over land. Scores of Ugandans were evicted from their land, banana plantations destroyed, houses erased, and women raped. These land rights violations were witnessed in Bukompe village in Nalutuntu sub-county in the district of Kassanda allegedly perpetrated by a one Abid Alam, a business man.³⁰ These communities were earlier evicted from Luwunga forest reserve in Kiboga district and resettled in Bukompe after the

the family of Isingoma David, 85, lost 2 acres of sweet potato, a house, six acres of mixed fruit trees (mangos, oranges, avocados, guavas, jack fruit e.t.c; Baruma Sipiriano, which lost 3 houses and a toilet, 4 acres of growing maize, 2 acres of sweet potato, 38 stems of avocado trees; Majid Olaro lost 1.5 acres of cassava, 2 acres of growing maize, 1.5 acres of sweet potato; Mnyansi Martin lost 11 acres of growing maize and Karegeya Wilson's family, which lost 6 acres of banana plantation, 3 acres of growing maize, 4 acres of avocado trees and 13 mango trees were uprooted using a tractor among others

Source: <https://witnessradio.org/multinationals-use-covid-19-crisis-to-violently-grab-land-of-poor-communities-with-impunity/>

²⁸Pascal Kwesiga, 'Bunyoro petitions govt over evictions, floods,' The New Vision, 4th August, 2020. Accessible at <https://www.newvision.co.ug/news/1524092/bunyoro-petitions-govt-evictions-floods>; For an exposition of the history of this conflict, see KyomugisaFrankline, 'Second Land Eviction In Bukinda Kyangwali', The Voice of Bunyoro, 1st/August/2020. Accessible at <https://www.facebook.com/The-voice-of-Bunyoro-166822147367282/videos/second-land-eviction-in-bukinda-kyangwali-1st-august-2020by-kyomugisa-franklinel/628123157811489/>

²⁹ Ibid.

³⁰See [The Independent](https://www.independent.co.ug/govt-halts-land-evictions-during-covid-19-lockdown/), 'Gov't halts land evictions during COVID-19 lockdown,' 16th/April/2020. Accessible at <https://www.independent.co.ug/govt-halts-land-evictions-during-covid-19-lockdown/>

government and Oxfam Uganda bought them the near to 3 square miles of this land.³¹It was reported that the group gang raped a woman before they destroyed banana plantations, robbed property and battered residents of Bukoba and Bukompe villages, among other. One of such incidents is well narrated by the weekly observer;

On the fateful night (3rd/April/2020), Abid's gang cut down Mugenyi's three-acre banana plantation, drove away about 200 heads of cattle and 50 goats, razed three houses before gang-raping the farm caretaker Samuel Kyakabale's wife. Kyakabale was hacked to near death for protesting against the raping of his wife in full view of their children.³²

The above story is just a specimen in the sad web of land rights violations during the Covid-19. The said tycoon was only arrested and charged before Court after the intervention of the State House Anti-Corruption Unit that reports directly to the President. In fact, it is reported that he was only arrested after a Presidential call for arrest. This is largely because his attack on Mugenyi particularly, a serving military personnel, was seen as crossing the yard of those he can trample upon with the help of the police. The concept of the poor suffering land injustice due to lack of money to facilitate Court process to protect their land comes alive in this case. Kitata noted these disparities to the effect;

Several other locals have previously been driven off their land in a similar fashion but the tycoon always got away scot-free. But when his men raided Mugenyi's farm on the night of April 3, he realized he had stepped on the wrong toes. Mugenyi is the deputy director for political intelligence at the Internal Security Organisation (ISO) but also comes from a well-grounded family in Nyabushozi, Kiruhura district. His father, Charles Rutembara, was a close friend of the late Amos Kaguta, the late father of President Yoweri Museveni. It is Rutembara who called the president and told him about the assault on his family. The president later instructed Nakalema and the Inspector General of Police (IGP) Martin Okoth-Ochola to act.³³

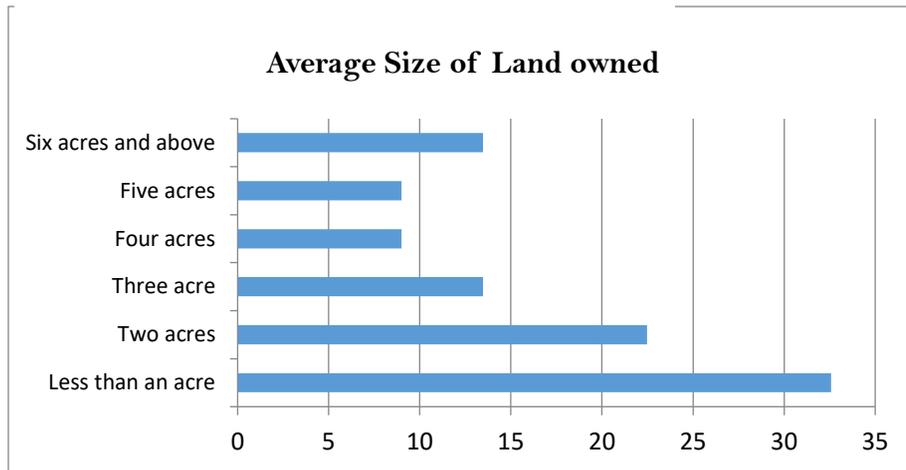
This study found that most families in greater Mubende are largely bibanja holders and therefore were on land that had a landlord. Majority of the respondents (80.2%) own land, and they have between 2 acres and less. These two or less acres are in most cases part of a large square miles of land owned by a singular individual or landlord that where the owner sold part of it or the whole, has resulted into massive evictions. The findings indicate that majority of the land was purchased (63%) and few people inherited land(16%).Of those that inherited land, womentook the lower proportion of 37.5%. A sizable number of families mentioned that they are sitting on government land (26.3%).

³¹For a history of this protracted conflict that escalated in 2020, see The New Vision, 'AbidAlam land saga: Bitangaro sent to prison,' 2nd/01/2020. Accessible at <https://www.newvision.co.ug/news/1512827/abid-alam-land-saga-bitangaro-court>

³²SadabKitattaKaaya, 'AbidAlam begs Gen Saleh to rescue him,' The Observer, 23rd/April/2020. Accessible at <https://observer.ug/news/headlines/64425-abid-alam-begs-gen-saleh-to-rescue-him>

³³Ibid.

Figure 8: Land size owned in Mubende



Community land violations were registered in various places in Mubende district. 27% of the respondents have faced land rights violations in their households and these happened mainly during the months of April, May, and June. Landlords, neighbours, and family members were identified as the most perpetrators of land rights violations during lockdown (see figure 10). These were followed by investors. It's should be noted that Mubende land has had a series of conflicts, even before Covid-19 lockdown, stemming from evictions of tenants by investors and landlords.

For example in Madudu S/C bombo village, a landlord wanted to force the tenants to pay for the Bibanja they are occupying. According to the FGD participants, the landlord who owns the land currently occupied by over 120 families, sent some agents during lockdown to solicit for “busuulu” from the tenants. The tenants refused because no proper documentation was shown. As a result, some land was forcefully occupied by the landlord’s agents, leading to loss of food for some families as told by a female FGD participant.

It was early in the morning hours of the day that I had my son calling me loudly that the garden has been cut down. I ran with him and some family members so see what had happened. I found my cassava and Matooke that cover 2 acres cut down; this happened during the night. The LC I chairperson was equally confused because his relatives were also affected. I heard from my other colleagues that the landlord sent people to occupy the land, while others suggested that the land might have been sold to another person. I lost food and was at the mercy of family and friends to feed my family. This time during the Lock down has been the worst time for my family we can't use that land which has produced for us food for years yet we couldn't even go to the markets since we were stopped. I am glad that the RDC stopped any further activities by the landlord.... Adult Female FGD Participant, Bombo Village, Madudu-Mubende district

Figure 10: What have Land rights violations led to?

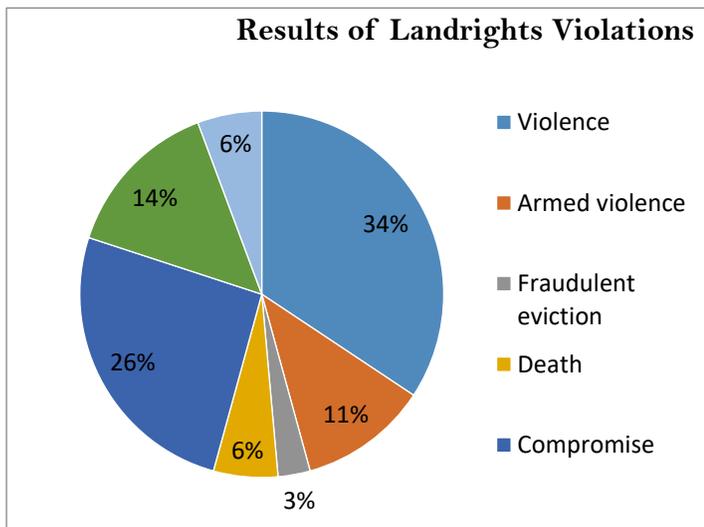
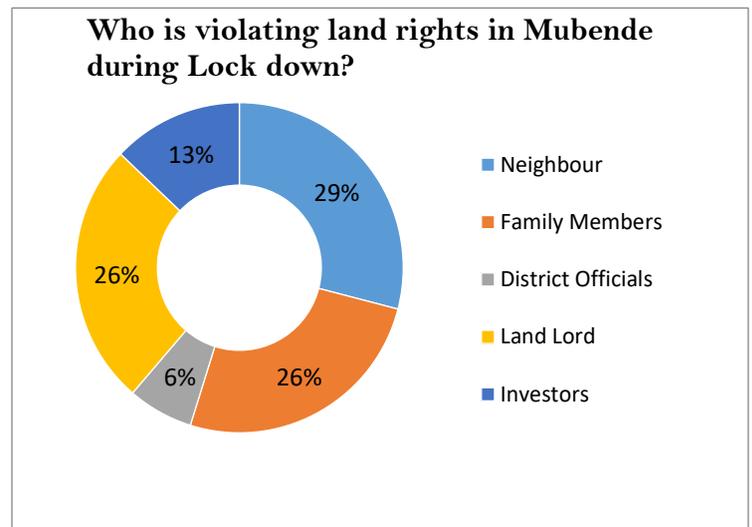


Figure 9: Who is violating Land rights in Mubende



Most of the land right violations in the region have affected women more than men. According to the community discussions, most men withdrew their roles and responsibilities of looking after their families leaving this burden to women. During Covid-19 lockdown, land conflicts affected more women because they are the one using the land most.

“we are the ones in the gardens, planting crops and ensuring there is food; the men are always in bars taking “waragi”” noted a middle aged FGD participant-Madudu village .

“Before the lock down, we had an arrangement with our landlord i.e. the daughters of the late Yosefu Mukassa Gunju of contributing towards the processing of the land titles for the sitting tenants but to our dismay, we saw people encroaching on our land during the lockdown, they destroyed crops of close to 30 families claiming that they bought the land. We hear that the daughters might have sold to other people during lockdown yet as tenants we had agreed on getting our titles at a fee”. Male participant- Kisagula Village- Butologo S/c Mubende District

ii) Metropolitan Kampala

a. Ndeeba

On June 6, 2019, High Court judge Eudes Keitirima ruled that St.Peters Church of Uganda trustees fraudulently acquired the land where the church sits. It should be noted that the said church couldn't be termed a squatter since it was on the land for more than 40 years. On July 10, Justice Keitirima issued an order for vacation of the land and on July 30, a permit issued by the KCCA acting director of physical planning, Mr Ivan Katongole, approved the demolition of the church. In March this year, a small school that has been built by the church on the premises was demolished by Mr. Mwanje Dodovico, the priest of the church. Rev Augustine Kayemba was evicted from his house at the premises by the police. In August the church was demolished under police protection³⁴.

b. Mulungu (over 5000 vendors³⁵)

During Covid-19 lockdown, the people along the lake shores experienced a surge in the water levels causing flooding in the immediate communities. As the vendors of Mulungu³⁶ landing site in Makindye

³⁴<https://www.monitor.co.ug/News/National/Church-demolition-Ndeeba-St-Peter-KCC-Dodovico--Covid19/688334-5609768-8r3c24/index.html>

³⁵<https://ugandaradionetwork.net/story/buganda-to-close-mulungu-landing-site-to-vendors>

were grappling with the rising water levels, they also faced evictions from their shops, market stalls, and houses by KCCA, Police and Environment personnel. The officials argued that the evictions were for the safety of the people since the floods were surging. However, people noted that their land was being taken by an unknown investor. Doors and windows were removed leaving the houses as shells. The land in question is under the Buganda Land Board and the people were tenants of the said land. The evictions were done under the directive of KCCA during the lockdown against the Ministry of Land Covid-19 guidelines.

“...we have been working here for years to feed our children why are we targeted...” a middle-aged woman talked to NTV reporter “What will my children eat? I have been working here for 20 Years” another woman lamented³⁷.

The use of force by the Police was unprecedented a middle-aged man wondered “they fired bullets at us and I have been caned I don’t even understand why I was hit”

“There are wealthy people who want to grab this land by force they connive with our police” Hon Allan Sewanyana speaking to some security officer.

This incident clearly shows the involvement of police in evicting people, KCCA and NEMA being selective in their mandate. They argued that they were protecting the water body boundaries yet there were permanent buildings too that were never demolished, the low earning citizens are always the target while the bousuoursies are protected, hence land justice is determined by status in the community.

d) Violations from Northern region of Uganda

i) Amuru

The people in Amuru have access to land (96%) and majority of the households (78.1%) own 6 and above acres of land. Most of the land was acquired through inheritance (86.4%) and its managed under the customary tenure system. During Covid-19 lockdown, the local situation on land was punctuated with illegal selling of land, evictions, conflict over boundaries due to encroachments. 25.2 % of the households visited noted that they faced land rights violations during the lockdown which were perpetuated by neighbours, family members, investors, and local village leaders. The wealthy neighbours carried out private land surveys which fuelled more human rights violations like; injuries, slashing of food, burning of houses among others. When boundaries were drawn and properties were found in the new boundaries, destruction of property was effected.

