



Standing Up Against Violence (STAV) Project

A CASE STUDY REPORT ON THE CHALLENGES OF ACCESSING JUSTICE BY
VICTIMS OF LAND GRABBING DURING COVID-19 PANDEMIC AND THE IMPACT
ON DISPLACED COMMUNITIES IN UGANDA

NOVEMBER 2022

In partnership with



With financial support from



TABLE OF CONTENTS

ABOUT WITNESS RADIO.....	4
ACKNOWLEDGEMENTS.....	5
LIST OF ACRONYMS	6
DEFINITIONS OF KEY TERMS.....	6
EXECUTIVE SUMMARY.....	10
1.0 INTRODUCTION	15
1.1. Background and Justification of the Study.....	15
1.2. Objectives of the Study	17
1.3. Scope and Area of the Study.....	18
1.4. Conceptual framework	18
2.0 METHODOLOGY	19
2.1. Study Design and Approach	19
2.4 Methods of Data Collection.....	20
2.4.1. Literature Review.....	20
2.4.2. Key Informants Interviews (KIIs).....	20
2.4.3. Interviews and Conversations with selected individuals	20
2.4.4. Sampling Technique	21
2.4.5. Sample Size.....	21
2.5 Methods of Data Analysis.....	21
2.6 Quality Control Measures.....	22
2.7. Feedback Workshops.....	22
2.8. Limitations of the study	22
3.0. LAND POLICY AND LEGAL FRAMEWORK IN UGANDA.....	23
3.1. Introduction	23
3.2. Land as a Human Right.....	23
3.3. Land Rights in International and Regional Human Rights Instruments.....	23
3.4. Land Rights in National Legal and Policy Frameworks	25
3.5. The Land Tenure Systems in Uganda, Gaps and Challenges	29
4.0. FINDINGS AND INTERPRETATIONS.....	36
4.1. Social Demographic Characteristics of Respondents	36
4.2. Displacement Pattern of Land Eviction Victims During COVID-19 Related-lockdowns in Uganda	40
4.3. Land Ownership and Tenure Characteristics of Land Grabs During COVID-19 Emergency	48
4.4. Actors in Illegal land Evictions During COVID-19 Emergency.....	51
4.5. Tools Used in Illegal land Evictions	54
4.6. The effect of illegal land evictions on the most at risk victims.....	56

4.7. Understanding the case reporting systems used by the land grab victims during COVID-19 related-lockdowns in Uganda	57
4.8. The challenges faced by land grab victims in accessing justice during COVID-19 related-lockdowns in Uganda.	60
4.9. Implications of illegal evictions on livelihoods during COVID-19 emergency control measures	62
4.10. Knowledge and Perceptions about Human Rights Violations in