Figure 11: Kinds of Land violations in Amuru

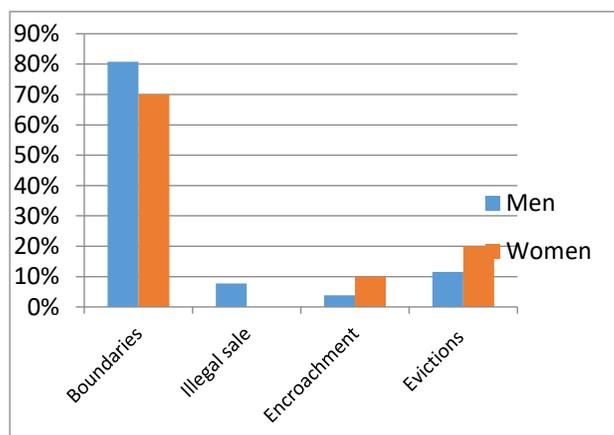
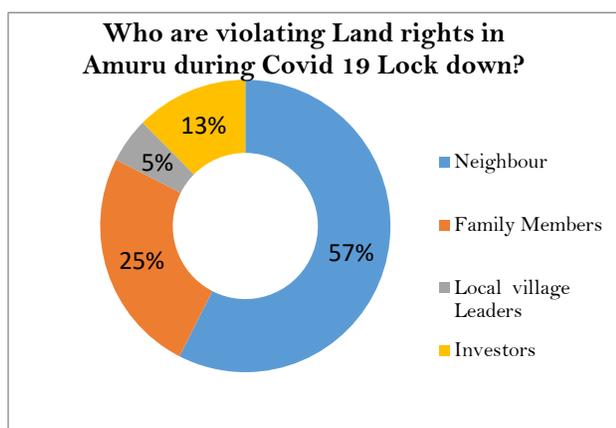


Figure 12: Who is violating Land rights in Amuru



³⁶ Kampala’s Oldest Fish Market

1 ³⁷Mulungu locals protest KCCA eviction NTV News; https://www.youtube.com/watch?v=sBW_Di7G3Yo&t=7s

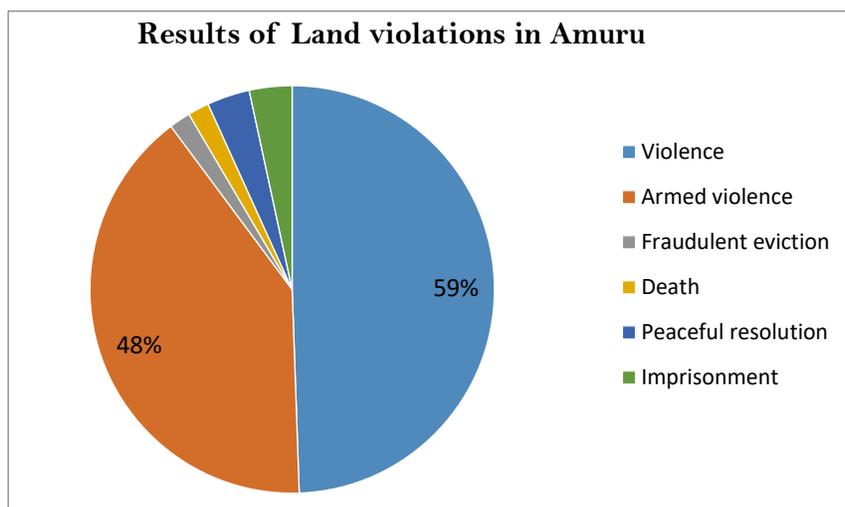
*“There were evictions during this lockdown and some of the areas include the Labala Forest Reserve in Pabbo sub county. The communities were unfortunate enough to have some families have their huts burned and some people were evicted from the land by the National Forest Authority. Many people still do not know the boundaries of their land and so they unintentionally encroach on the land of others including the government and as such, there are many land disputes that would occur. However, some people would also intentionally encroach on the land and so this has been the cause of so many and issues in Labala parish at this forest reserve”*per Amuru District Surveyor

During the Lockdown, we were handled with a lot of violence by NFA. We were beaten, our property was destroyed and Ox ploughs taken. NFA told US to plant trees but no farming was allowed but this was unfair since we lacked food. Many who had made charcoal had all this burnt and destroyed by the NFA. The Amuru RDC inquired when we settled on this land. I told them that our family was on this land since 1980s while other people came back on this land after the IDP camps. They never considered our long stay on the land they just gave us 3 days to vacate; this was in April. We tried to get in touch with the district leaders but there was no help. We just saw the people come with guns and the army: Male FGD participant, **OKOJO VILLAGE, Labala Parish – Luyima S/c**

The study noted that land rights violations by and large led to violence (59%) and armed violence (48%) with few initiatives of peaceful resolutions. The households visited noted land issues led to fraudulent evictions and death (2%). In Amuru, Atiak and Lakang sub-counties, forceful evictions, destruction of the gardens, and fencing off of farmlands, depriving the local communities to access their gardens were eminent. In the villages of Bana, Omer, Kidimon and Atooro in Lakang S/C, families lost their gardens due to evictions while some had their properties destroyed.

“in Corner Atela, Amuru town council a family had 6 huts and all the crops. In Okungedi village, Amuru sub county, 35 houses were burnt during the lock down. There were many land conflicts between relatives because of connivance with rich people to take land”. Per RDC Amuru district

Figure 13: Results of Land rights Violations



ii) Arua

Majority of the people (98%) in this district have access to land which is owned under the customary arrangement. Locally, 34.2% of the respondents in Arua faced Land rights Violations during lockdown. Married families were the most affected (74%) majority of which were aged between 30 - 49 years. The most land violations faced were offshoots of boundary discrepancies and illegal surveys as indicated below.

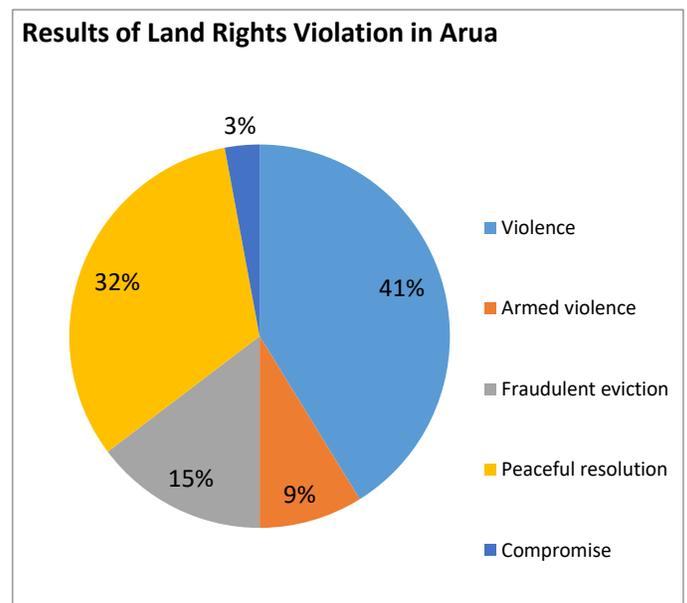
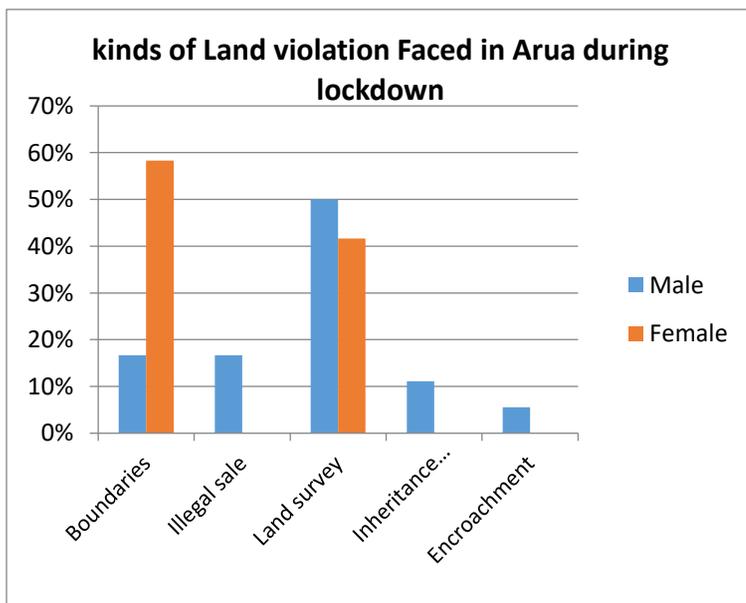
During Covid-19 lockdown, the government of Uganda inaugurated new cities. This came with tribal euphoria that these 'cities' will improve livelihoods of residents by boosting investment and the business environment. There was a rumour among the residents that the city comes with expansion and changes in land use hence people with no land titles or certificates may lose their land or get very little compensation as adduced by the Focus Group Discussions. The need of such documentation during lockdown has seen the raise of land surveys and conflicts over boundaries.

“My husband has just sold a piece of the farmland to raise money so as we can get a certificate on our town land. When you don't have a certificate the land will be taken by the city and if one is to buy your plot, they will give you little money but when you have a title you can be paid five times more” per Middle Aged woman, Oruvu Village, Pajulu S/c

“The challenge we face now are conflicts on the land boundaries, during lockdown, many of our relatives that were having business came back home to farm since there was no business and this created conflict among ourselves. We had to use the elders to settle some of these land matters which was not easy; some people lost their crops” said an Elderly Man, oruvu Village, Pajulu S/c

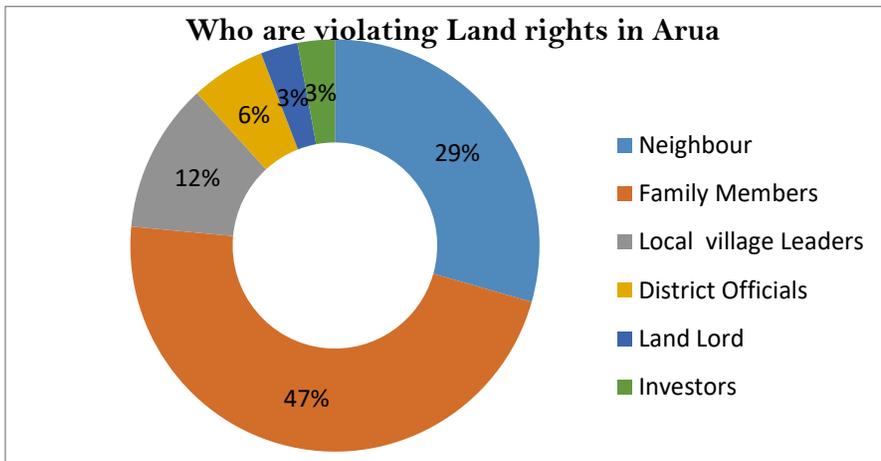
Figure 15: Kinds of violations faced in Arua

Figure 14: Results of land violations



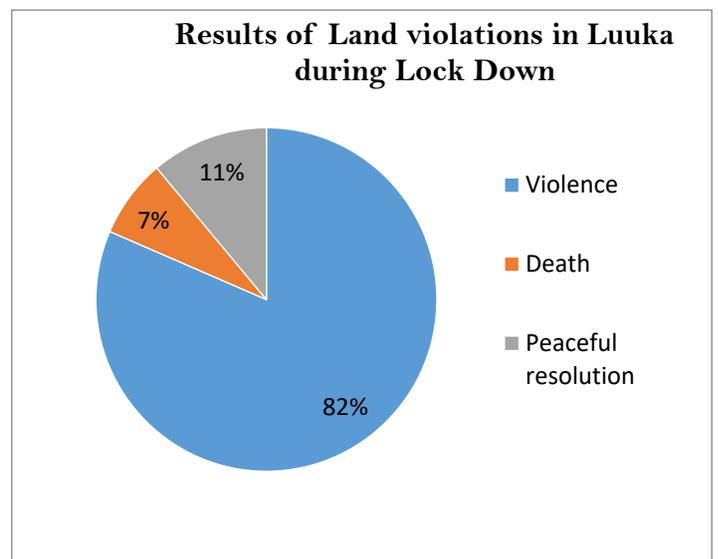
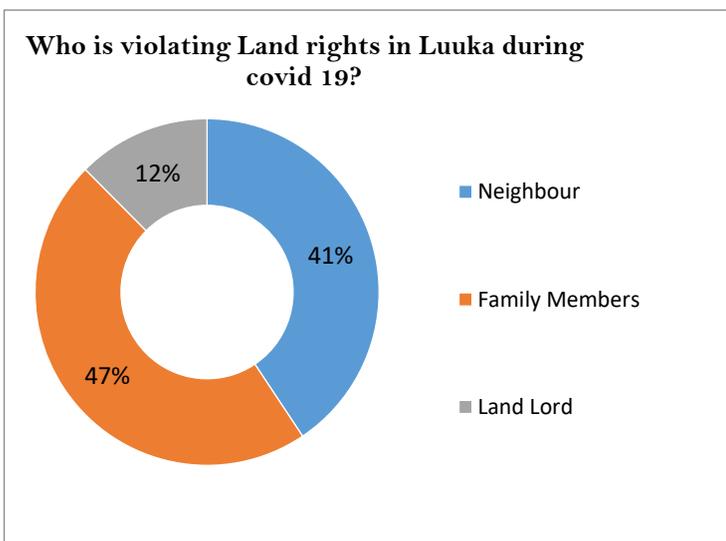
The study observed that the land rights violations in Arua resulted into violence (41%) where crops, houses and animals were destroyed. In Pangawa village, Oluko S/c, crops of 3 households were reported destroyed resulting to fighting and body injuries among the people concerned. Local leaders and Elders played a key role in addressing land rights violations in Arua. 34% of respondents noted that the peaceful resolutions were reached when worrying parties met the local leaders. Interestingly, local village leaders were reported to be part of the category of authorities violating land rights. Specially, they connive with well-to-do members of the community on land matters.

District officials too were mentioned as some of the people causing land surveys that cause boundary conflicts as illustrated in the figure below.



vi. Eastern Uganda
a) Luuka

Generally, Land in Luuka is acquired through inheritance (51%) and purchase (49%). More households own land through inheritance than purchase. Majority of the households have small parcels of land. The study indicates that 66.7% of households own land that is less than an acre while 22.3% have 2 acres of land. 23.7% of the respondents noted that they have had land rights violations during covid19 lock down of which 41% are women. The violations were perpetuated by family members, neighbours, and landlords over boundaries, inheritance challenges that involved who is using what portion of land and lastly, encroachment.



In an interview with the deputy district Internal Security Officer (DISO), Luuka District noted that land cases that had not been resolved before the lockdown or those that were still under investigation, resurfaced during the lockdown as perpetrators took advantage of most offices being closed to violate people's land rights.

This study also found out that most people lack proper documentation of their land, while others have land agreements that are not binding, flouted and incomplete rendering it fragile to land grabbers. In Busoga sub-region for example, because of the sugarcane growing, most people have a practice of hiring their land to large scale sugarcane growers. However, because most people are illiterate and ignorant about the law, they are taken advantage of in the process of making agreements. Most land owners have been made to sign on land agreements that are not consistent with what they agreed verbally. One interview summarizes this dilemma noting that:

“Some people make agreements especially...the issue has been on sugar cane, even others who are hiring out for other cash crops. They don't know how to make good agreements and the problem is when the chairman writes, he keeps the agreement, the original agreement with the person who has hired, now they don't even give a copy. So, these people take advantage of these poor people and they change the agreement. That agreement which was supposed to be like...or for four years, it turns out to eight or sometimes they change the agreement and someone ends up taking up people's land. Because most of these people are not learned, so they don't understand the agreements and they have not even interpreted them very well, they cannot read, so they take advantage of... they cheat them in that way. They extend years or sometimes they extend the agreement in that someone is to use land until, it's doesn't have the period within which he has to get off from someone land.”Per KII Participant, Luuka District

Land grabbing for food production by relatives was rampant since businesses were closed as many people were redundant at home and in need of food. Some neighbours of various land parcels shifted their boundaries in order to increase their parcels as experienced by the district Lands officer.

*“Uhhm...I don't know how I can term it, but people who had their interest of their own benefit in relation to land matters land issues, they took it as an advantage to grab or had intentions of grabbing or utilizing other colleagues' land without their consent just because they were aware that some offices were not open at that point. So they took it as an advantage to start encroaching on their relative's land, so the disputes increased”.*Per KII Participant, Luuka District Local Government

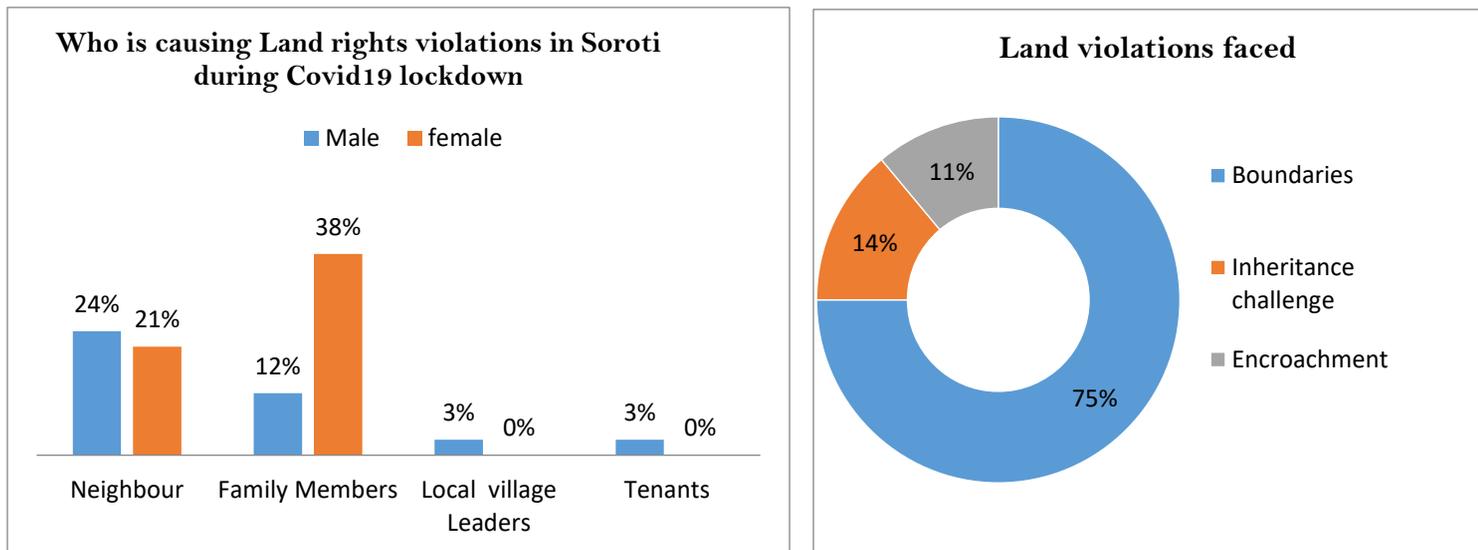
Uhhh...mainly what I have had is people entering my land, this one is encroaching on my land, planting boundary marks, he has extended...you see even one step like this can cause problems. Even this distance here like this can cause problems.I got many calls during the lock down, this one is planting marks on our land, so there are some letters but not with me right now here... so those are the wrangles, people encroaching on neighbors'land, which is that main wrangle”.

Per KII Participant, Luuka District Local Government

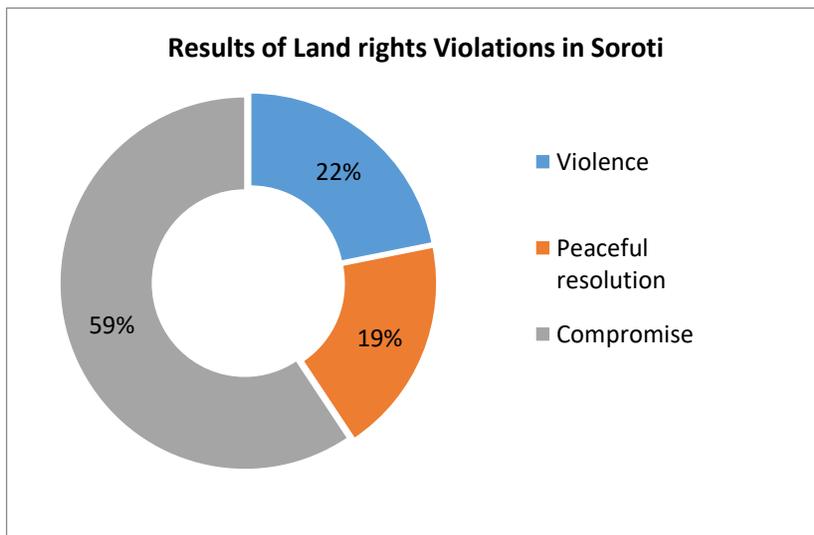
b) Soroti

Almost all the household visited in this study had access to land (99.1%) that is by and large under customary tenure. Majority of the land was acquired through inheritance (79.2%) and averagely sized as most households' possess land parcels that are between 2 to 4 acres (57.8%). During the lockdown, 30% of the households noted that they had some land rights violations that majorly involved neighbours and family members to a lesser extent tenants and alocal village leaders(see figure 16) It was observed that women complained more of family members as perpetrators of land rights violence as many were facing conflicts over boundaries mostly .

Figure 16:Who is causing Land violations in Soroti



Covid19 lockdown came with more pressure on land. According to community members in Amoroto B village- Gweri Sub County, relatives encroached on each other's land because of the need to expand their farm lands. One middle aged woman noted that during the lockdown, land was the only productive asset as many people had their businesses closed and resorted to farming. As many people joined farming, the cost of renting land for farming increased, those with land resorted to encroaching on other relative's land which caused conflicts as some gardens with crops were destroyed.



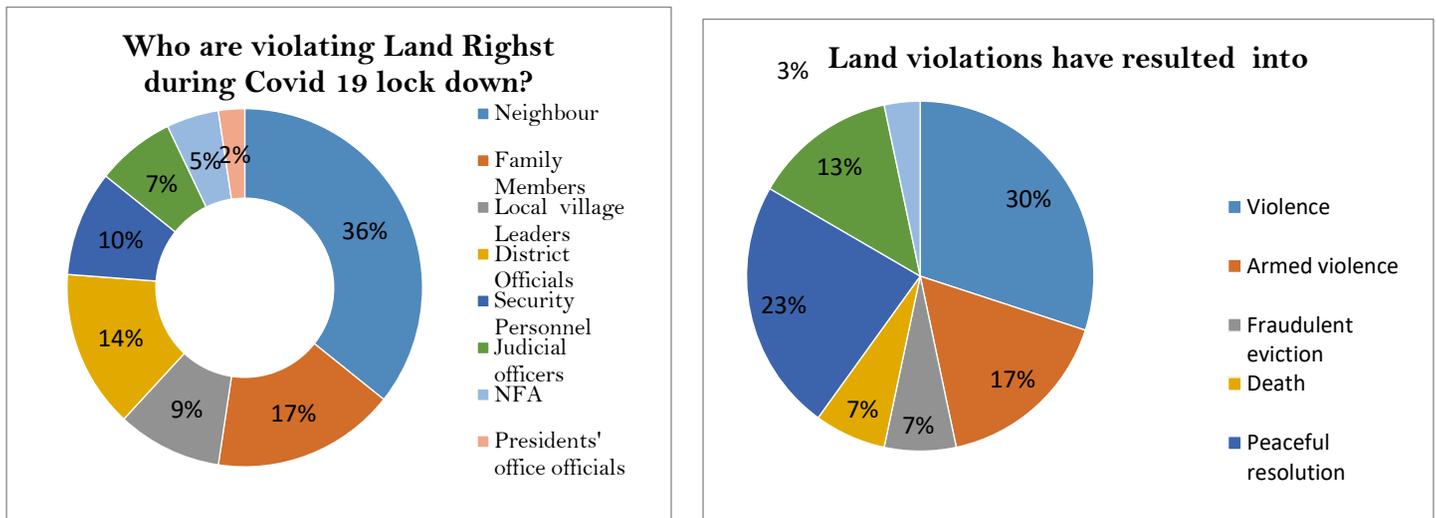
The inauguration of Soroti City that occurred during the Covid-19 lockdown created excitement. The rate of urbanization in Soroti, like other urban dwellings in Uganda, heightened the cost of land. Resultantly, this has created conflicts over land as families on the outskirts of Soroti town demarcated their land parcels using private surveyors. In most places, it was reported that when surveyors were seen on ground, the neighbours raised an alarm leading to boundary disputes. The community members referred land right violations issues to the LCI chairpersons for peaceful resolution.

vii. Karamoja Region

a) Moroto

Land rights violations among the communities in Moroto were minimal, 17.8% of respondents noted that locally, there were land rights violations during the lockdown. These few incidences were perpetrated by neighbours, family, and district officials as shown in the figure below. Generally, land rights violations in Moroto are unnoticed because these occur in various forms such as depriving people of their land through manipulating the ignorance of the locals by making them sign documents without informed consent and then taking away their land. In a KII with a judicial officer, it was said that in Rupa Sub County, where there are minerals, especially marble, and in Napak were people are transitioning from communal ownership of land for grazing to individual ownership of land for farming, people are manipulated with a few kilograms of posho and beans and end up signing over hectares of land to the rich.

Figure 17: Who is violating Land rights in Moroto

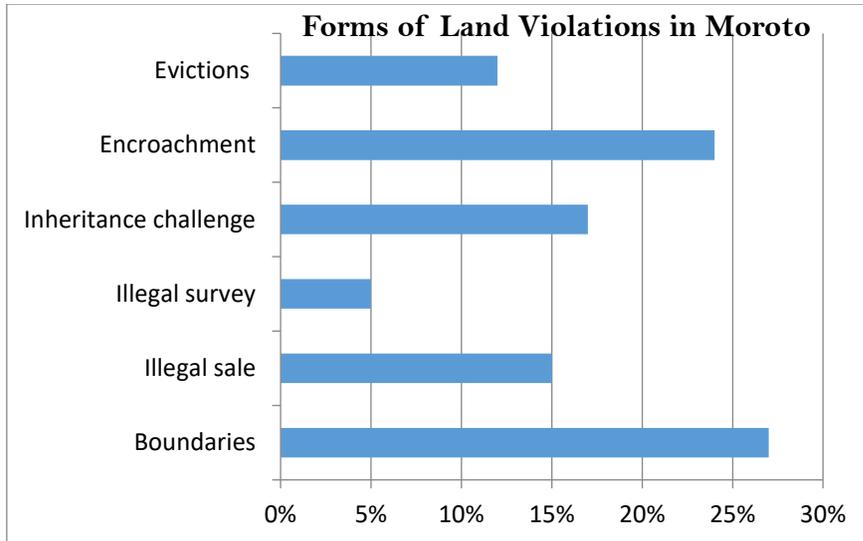


Boundary disputes, encroachments, illegal sales and evictions were the most noted violations during the lockdown. It should be noted that Moroto district land is by and large customarily owned where the communities have user rights. The land is owned as a community as opposed to individual ownership. In the municipality where administration blocks and other infrastructure exist, some is freehold. According to a male FGD respondent in Rupa Sub County, the creation of Moroto city and the presence of minerals in the greater Karamoja area has attracted the elite who are buying land from the ignorant owners. This situation

places women at the in trouble of losing their user rights on land since they are generally never invited to the table of discussions and decision on land matters.

“people sale their land without knowing; they sign agreements that indict them, because when we look at the documents and you have already signed, then you signed voluntarily, nobody forced you, you know there a legal test if you say I was forced”. Per KII Participant –Moroto District Police Station

Figure 18: Forms of Land violation in Moroto



The only two reported land related cases at the Police in Moroto indicate that people were using the cover of the lockdown to unscrupulously take other people’s land since many concerned land offices were closed, and land matters were not resolved. One interview with the DPC Moroto district below shades more light on these violations;

“The second case happened to a gentleman who was sent money by a lady in Kampala to buy for her a plot of land. The gentleman went and bought a plot of land for her as requested, but before she saw the plot he had bought for her, through her relative went and carried building materials and poured on the Gentleman’s plot of land he had sold separately to another person (Welthunger a Germany NGO). The lady refused the plot that was bought for her, claiming that for her she wanted the one the gentleman had sold to another party. Then the person who bought the gentleman’s plot that the lady was grabbing came to police and reported, when we summoned the gentleman (seller), he confessed that he rightfully sold his land the buyer and the plot he had bought for the lady was another one existing but instead the lady without consulting the man to show her plot, she went to someone else’s plot. That’s when we also knew the seller was innocent” per Participant-Moroto District Police Station

The story above shows that despite the Ministry of Land’s guidelines on Land matters during Covid-19, land transactions continued without the notice of the authorities. Such transactions are only known when they hit a snag and report to offices of authority like police and LC leaders. The peasants and individuals who are the land users in Moroto district face conflicts that are usually between the individuals. Of course, the women and

children who don't make decisions are also affected by the violations on the land that feeds them.

viii) Kalangala

The Majority of people (75.4%) in this district own land with the average size ranging between 2 to 3 acres (50%). There were some land rights violations especially on the lake shores during the lockdown. 20.2 % of the respondents affirmed the existence of land rights violations during the pandemic, majorly between April and May. Family members and neighbours were the key category of people that by and large violated land rights. Whereas security personnel (17%), that is the UPDF were also mentioned. In addition, illegal changes of boundaries, illegal land sale, evictions and encroachment were part of the violations faced. Save for the evictions by the UPDF, land rights violations were handled by the local leaders where compromise and peaceful resolutions were made.

In the past two years, Uganda National Roads Authority (UNRA) demarcated boundaries of the main road on Bujumba Island and this came with excitement for development. The expansion of the road necessitated the people with land along the road to offer some of their land to UNRA. By the time of this study, community land rights violations were a spill over of the fore-mentioned development activity. Family and neighbours encroached on each other's land boundaries to increase their parcels in anticipation of a bigger compensation from UNRA.

“The delays by UNRA to compensate people on the main road have encouraged more encroachment during the Lock down. Many people that own land are not residents on the island so during lockdown many didn't access the island paving way for funny neighbours that shifted the boundaries because they want more compensation.”

Per Middle aged women –Betta Village- Kalangala District

Figure 19: Nature of Violations on Land in Kalangala

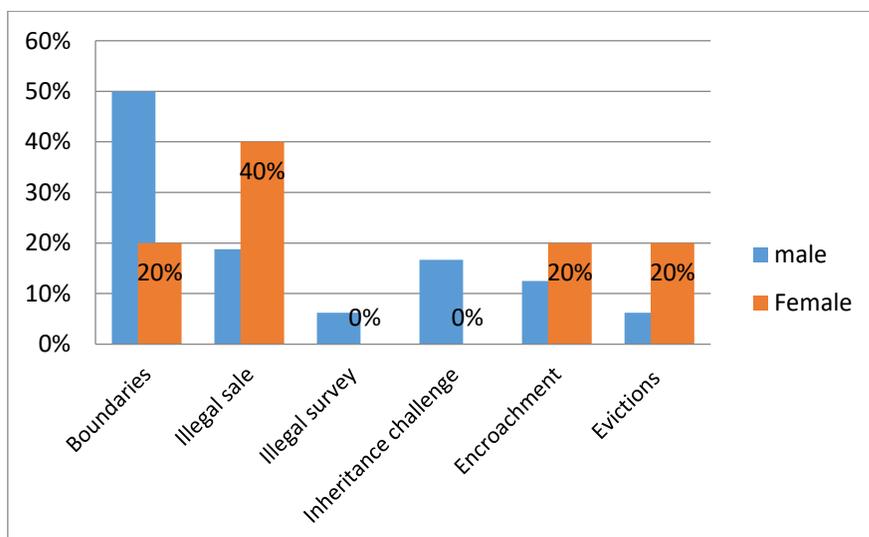
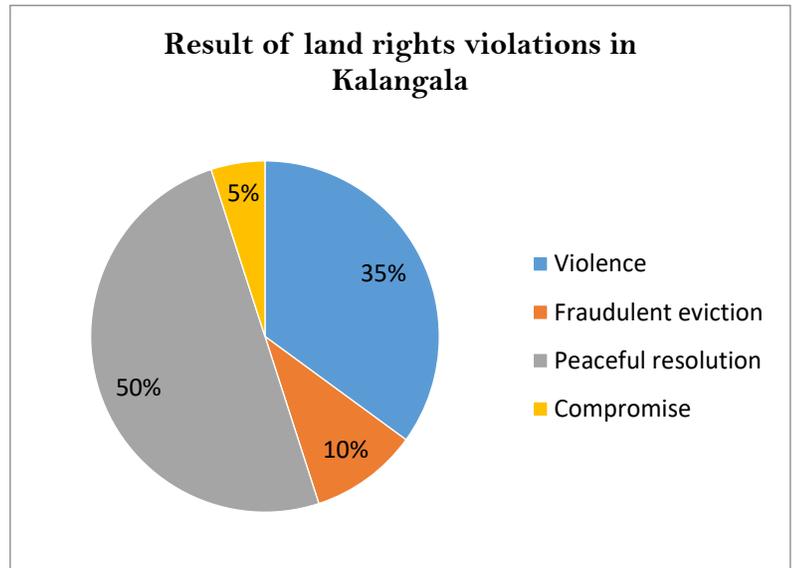
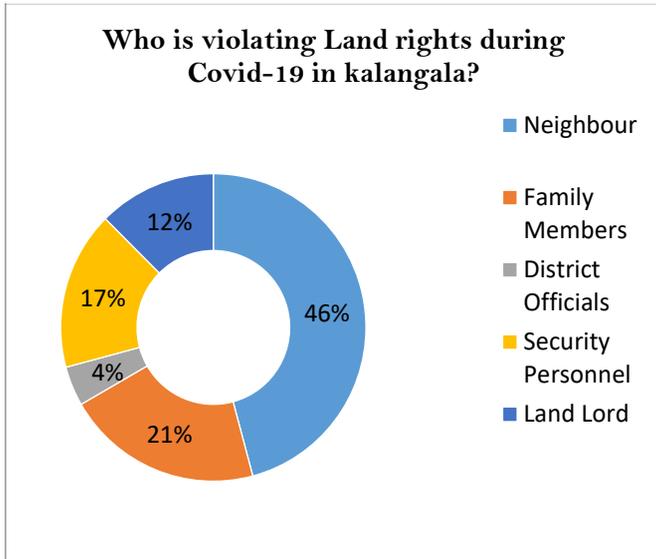


Figure 20: Who is violating Land rights in Kalangala

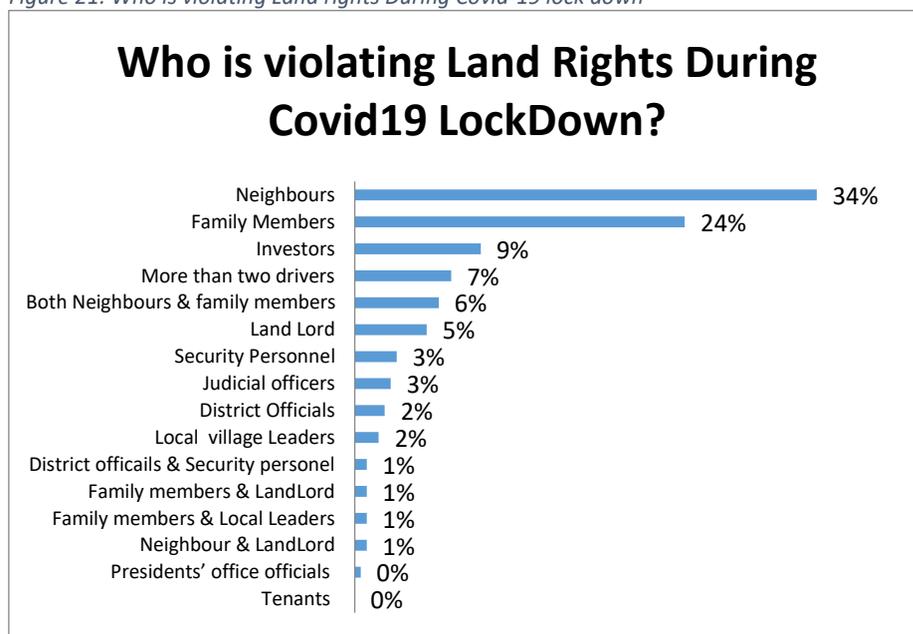


Small Scale Land Violations

Land rights violations are unique in the local settings owing to the socioeconomic dynamics and experiences in the various areas of Uganda. This study endeavoured to understand the nature of violations faced, drivers and the impact caused in the local setting too because many times, the large-scale violations overshadow the ever existing land rights violations because they never hit the headlines of the various media outlets, save for the local village radio stations.

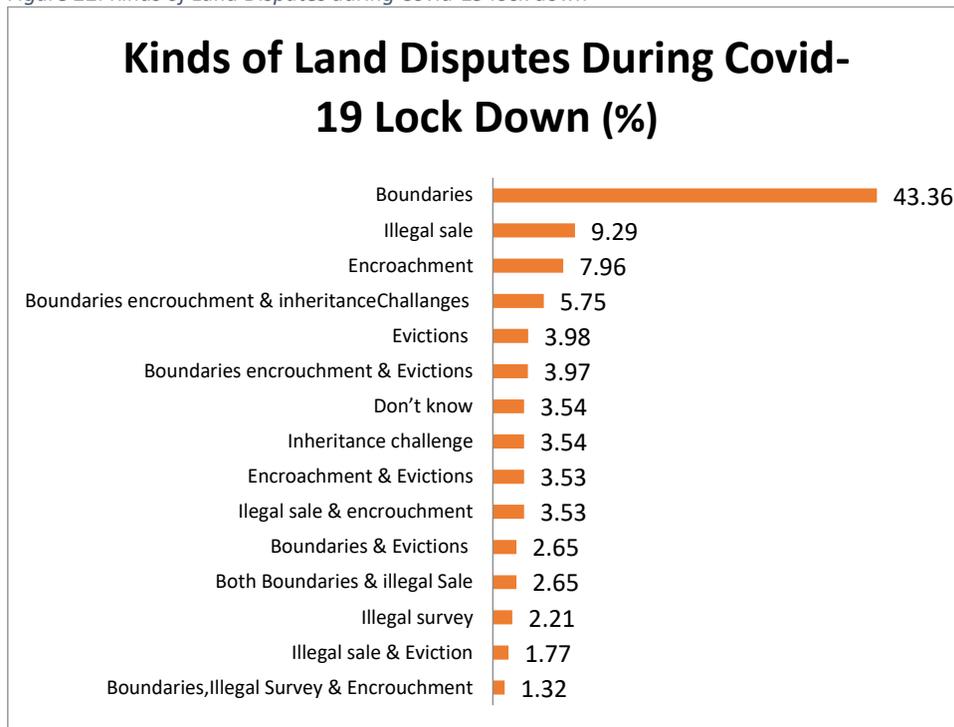
Generally, 74.52% of respondents didn't face land rights violations at a household level; but 32.9% of the respondents reported to have heard of land rights violations in their neighbouring communities during Covid-19 Lockdown. This indicates that even in light of the ministry of land guidelines, a third of community members were faced with land rights violations. This study observed that the main perpetrators of land rights violence at the local level are the neighbours (34%) followed by family members (24%). The investors came third at (9%). Districts experienced land violations differently due to the social economic and political variations.

Figure 21: Who is violating Land rights During Covid-19 lock down



Loss of access to land parcels due to boundary disputes was the most registered land rights violations at the local level during the lockdown (43.3%). These were followed by illegal sales and encroachment on other peoples' land as illustrated in figure 21 below. It was noted during some community discussions that boundary disputes are patriarchal in nature. Women noted that since they are regarded as "visitors" in the clan or the family, they have no locus to know the boundaries of the land of their husbands. Even in situations that the said women are back to their parents' home, they are told to wait and get clear boundary instructions from the male relatives that remained in the community. Inheritance challenges, especially on boundaries and the right of the girl child to own land, amplified land violations during the lockdown. As many relatives returned home, the contest to use land for food production became eminent.

Figure 22: Kinds of Land Disputes during Covid-19 lock down



3.4 Drivers of Land rights violations during Covid-19 Lockdown

Land rights violations during Covid-19 lockdown occurred on both large and small scale therefore presenting different drivers per sale of violations. The household interactions and the various Key informant interviews exposed the following drivers;

Macro

- Large scale Agro-investments

Agricultural production remained a vital sector during the Covid-19 lockdown and critical to the wellbeing of the people. The president, in his numerous addresses, prioritized the need to keep producing food. It is no wonder that investors in agriculture across the nation pushed for continued production. The need to expand the production estates during lockdown, favoured by nice weather, saw an escalation of evictions by the investors on land that had encumbrances before the lockdown. Many of these evictions were effected by police and other security agencies as was the case in Kiryandongo. The destruction of schools, homes, and limiting access to water points was geared to have vast land free of settlements for crop production in case of Agilis Partners, Kiryandongo sugar & Great solutions in Kiryandongo and Abid Alam in Mubende among others.

- Infrastructure development

Public and private infrastructure development projects continued during the lockdown. The construction industry was classified as an essential service to respond to the clerical call of socioeconomic transformation. The lockdown offered an opportunity to have uninterrupted construction works, since many people stayed at home observing the presidential directives and guidelines. Many new sites and projects were effected like the development of the old taxi park in

downtown Kampala that started three weeks into the lockdown. This led to multiple land rights violations. People with businesses at the taxi park were not able to access their premises, especially those facing the inner parking spaces, since deep excavations had been made. Even as the public transport was eased, the taxi drivers were unable to use the park yet no alternatives were given.

- **Response to effects of climate change**

A few weeks into the lockdown, Uganda experienced effects of climate change especially around water bodies like rivers and lakes. With the raising water levels on Lake Victoria and Albert, NEMA, Police, UPDF and KCCA evicted people from the lake shores. Some evictions led to destruction of properties as was the case in Mulungu- Makindye division. Market stalls, stores and shops were destroyed, doors drawn out of the buildings and merchandise destroyed. In Buhuka, Hoima district, two villages were evicted from the land they own. The Ministry of Land had just issued certificates of customary ownership to the communities, but this didn't stop the UPDF from evicting people because of rising water. There were no alternative camps offered or compensation offered to the people.

- **Conflict of guidelines and the Law**

Before the lockdown, the judiciary and the land administration units were fully operational, however this changed when the Minister of Lands Housing and Urban Development issued guidelines that halted land transactions at all regional and district land offices, evictions and other land related matter before the judiciary. The guidelines were disregarded by some actors since the judiciary had already pronounced itself on such matters. A point in case is the Ndeeba St. Peter's Land evictions where the school and the church were destroyed and the priest evicted from his house. The court bailiffs acted with protection of police, citing the judicial position on the matter while disregarding the minister's guidelines.

Micro

Generally, this study observed that the main perpetrators of small-scale land rights violence at the local level were the neighbours (34%), followed by family members (24%). Investors came in third at (9%). Communities experienced land violations differently due to the social, economic, and political variations as summarized as below;

- **Need for Increased agricultural output**

The lockdown created demand of land for crop production since many people had closed their main sources of income that were not classified as essential services. They resorted to food production as a means of survival for their families, and for income. Many urban dwellers relocated to their village homes for safety because Covid-19 cases were mostly found in the urban dwellings and with travellers from abroad, and truck drivers. With increased need of land in the communities, wrangles over boundaries increased during the lockdown with the need to increase food production owing to the fact that the increased number of family members. It's no wonder that in most of the communities visited, land boundaries, fraudulent surveys and inheritance challenges were cited as issues of contention on land during the lockdown. The returnees were faced with challenges of accessing some of their land parcels that were already in use by other family members.

Where families were in harmony, the pressure of more food exerted by the bigger numbers of family members pushed neighbouring community members to encroach on each other's land parcels. In an FGD in Luuka, the community noted that neighbours were at logger heads over encroachment because families needed bigger areas of land for food production since the sugarcanes were at their lowest price and families were bigger. In Amuru, encroachment was mainly by the well-to-do families that needed to produce more produce

for sale since other businesses were under lockdown. So, the marginalized neighbours had to fight back in response to the encroachment.

- Urbanization and appreciating land value

When the parliament passed the creation of new cities during the lockdown, this was received with excitement from the communities, politicians and land speculators. In the newly created cities, most of the land is under customary tenure and many of the people lack right documentations on their lands. The announcements of the new cities also roused the land appetite of investors and speculators, catalysing the need for certificates of customary ownership. Families pushed for the processing land certificates during lockdown so as to benefit from the lucrative land value because of the coming of the cities. These processes however, have created more family tensions in Arua and Soroti over who is entitled to the land.

In Arua city, the community members were persuaded by some politicians and speculators to register their land before the commencement of the city in July 2020 because the costs of processing customary land certificates in a city setting will be very high. Surveying of land has continued during the lockdown as many were racing against the July deadline. Unfortunately, these surveys have caused tension and destruction among the neighbours and family members as many feel cheated and deprived of their land.

3.5 Community Response towards land rights Violation during Covid-19 lockdown

Access and user rights were a challenge for a number of households as noted in the subsections above. With land administration offices closed, restricted numbers of judicial officers permitted at the courts of law and the stopping of land related matters in court, communities adapted to various forms of response so as to attain their rights on Land. Both genders reported issues of land rights violations, however, the men reported more compared to women.

Where did they Report?

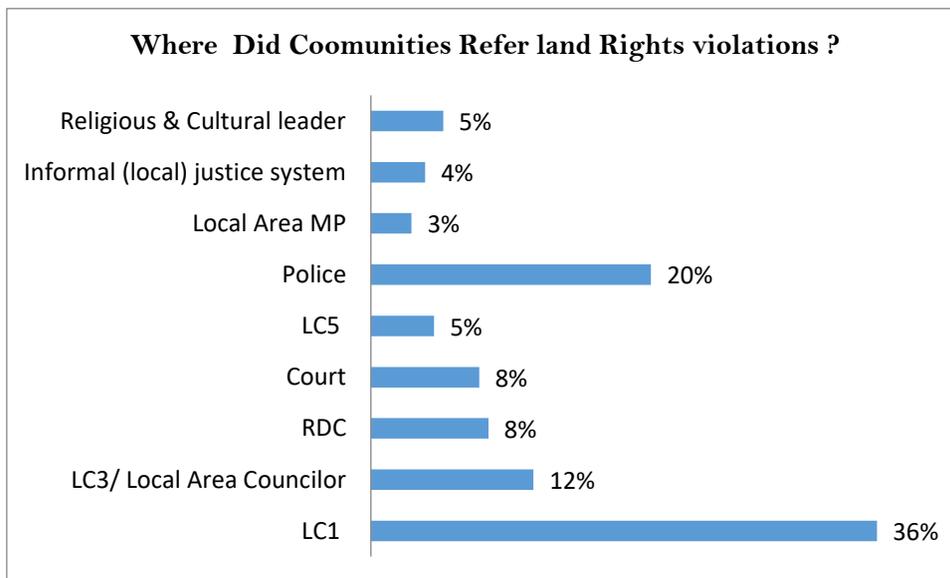
Response to land rights violations for cases of large evictions as was the case in Kiryandongo, Atiak, Albertine-Graben and Munyonyo in Kampala among others, communities ran to politicians, human rights defenders and the media. A few of these reported land rights violations to the RDCs office and police. It should be noted that during the lockdown, courts of justice were closed in the initial stages but were later opened to handle limited cases on criminal matters. Some civil cases, like land matters were not handled during the lockdown. The closure of the justice system also meant that the local systems that handle land matters, such as the land tribunals were closed. This rendered victims of land rights violation with no place to run to save for the political and public court.

This study reveals communities by and large referred land violations cases to available offices with proximity to their dwellings. 36% referred land matters to the LC1 while 20% reported to the Police³⁸. The local politicians like the area councillors and the LC3 chairpersons were also contacted to intervene. As shown in the figure below, police and the LC1s received more complaints from communities, the police opened files and interrogated the matters; charges of criminal trespass, assault and malicious damage were preferred since they could be heard in court. The main issue of

³⁸ Amuru, Mooroto and Luuka used the police more among other referrals

contention; Land rights in many incidences were left at the investigation stage limiting the access to land justice generally.

Figure 23: Land Justice Referral systems USED during Covid-19 lockdown

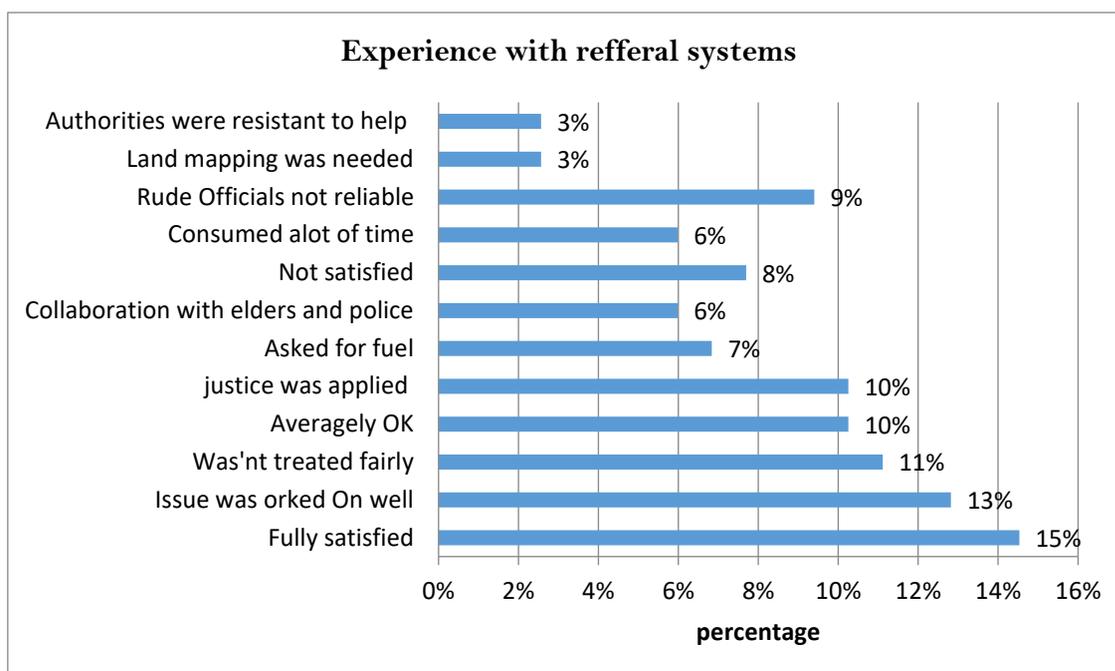


Communities accessed services of organizations like NGOs, religious organizations. Organizations like FIDA in West Nile, Justice Centres in Mubende are some examples of the institutions that people ran to for help. In Arua for example, out of the 288 cases received by the community Legal Volunteers, the majority were arising from Land. The Community Legal Volunteers are trained paralegals working with FIDA Uganda and are found in the communities. They liaise with the local leadership at the village level to address land right matters among other legal issues.

Experience with referral systems

Feedback from the various referral systems engaged to resolve land right matters during the lockdown spells out that 59.3% received assistance and of which the majority 54% felt satisfied with the authorities' interventions on the land matters. However, a sizable number felt they were not treated fairly, others complained of the slow pace of handling the matters. The paradox of corruption amongst the various referral systems was evident. 7% of the respondents noted that police asked for fuel, making the referral processes expensive and thus eliminating those with minimal incomes to access land justice.(See the figure 24below)

Figure 24: Citizens experience with noted referral systems



Judicial Action on Land Matters during Covid-19 lockdown

The Judiciary was operating during lockdown albeit with a lot of restrictions such as; suspension of all court hearings and appearances for the period of 32 days in late March. Prisoners and remandees were not presented to court; there was suspension of all execution proceedings, except where attachment had already taken place. Courts continued to handle certificates of urgency and taking plea for serious cases and bail applications however, only the applicant and his/her lawyer, or in the case of bail application, the sureties were allowed in court. Still in this period land matters were not handled.

The Land Act provides for land tribunals at the district level with powers of court to handle land related matters and Ward Executive Committee Courts are recognized as courts of first instance in respect of land disputes. Unfortunately, these structures remain non-existent due to financing challenges. Whereas the judiciary had its Judicial officers available during the Covid-19 lockdown, no matters specifically on land were handled due to the Ministry of Lands and the judiciary guidelines on land matters. A sizable number of respondents echoed the need to have courts of judicature operate even in calamities such as Covid-19. In some areas, police were able to arrest perpetrators and taken to court. According to the CID officer of Amuru police, perpetrators of land rights were also engaged in other criminal activities such as destruction of property among others. They were arrested and taken to court.

“We see criminal matters handled by court yet most steam from Land; it’s important to have special sessions to hear land related matters so as to resolve the root cause of the criminal matters” Per judicial officer - Arua

“One case was sighted during the lockdown; it’s the Justice Kiryawula family verses the people, its ranch 13 in Mutunda Sub County!” Nothing much has been done yet although there is a land Act which has a provision for tribunals, which should operate differently from the normal magistrates’ court. However, they suffer court backlogs and delayed justice”. Official District Land Board, Kiryandongo District

Are communities Feeling Secure during Covid19 Lockdown?

In light of the controlled movements and transport, closed land administration offices, limited judicial action on land matters and the involvement of security personnel in protecting investors that are evicting communities, the study sought to understand whether Ugandans still felt secure from possible land rights violations during the remaining time of lockdown and beyond; 64.8% of the respondents still feel secure while 35.2% feel threatened due to the following;

- i. Introduction of cities; communities in Arua, Soroti and Moroto feel their rights on land are threatened because of the coming of cities in their locality. Families with little knowledge about processing of certificate of customary ownership are faced with fear to lose their access rights on customary land. It was noted that most elders are processing for customary land certificates without or little knowledge by the extended family members. These processes are kept unnoticed to many relatives that possess the right to the same land. In Arua city for example, there is higher compensation to individuals and families that have a freehold title or certificate of customary ownership especially near the airstrip. During the lock down illegal surveys have been witnessed to tap into this lucrative venture.
- ii. Collusion with local leaders on boundaries, especially in light of younger households. Still with customary land arrangement, the clan leaders and the local leaders wield a lot of power to decide where the boundaries are. During the lockdown local councils have played greater roles in settling land rights violations however, they are also noted as accomplices to the violations.
- iii. Other issues include lack of clear documents about the land used by families. Specifically, women lack documents of the land they are using and only wait to be directed by the clan members or family. Where compromise is reached between the household head and any agent of land rights violation, women are never informed. With the closure of courts to handle land matters, women are left to seek services of human rights defenders like FIDA in Arua among others.
- iv. The patriarchal state of land governance influenced by culture and corruption mainly; it’s the clan heads that in most cases decide on land related matters. Respondents noted that when these leaders are bribed, as it has been the case in some incidences in Amuru, decisions to for the lowly placed members of the community to leave the land are eminent.

This study inquired how strongly respondents feel that the authorities would still protect them if somebody tried to abuse their land rights during the lockdown. It was observed that 41.04%feel very strongly protected by authorities, 28.75% feel fairly protected. Those that feel not strongly protected and don’t feel protected at all by the authorities were 10.82% and 13.42% respectively.

Who can protect Ugandans from possible land violations during lockdown?

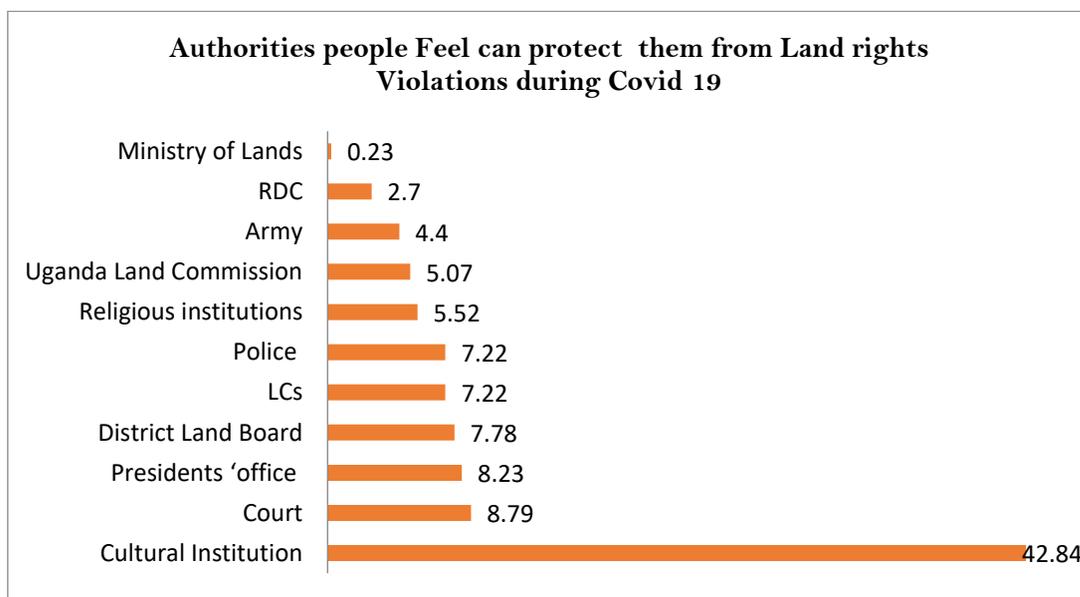
As regards what authority can strongly protect Ugandans from possible land rights violations during the lockdown; many preferred their cultural institutions (42.84%), followed by the courts of judicature (8.79%), then the Office of the President (8.23%). The lockdown presented an opportunity

to the cultural establishments at the village or community levels to address land related matters since they were closer to the community. Their knowledge about the boundaries and history of land ownership in some areas made cultural leaders handy to resolve the matters. In cases of large evictions, these entities were powerless since they had no protection of the law and security.

Even with courts of judicature remaining closed to handling land related matters, Ugandans still believe they are crucial in protecting their land rights. “Courts are fair they listen to you and also consider us women in their judgment,” noted a middle aged female FGD participant in Arua.

The Office of The President is trusted in protecting people from land right violations. In Ndeeba, a Kampala suburb, the FGD participants explained that the anticorruption desk at the Office of The President is passionate to see justice and rights of people protected. “The number one citizen has the powers to save people from these investors that evict people from their land,” explained a male FGD participant in Ndeeba. The police, office of the district Land Board and the LCI were also considered to protect people from land rights violation but not as much, as shown in the figure below.

Figure 25: Authorities citizens feel confident to handle Land Rights Matters During Covid-19 Lock down



Domino effect of Land Rights Violations

A lot of distress has come with the Covid-19 lockdown and land management is not an exception. Countrywide reports of violence, fraudulent evictions, and armed violence have been registered. Although, It hasn't been all doom across the various regions. There have been successes registered in form of peaceful resolution and compromise among parties.

In the Eastern region, there have been more efforts towards compromise and peaceful resolution of land rights challenges. The local elders, with the help of local leaders, are reported to have been at the centre of these efforts. In Karamoja region, land rights issues have resulted into violence on one hand, and peaceful resolution on the other hand. Police has been at the centre of realizing peaceful resolutions in most land cases. The pockets of armed violence were handled by the army and police, where cases were taken as criminal in nature since they had issues of destruction of property.

In Northern Uganda, land rights issues have mainly ended into destruction of property and armed violence. As noted by the district CID, a number of people have lost property and some lives due to land related matters. Family members have sold land to the rich without notifying the other users. The rich have erased gardens and huts of the bonafide occupants in many cases. In West Nile, violence, and fraudulent evictions have also been recorded. However, peaceful resolution by the local leaders, NGOs and elders, has generally been pursued in the region.

The mid-western region has had destruction of property and armed violence. The struggles for ownership and user rights of the government ranches of Kiryandongo have existed for a number of years. The lockdown period was not spared either by the long existing land rights issues. In fact, the lockdown availed more time to the “squatters” to expand the sizes of their gardens while the investors were repossessing their land with use of force.

The evictions in Kiryandongo, for example led to an increase in crime rates and other social evils such as theft, gender-based violence, rape and defilement. This is because the community was evicted and cordoned within land that is under contention. People have fallen victims of company employees, who do all sorts of evils against the community. The community within the cordoned land have no access to health facilities and water as the roads leading to the river and other water points have been blocked with all sorts of branches, shrubs and thorny trees.

We are greatly suffering ever since these people took over, all the roads have been blocked, and we can't access water. They used barbed wire and poles to cordon off the land and we have been locked up inside the land “we are like prisoners, so when you want to get out and access anything you go through a gate, but getting out of that gate is more trouble, you can wait for close to 2 hours, ranging from 30 minutes of being questioned; where are you going? Where are you coming from? And yet they actually know that you live within the cordoned off land”. Per Middle aged pregnant woman, Kiryandongo District

In the central region, violence was observed more so to bonafide occupants and those settling on lake shores. Many violence cases have reached to a compromise this is mainly by intervention of NGOs like Justice Centre Uganda in Mubende. In Kampala, Mulungu fish market was given an alternative land in Busabala, but the plight of the structures destroyed by KCCA and NEMA agents are still a point of contention. The use of force by well protected individuals in Munyonyo and Ndeeba have left structures down with businesses lost. The abrupt development of the old taxi park and the fencing off of the entire area during lockdown has limited access rights to business premises by some individuals.

Who are affected most by land rights violations?

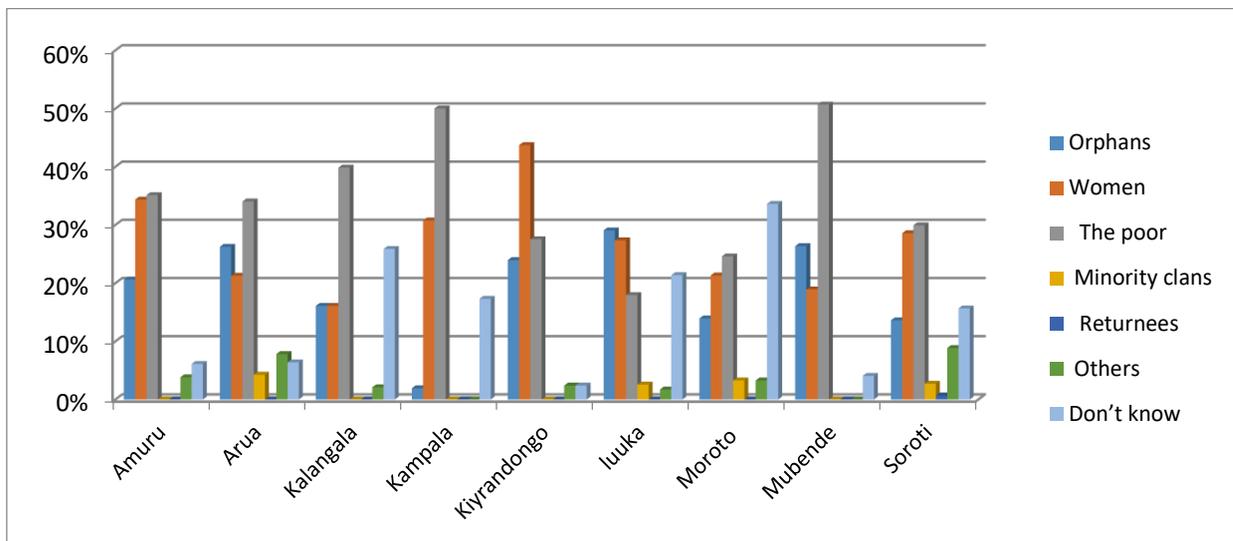
Women were the biggest land users during Covid-19 lockdown yet they remain the least land owners; both through ownership or inheritance. They are most affected group. It should be noted that most small-scale land rights violations during Covid-19 lockdown have been perpetrated family and relatives' interests. In Amuru, the women and the poor community members were most affected, while in Kiryandongo, the women that were most

affected. In central 1 & 2 regions, the poor people were the most affected however; in Mubende, returnees (people that work in urban areas but because of the lockdown choose to go back to their villages) have also faced a number of land rights violations like denial of access to their land. In Luuka and Soroti, the women and the poor are equally most affected as shown in the figure below.

“the women and the children are the most affected. Very much affected because the men are either on the run or in prison on land related issues. The women are also suffering and affected by the long distances they have to trek to look for firewood, because most of the trees were ploughed down , the water sources were destroyed , and they have to go long distances in search for water, they have to get back home and cook for the families”. Per FGD Participant, Kiryandogo District

“They are families because if you have set up your family in a strategic place and they come and send you away, you find that the elders, youth and all people have been affected”. Per Youth FGD participant, Kiryandogo District

Figure 26: Who is most affected with Land rights Violations during Covid-19 lock down



Awareness of & Adherence to Ministry of Lands Covid-19 Guidelines

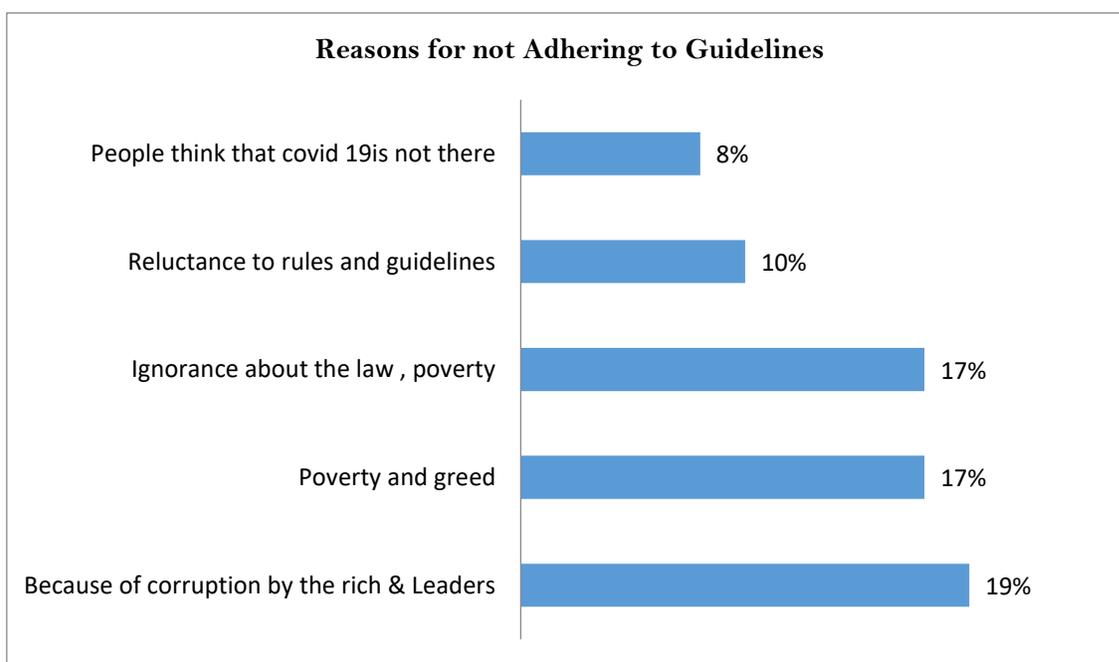
Knowledge of the Ministry of Land, Housing & Urban Development directives on Land administration and justice during Covid-19 lockdown is limited. 86.1% don't know the Covid-19 directives by Ministry, while 85.7% of Ugandans are not knowledgeable about the laws that protect people's land rights. This makes it harder for people whose land rights have been violated to peruse justice since they are not aware of what rights they have over land. Those that knew about the directives were still misinformed because when respondents were asked to mention some of the guidelines, a small number of respondents mentioned actions that were never issued namely; i) No selling of land during Covid-19 lockdown, ii) When someone has stayed on the land for 12 years he/ she should get the title, iii) No surveying of land during the lockdown. There is need to sensitize the masses about their rights on land to ensure land justice.

This study revealed that more people (58%) reported that community members were not adhering to the Ministry of Lands guidelines because of various factors namely; protection of the rich by security forces hence corruption, greed, sheer disrespect for humanity, ignorance about the law, thinking that Covid-19 is non-existent, and desperation due to loss of jobs therefore focusing on land for crops.

The community noted that some people are untouchable and freely violated the Ministry guidelines with impunity, and neither the police nor the RDC would touch them. Whereas the Ministry issued directives, they were not shared in the entire country. By and large, there was general lack of information at the community level about the details of the guidelines.

“We have those people that are the owners of this country; whether the big man speaks they continue doing it because they are above the law. In addition to that, in most villages, information doesn’t reach there, so that people are informed. Some people are not informed on the president’s directive on land issues”. Per Middle aged participant, Kiryandongo District

Figure 27: Reasons as to why people are not adhering to Covid-19 guidelines



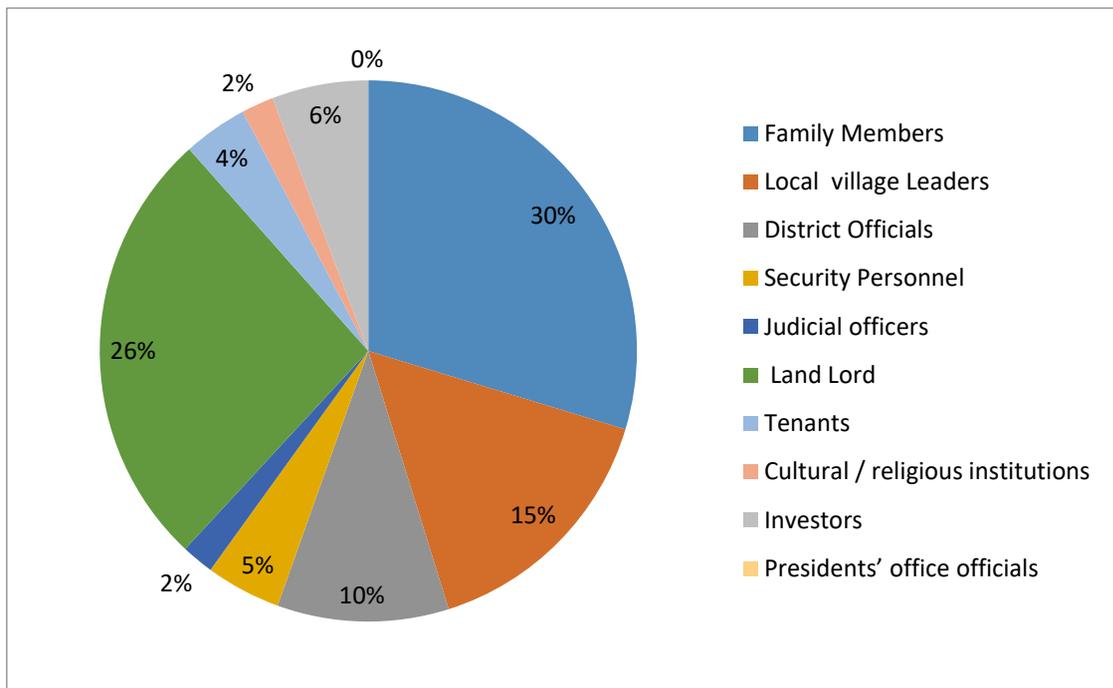
The legality of these guidelines was also challenged across the legal fraternity since they have no backing of the law or policy. Administrators and other judicial officers felt that the guidelines were not binding hence being considered as redundant.

According to the Buganda Land Board official, the Ministry of Lands directives were not generally observed by the citizens. During the lockdown, people have continued to buy and sell land. As other goods and services were traded, he noted that land is a factor of production therefore it is needed to trade even during calamities like Covid-19. In Kalangala district, land surveying was going on normally especially on Mailo land.

“but you know there are some things the ministries do which don’t have any legal basis, now the court is not governed by the ministry, the court follows the law, the court follows policy assuming there is a policy that is, the court doesn’t follow what a minister says. So, the minister making a directive and saying this will not work or this will work, in the eyes of the public he has done so well but in terms of the law it is redundant. The court cannot sign a ministerial directive or letter and say the minister said this because within our operations we are not guided by what the minister says or what the minister wishes”. Per KII with a Judicial officer, Soroti District

As regards to who is violating the land rights during the Covid-19 lockdown, at a small-scale level, this study revealed that family members and landlords were highly mentioned as the key violators of land rights. It was noted that they mostly deprived women user rights to land especially for crop production owing to either sale of land, rent away of the parcel or evictions. Landlords were vehemently mentioned in areas of evicting land users due to non-payment of rent fees or *busuulu* but as a pretext to own back their land since the Land Act only gives conditions of eviction on land for tenants as failure to pay *busuulu*.

Figure 28: Categories of people that have violated Covid-19 Land guidelines



4 Recommendations & Conclusions

4.1 Recommendations for better management of land during disasters and pandemics

Taking into account of the discussions and findings from the study, the following recommendations are proposed to ensure generally better land administration and specifically an improved land management during disasters and pandemics;

- *Development and implementation of an Inter-Sectoral Coordination and Cooperation Frameworks of Land administration*

The Land sector in Uganda is largely dysfunctional with regard to land administration. Security agencies have in some incidences seen to superintend over land evictions contrary to the judicial position, the land offices in a number of incidences have faced matching orders from the executive to issue or cancel land titles with no consideration of the law. During the lockdown, the various MDAs lacked coordination. This escalated land rights violations as each entity worked in isolation.

The pandemic has exposed further how un-coordinated the land sector is therefore, as a matter of urgency, there is need to develop and make available an inter-sectoral coordination and cooperation framework between the different MDAs across the board to help in ensuring smooth land administration while focusing more on the protection of land rights generally. In times of disasters, the frameworks need to spell out a continuation of land administration by the different MDAs to respond to the challenges of land rights violations.

- *Develop and operationalise Land mediation Committees to manage conciliations during pandemics and in normal times too*

Pandemics confine people in a given locality which breeds more conflicts. This study has shown that a lot of land rights matters during covid19 lockdown in communities were settled by mediation. It's important therefore for the law to be amended to incorporate mediation committees at the sub county and lower level which will have quasi-judicial powers with mediation element and more friendly in nature. These mediation committees should also incorporate the cultural or traditional systems to tap into their harmony creation and non-adversarial approach to dispense justice and to have as their decisions guided and respected by the judiciary among other entities. These mediation committees will be playing a vital role of reaching the confined people during pandemics and the general populace during normal times thus creating harmony on land in the most volatile areas and in times of disasters.

- *Support land administration offices with technology and other logistics to remain functional during pandemics and easily share land information with the judiciary and security organs.*

Land administrators, especially the Ministry of Land and the District Land Boards, should keep all channels of communication open amidst any pandemic because without channels being open, it will be hard to detect land rights violations at the grassroots. All the area land communities, parish and district structures should be capacitated to detect and handle land rights issues during pandemics and calamities and to efficiently handle or forward the land rights issues to judiciary for redress. Technology used by the various land administration units should make it easier to share information with other functionaries of land justice, like the judiciary and security organs, in protecting land rights of people during and after a pandemic.

- *Expedite the formation land acquisition, rehabilitation and resettlement policy and include clauses of land administration during disasters specifically increase the disturbance allowance to 65% in times of pandemics*

To protect people's land rights, Ministry of Lands should finalize the land acquisition bill as well as the rehabilitation and resettlement policy to provide a clear path for communities to complex land challenges that come with displacement/evictions. The policy should clearly address land rights challenges faced in case of pandemics too. Whereas the LARRP is in its draft form, the clauses (5.1.7.8) that espouse on the entitlements of allowances to facilitate relocation of affected parties are generic with no consideration of relocations during a pandemic.

Currently, a disturbance allowance of either 15% or 30% of the total compensation amount depending on the grace period given (minimum 6 months or less than 6 months respectively), is paid to both land owners and tenants. However, during a pandemic the compensation costs of transportation, disturbance, settling-in and transition support need to be considerate since costs skyrocket during a disaster or pandemic just like it was the case with covid19 lockdown. It's proposed that a disturbance allowance of 65% in a pandemic be offered to meet the PAPs' needs and encourage relocations too in such times.

- *Institute a team at district level to oversee fair compensations during pandemics*

District Land Boards, Land and Judicial officers plus CSOs should form a team to oversee adequate compensations on contested land during pandemics and in normal situations similarly. The team should be mandated to ensure that compensation is done in an orderly manner and in a given timeframe to limit cases of re-occurrence of claimants that trigger confusion and violence. Government should ensure that fair compensation guarantees a continuation of the people's livelihood; a land-for-land compensation with similar quality characteristics and size is recommended during a pandemic. This will safeguard the livelihoods of the people displaced to a greater extent as opposed to only cash competitions.

- *Incorporate land administration guidelines during pandemics into the Law*

The pandemic has presented a need to manage land administration in a way that is mindful of the land rights of people under confinement. The Ministry of Lands, Housing and Urban Development should ensure that the guidelines set during the pandemic shouldn't stop at being administrative tools only, but be incorporated into the law so they can be of much effect. Some stakeholders disregarded these guidelines arguing that they never had the backing of the law.

- *Development and realization of a policy on evictions*

Ministry of Lands, Housings & Urban Development should come up with stringent laws on evictions because the guidelines on evictions alone will not address the root cause of the problem. A comprehensive policy should be set up to address the problems of land evictions and this policy should incorporate a thorough social impact assessment for activities that may result in land eviction. The policy should clearly discourage land evictions during pandemics in order to safeguard land rights. The current guidelines give a lot of powers to the police that necessitates a lot of to and fro engagements with the security apparatus before evictions are made. The policy adjustment should seek to harmonize the various roles of stakeholders while amplifying the need to secure the rights of the land owners and users in a pandemic.

- *For CSOs*

As a voice of the people, CSOs actions during Covid-19 lockdown were equally confined as many of the staff stayed home. There was little access to the various communities in which CSOs operate, save for organizations that used a community-based monitoring system of volunteers. Access to people that experienced land rights violations was a challenge in some cases like Kiryandongo.

- a. A consortium of land rights players can ensure coordination and widen the scope of reach during a pandemic.
- b. CSOs need to set up a robust response system to address land rights violations during pandemics as was the case with GBV incidences.

4.2 Conclusions

Covid-19 lockdown fronted challenges in accessing land justice among the population facing land right violations. As presented in this study, large scale land evictions experienced in the western, central and northern regions of the country were carried out in a manner that violates most of the human rights. The wakeup call by the pandemic speaks to the need of having better cooperation among different players in land administration and amendment of laws to consider scenarios like Covid-19 pandemic.

Corporate entities were detached from the reality of the pandemic as they continued with their businesses; it's imperative that they are guided on how they should operate in a

pandemic. Finally, it is dangerous to relegate services of Justice Law and Order to the non-essential category during a pandemic. This can create a hive of dubious activities and by the time the calamity is gone, a lot of damage in terms of loss of property, lives, and livelihood would be done. Law and order is therefore a key to contain any calamity. And some slight negation of institutions that ensure law and order as was the case for the judiciary especially on land issues, leads to more chaos and societal disruptions

5 Annexes

5.1 Annex I: Survey tools

FOOD RIGHTS ALLIANCE (FRA)

COUNTRY WIDE SURVEY ON THE STATUS OF LAND RIGHTS VIOLATIONS DURING COVID 19 LOCKDOWN IN UGANDA

HOUSEHOLD QUESTIONNAIRE My name is I am here on behalf of Rodell Consults that has been contracted by Food Rights Alliance to conduct a countrywide study on “*Status of Land Rights Violations during Covid-19 Lockdown*” in your district.

I would like to ask you to participate in a one-to-one interview on issues concerning your experiences on Land Rights violations. The discussion will take about 30 minutes. Please answer all the questions truthfully. You will not be judged on your responses. You may refuse to answer any question and you may choose to stop the interview at any time.

There is no direct benefit, money or compensation to you in participating in this study and your participation is voluntary. However, we hope that if this study is done well, it will inform government and other stake holders on ensuring land rights & justice.

Consent Statement

Are you willing to participate in this study?	<input type="checkbox"/> Yes	Continue with the interview
	<input type="checkbox"/> No	Stop here

A: Identification Particulars

QNO	Questions and filters	Coding category	Skip
I01	Questionnaire code:		
I02	District Name:	1. Arua 2. Amuru 3. Mubende 4. Kiryandongo 5. Kampala 6. Kalangala 7. Luuka 8. Soroti 9. Moroto	

Prepared by:

Mugambwa Robert and Bagaboine Isaiah,

Rodell Consult, Plot 27 Clement Hill Road, P.O Box 74733 Kampala, Uganda

Phone: +256 702296072, E-mail: pineapplesafrica@gmail.com, rodellconsults@gmail.com

I03	Sub-County:		
I04	Parish/ Ward:		
I05	LC I / Village:		
I06	Area	1. Urban 2. Rural	
I07	Name of Interviewer:		
I08	Date of the Interview:		
I09	Time (MM/HR):		

B: Household (HH) Characteristics

QNO	Questions and filters	Coding category	Skip
201	Gender: [Observe]	1. Male 2. Female	
202	Age (in years):	1. 18-29 2. 30-49 3. 50 and above	
203	Marital Status	1. Never married 2. Married 3. Divorced 4. Widowed 5. Separated 6. Others (Specify)	
204	Relationship to the Head of Household	1. Head 2. Spouse 3. Son/ Daughter 4. Other adult 5. Don't know	
205	How many people live in this household?	Male Female	
206	Highest Level of Education:	1. No formal Education 2. Primary Education 3. Secondary Education 4. Tertiary Education 5. Other (Specify)	
207	Roof type of the house: [Observe]	1. Grass thatched 2. Iron sheets 3. Tiles	
208	Transport owned:	1. Car 2. Motorcycle 3. Bicycle 4. None	
209	What are the usual sources of income in your household? [MULTIPLE CHOICE]	1. Farming (Crops) 2. Farming (Livestock) 3. Wage Labour	

		4. Casual labour 5. Trade 6. Other (specify)	
210	How do you rank yourself in the village in terms of wealth?	1. High 2. Medium 3. Low 4. Don't know	

C: HH Income and Expenditure

QNO	Questions and filters	Coding category	Skip
301	How much money did you spend during the last month? (INSERT NUMBER, OR ZERO (0) IF NONE)		
302	What were the <u>three</u> biggest expenditures during the COVID-19 Lock Down [TICK ONLY THREE]	1. Food 2. Medication 3. Schooling Costs 4. Transport 5. Clothing 6. Housing 7. Labour (farm & non-farm) 8. Utilities (electricity, water, firewood) 9. Social events (i.e. weddings, burials) 10. Farm inputs 11. Alcohol 12. Land Rights violation issues 13. Others (Specify)	
303	Who controls the household expenditure?	1. Wife 2. Husband 3. Both	

D: Production Assets

QNO	Questions and filters	Coding category	Skip
401	Does your household own land?	1. Yes 2. No	No ⇒ Skip to 405
402	How much land does your household own?	1. Less than an acre 2. Two acres 3. Three acre 4. Four acres 5. Five acres 6. Six acres and above	
403	How did you acquire this land (multiple means)	1. Bought it 2. Inherited it 3. Got it as a gift	

			<ol style="list-style-type: none"> 4. Received it as a payment/compensation 5. Given by government 6. Grabbed it 7. Others (Specify) 8. Refused to answer 9. N/A 	
404	What do you use your land for? (multiple)		<ol style="list-style-type: none"> 1. Agricultural only 2. Commercial only 3. Residential only 4. All the three above 5. Both Agricultural & commercial 6. Both agricultural & Residential 7. Both Residential & commercial 8. Others (Specify) 	
405	Which of the following productive assets does your household have?		<ol style="list-style-type: none"> 1. Tools (Panga, Ploughs, Spray pump, Ox-plough) 2. Trees 3. Livestock (Chicken, Ducks, Oxen, Goat, Sheep, Sheep, Cattle, & Pigs) 4. Others (specify)_____ 5. Does not own assets 	6 ⇒ Skip to 407
406	Who owns the following productive assets? [FILL THE APPROPRIATE]	Land	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both 4. Other (specify) 	
		Tools	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both 4. Other (specify) 	
		Livestock	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both 4. Other (specify) 	
		Trees	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both 4. Other (specify) 	
		Others (specify) _____	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both 4. Other (specify) 	
407	Who makes decisions on the utilization of the following productive assets? [FILL THE APPROPRIATE]	Land	<ol style="list-style-type: none"> 1. Spouse 2. Household head 3. Both Spouse & HHd 4. Children 5. Extended Family 	

			6. Clan Leaders 7. Other (specify)	
		Tools	1. Spouse 2. Household head 3. Both Spouse & HHd 4. Children 5. Extended Family 6. Clan Leaders 7. Other (specify)	
		Livestock	1. Spouse 2. Household head 3. Both Spouse & HHd 4. Children 5. Extended Family 6. Clan Leaders 7. Other (specify)	
		Trees	1. Spouse 2. Household head 3. Both Spouse & HHd 4. Children 5. Extended Family 6. Clan Leaders 7. Other (specify)	
		Others (specify) _____	1. Spouse 2. Household head 3. Both Spouse & HHd 4. Children 5. Extended Family 6. Clan Leaders 7. Other (specify)	
408	What Tenure system is your land?		1. Customary 2. Freehold 3. Leasehold 4. Milo 5. Government Land	

E: Access to Land during COVID-19

QNO	Questions and filters	Coding category	Skip
501a	Have you had any Land Rights Violations within your household during COVID-19 Lock down?	1. Yes 2. No	No ⇒ Skip to 506
501.b	When did it happen?		
502	What category of people violated your household's Land rights?	1. Neighbour 2. Family Members 3. Local village Leaders 4. District Officials 5. Security Personnel 6. Judicial officers 7. Land Lord 8. Tenants	

		<ul style="list-style-type: none"> 9. Investors 10. Presidents' office officials 11. Others (specify) 	
503a	What was the dispute (drivers) of the land about?	<ul style="list-style-type: none"> 1. Boundaries 2. Illegal sale 3. Illegal survey 4. Inheritance challenge 5. Encroachment 6. Evictions 7. Don't know 8. Others (Specify) 	
503b	If Yes to answer 5 above, was formal authorization for eviction presented?	<ul style="list-style-type: none"> 1. Yes 2. No 	
503c	How were the eviction carried out?		
504	What did the dispute result into? (Multiple)	<ul style="list-style-type: none"> 1. Violence 2. Armed violence 3. Fraudulent eviction 4. Death 5. Peaceful resolution 6. Compromise 7. Nothing 8. Others (Specify) 9. Don't know 10. Refused to answer 	
505a	Did you report these incidences to any authority?	<ul style="list-style-type: none"> 1. Yes 2. No 	
505b	If Yes to 505a above; where did you report?	<ul style="list-style-type: none"> 1. LCI 2. LC3/ Local Area Councillor 3. RDC 4. Court 5. LC5 6. Police 7. Local Area MP 8. Informal (local) justice system 9. Religious & Cultural leader 10. Others (specify) 	
505c	Where you assisted on the above issue(s)?	<ul style="list-style-type: none"> 1. Yes 2. NO 	
505d	What were your experiences during your interface with the noted referral systems above?		
506a	Do you feel you are still secure from possible eviction from your land?	<ul style="list-style-type: none"> 1. Yes 2. No 	
506b	If No, why?		
507a	How strongly do you feel the authorities would protect you if somebody tried to evict you from your dwelling during this	<ul style="list-style-type: none"> 1. Very strongly 2. Fairly strongly 	

	lockdown?	<ol style="list-style-type: none"> 3. Not strongly 4. Not at all 5. Don't know 	
507b	Which Authority do you feel can strongly protect you from possible land evictions?	<ol style="list-style-type: none"> 1. Uganda Land Commission 2. Ministry of Lands 3. RDC 4. Presidents 'office 5. LCs 6. District Land Board 7. Cultural Institution 8. Court 9. Police 10. Army 11. Religious institutions 12. Others(specify) 	
508a	Do you know any Land Rights Violations within your community during COVID-19 Lock down?	<ol style="list-style-type: none"> 1. Yes 2. No 	No ⇒ Skip to 509
508b	If Yes, Describe the forms of violations and who is behind such acts		
508c	What was the dispute (drivers) of the land about?	<ol style="list-style-type: none"> 1. Boundaries 2. Illegal sale 3. Illegal survey 4. Inheritance challenge 5. Encroachment 6. Eviction 7. Don't know 8. Others (Specify) 	
509	What has generated land disputes within this community during Covid-19 lockdown?	<ol style="list-style-type: none"> 1. Domestic Issues 2. Boundaries 3. Illegal sale 4. Illegal survey 5. Inheritance challenges 6. Encroachment 7. Evictions 8. Conflicting Court Orders 9. Don't know 10. Others (Specify) 	
510	How has the community resolved land disputes during Covid-19 lock \down?	<ol style="list-style-type: none"> 1. Use of clan/ elders 2. Use of LCI 3. Use of LCIII 4. Police 5. Courts of Law 6. RDC's office 7. District Land Tribunal 8. Assistance from advocacy groups 	

		9. Others (specify)	
511	Which group in your community was most affected by land rights violation during this lockdown	<ol style="list-style-type: none"> 1. Orphans 2. Women 3. The poor 4. Minority clans 5. Returnees 6. IDPs 7. Others (Specify) 8. Don't know 9. Refused to answer 	
512a	Do you know of any Law that protects you and your people on land (own, use or occupy rights)?	<ol style="list-style-type: none"> 1. Yes 2. No 	No ⇒ Skip to 513
512b	Mention the various Laws & Policies.		
512c	Have you ever participated in any training or meeting that talked about your Land Rights?	<ol style="list-style-type: none"> 1. Yes 2. No 	
512d	Do think these meetings are effective in addressing your Land rights challenges?	<ol style="list-style-type: none"> 1. Very Effective 2. Effective 3. Not effective 4. Don't know 	
512e	If No, why have you not participated?		
513a	Have you heard about the Ministry of Land Housing and Urban Development Guidelines on Land evictions during COVID-19 lockdown?	<ol style="list-style-type: none"> 1. Yes 2. No 	No ⇒ Skip to 517
513b	Mention some of the guidelines		
513c	Are people adhering to these guidelines in your community?	<ol style="list-style-type: none"> 1. Yes 2. No 	
513d	If No, why do you think they are not adhering to the guidelines?		
513e	What categories of people / institutions are not adhering to the ministry guidelines?	<ol style="list-style-type: none"> 1. Family Members 2. Local village Leaders 3. District Officials 4. Security Personnel 5. Judicial officers 6. Land Lord 7. Tenants 8. Cultural / religious institutions 9. Investors 10. Presidents' office officials 11. Others (specify) ... 	
514a	Are you satisfied with the way land rights violation are being handled during this Covid-19 lockdown?	<ol style="list-style-type: none"> 1. Yes 2. No 	
514b	If No, Why?	<ol style="list-style-type: none"> 1. Inadequate awareness of rights 	

		2. Biased decision of mediators 3. Corruption 4. Poverty 5. Others (Specify)	
515	What can be done to overcome the Land Rights Violations during situations like Covid-19 lock down?		
516	End time:		

END

Food Rights Alliance (FRA)

COUNTRY WIDE SURVEY ON THE STATUS OF LAND RIGHTS VIOLATIONS DURING COVID 19 IN UGANDA **INTERVIEW GUIDE FOR KIIs**

My name is I am here on behalf of Rodell Consults that has been contracted by Food Rights Alliance to conduct a countrywide study on “**Status of Land Rights Violations during Covid19 lockdown**” in your district.

I would like to ask you to participate in a one-to-one interview on issues concerning your experiences on Land Rights violations. The discussion will take about 30 minutes. Please answer all the questions truthfully. You will not be judged on your responses, you may refuse to answer any question and you may choose to stop the interview at any time.

There is no direct benefit, money or compensation to you in participating in this study and your participation is voluntary. However, we hope that if this study is done well, it will inform government and other stake holders on ensuring Land rights of the people are upheld

Question/s	Respondent/s
1. Generally how has the community adhered to the COVID 19 directives from government? (get narrative) What are the main challenges faced by people during this time?(list them)	All
2. Did you have issues of Land conflicts, evictions and injustice in Your District/ Sub county/ community during Covid-19 Lockdown? a. If yes, Give examples? b. If no, how have you maintained the status quo as directed by the ministry of Lands?	All
3. Where do we commonly find these land injustice acts in the district or sub county? a. List the areas	All
4. What has generated land conflicts in your communities (drivers) during COVID-19 lockdown?	All
5. Who are the common perpetrators of Land Rights injustice in the district or sub county amidst Ministry of Lands Covid-19 intervention? i. List them& give specifics	All
6. In cases of Land evictions and related land conflicts during the lock down, how were the people helped? Where did they go for redress and related help?	All

7. What have you done as an institution to help people whose land rights were violated during the lockdown?	All
8. Which groups in your communities has been most affected by land rights violation during this lockdown	All
9. How have the COVID 19 Ministry of Land directives supported Land rights or propagated Land injustices in your District/Community?	All
10. What policy recommendations do you think can guide the country on how to handle Land related management & governance issues amidst such pandemics? <i>(probe on the viability of the current policies to address pandemics do they need amendments?)</i>	CAO, Land Board members, SAS, LCV, Ministry of Lands Officials
11. What Recommendations do you have towards government & mandated Land bodies on how to improve the Land rights of the people?	All

Food Rights Alliance (FRA)

COUNTRY WIDE SURVEY ON THE STATUS OF LAND RIGHTS VIOLATIONS DURING COVID 19 LOCKDOWN IN UGANDA

FGD GUIDE

Introduction	Tools & Output
<p>The discussion will be kick-started with drawing of a community map on ground or paper showing various land use in the community and focus shall be on areas that face Land rights violations. <i>(as one volunteer to guide in the drawing of the community Map on Ground first which will later be transferred on Paper)</i></p> <p>Key issues to capture are</p> <ol style="list-style-type: none"> i. Areas of human settlement ii. Social services like health centres, water points and schools iii. Communal Lands for grazing etc iv. Land for Food production v. Lands in conflict <p>The anticipated response categories will provide deeper understanding of land issues in the community and follow up questions below will guide the conversations. Care will be taken also to capture voices in their exact formulation.</p>	<p>Topical Map on Land use and Violations</p> <p>Materials needed; bare land, a stick, stones ash, Manila paper, multi-coloured markers</p>
Questions	
<ol style="list-style-type: none"> 1. Has this community faced Land related issues during Covid-19 Lock down? What issues? <ol style="list-style-type: none"> a. List each issue 2. Who promoted these land related issues to prevail amidst Covid-19 directives from government? (List) <ol style="list-style-type: none"> a. Who?List each promoter. b. How are these perpetrators protected? c. Who is protecting them? 3. Where did you go for help in case of Land issues during Covid-19? List them. <ol style="list-style-type: none"> i. Why did people choose to go to the named category of people for help? 4. Who were most affected by the Land related issues during Covid-19 in the community? How were they affected? <i>(pair wise method should be used for each category given to rank the most affected)</i> 	<p>List</p> <p>Profile of land rights violation promoters</p>

FOOD RIGHTS ALLIANCE (FRA)

COUNTRY WIDE SURVEY ON THE STATUS OF LAND RIGHTS VIOLATIONS DURING COVID 19 LOCKDOWN IN UGANDA

LOCAL COUNCIL QUESTIONNAIRE My name is I am here on behalf of Rodell Consults that has been contracted by Food Rights Alliance to conduct a countrywide study on “**Status of Land Rights Violations during Covid-19 Lockdown**” in your district.

I would like to ask you to participate in a one-to-one interview on issues concerning your experiences on Land Rights violations. The discussion will take about 20 minutes. Please answer all the questions truthfully. You will not be judged on your responses. You may refuse to answer any question and you may choose to stop the interview at any time.

There is no direct benefit, money or compensation to you in participating in this study and your participation is voluntary. However, we hope that if this study is done well, it will inform government and other stake holders on ensuring land rights & justice.

Consent Statement

Are you willing to participate in this study?	<input type="checkbox"/> Yes	Continue with the interview
	<input type="checkbox"/> No	Stop here

A: Identification Particulars

QNO	Questions and filters	Coding category	Skip
V101	District Name:	10. Arua 11. Amuru 12. Mubende 13. Kiryandongo 14. Kampala 15. Kalangala 16. Luuka 17. Soroti 18. Moroto	
V102	Sub-County:		
V103	Parish/ Ward:		
V104	LC I / Village:		
V105	Area	3. Urban 4. Rural	
V106	Name of Respondent		
V107	Current responsibility on LC I	1. Chairperson 2. Vice Chairperson 3. Committee member	

		4. Village elder 5. Local land court member 6. Others (specify)	
V109	Phone Contact	
V110	Name of Interviewer:		
V111	Date of the Interview:		
V112	Time (MM/HR):		

B: Community Characteristics

QNO	Questions and filters	Coding category	Skip																					
V201	How many households are in this community?																							
V202	What is the main source of income for men & women in your community?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">Men</td> <td style="text-align: center;">Women</td> </tr> <tr> <td>7. Farming (Crops)</td> <td></td> <td></td> </tr> <tr> <td>8. Farming (Livestock)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>9. Wage Labour</td> <td></td> <td></td> </tr> <tr> <td>10. Casual labour</td> <td></td> <td></td> </tr> <tr> <td>11. Trade</td> <td></td> <td></td> </tr> <tr> <td>12. Other (specify)</td> <td></td> <td></td> </tr> </table>		Men	Women	7. Farming (Crops)			8. Farming (Livestock)	<input type="checkbox"/>	<input type="checkbox"/>	9. Wage Labour			10. Casual labour			11. Trade			12. Other (specify)			
	Men	Women																						
7. Farming (Crops)																								
8. Farming (Livestock)	<input type="checkbox"/>	<input type="checkbox"/>																						
9. Wage Labour																								
10. Casual labour																								
11. Trade																								
12. Other (specify)																								
V203	What is the main land Tenure system in your community?	<ul style="list-style-type: none"> 6. Customary 7. Freehold 8. Leasehold 9. Milo 10. Government Land 																						
V204	What is the major use of land in your community? (<i>The largest land</i>)	<ul style="list-style-type: none"> 9. Agricultural only 10. Commercial only 11. Residential only 12. All the three above 13. Both Agricultural & commercial 14. Both agricultural & Residential 15. Both Residential & commercial 16. mining Others (Specify) 																						
V205	In case of Land rights violations in the community, where do the people go for redress?	<ul style="list-style-type: none"> 11. LCI 12. LC3/ Local Area Councillor 13. RDC 14. Court 15. LC5 16. Police 17. Local Area MP 18. Informal (local) justice system 19. Religious & Cultural leader 20. Others (specify) 																						

E: Access to Land during COVID-19

QNO	Questions and filters	Coding category	Skip
V301	Have you had any Land Rights Violations within your community during COVID-19 Lock down?	3. Yes 4. No	No ⇒ Skip to V311
V302	What generated land disputes within this community during Covid-19 lockdown?	11. Domestic Issues 12. Boundaries 13. Illegal sale 14. Illegal survey 15. Inheritance challenges 16. Encroachment 17. Evictions 18. Conflicting Court Orders 19. Don't know Others (Specify)	
V303	Who were behind such Land rights violations during the lock down? (multiple)	12. Neighbour 13. Family Members 14. Local village Leaders 15. District Officials 16. Security Personnel 17. Judicial officers 18. Land Lord 19. Tenants 20. Investors 21. Presidents' office officials 22. Others (specify)	
V304a	What did the Land rights violations during Covid-19 result into? (Multiple)	11. Violence 12. Armed violence 13. Fraudulent eviction 14. Death 15. Peaceful resolution 16. Compromise 17. Nothing 18. Others (Specify) 19. Don't know 20. Refused to answer	
V304b	How many people were affected? (average)	Men..... Women..... Children	
V305	Did you report these incidences to any other authority?	3. Yes 4. No	
V306	If Yes above; where did you report?	1. LC3/ Local Area Councillor 2. RDC 3. Magistrates Court 4. LC5	

		5. Police 6. Local Area MP 7. Informal (local) justice system 8. Religious & Cultural leader 9. Others (specify)	
V307	Where you assisted on the above issue(s)?	3. Yes 4. NO	If no Skip to V310
V308	How satisfied were you with the assistance offered to you and your community members by the referred authorities above?	5. Very Satisfied 6. Moderately satisfied 7. Neither Satisfied nor dissatisfied 8. Not satisfied	
V309	Give reasons to the answer above (why u said so above?)		
V310	If Not assisted what did you do next?		
V311	Do you have a village Land Court in this community?	3. Yes 4. No 5. Don't know	If 2& 3 ⇒ Skip to V316
V312	How many people make up the Local council / land court?	Women..... Men..... Don't know	
V313	Did the court handle any issues related to land violations during covid 19 Lock down?	1. Yes 2. No	
V314	Are you a member of the local council Court?	1. Yes 2. No	
V315	Do you think these Local Courts are effective in addressing your Land rights challenges?	9. Very Effective 10. Effective 11. Not effective 12. Don't know	
V316	Have you heard about the Ministry of Land Housing and Urban Development Guidelines on Land evictions during COVID-19 lockdown?	3. Yes 4. No	No ⇒ Skip to V319
V317	Mention some of the guidelines		
V318	What categories of people / institutions are not adhering to the ministry of Land guidelines?	12. Family Members 13. Local village Leaders 14. District Officials	

		15. Security Personnel 16. Judicial officers 17. Land Lord 18. Tenants 19. Cultural / religious institutions 20. Investors 21. Presidents' office officials 22. Others (specify)	
V319	What can be done to overcome the Land Rights Violations during situations like Covid-19 lock down and other calamities?		
V320	End time:		

END

5.2 Annex 3: References & Citations

World Bank, 2009; World Development Indicators, Washington DC: World Bank.

Green, Elliott D. 2005. Ethnicity and the politics of land tenure reform in central Uganda. Development Studies Institute Working Paper Series, 05–58. London: London School of Economics and Political Science.

Ministry of Lands, Housing and Urban Development (March 2017): What the Law Says On Land Evictions, 4Transaction Procedure series No. 18, Government Communication Strategy Implementation Series No.4

National Land Policy, 2013

The Constitution of Uganda 1995 as amended
The Local Council Courts Act, 2006

Internet Citations

⁶<https://ugandamediacentreblog.wordpress.com/2020/04/16/press-statement-on-directive-to-halt-any-evictions-of-bonafide-and-lawful-occupants-on-registered-land-during-the-covid-19-lockdown-period/>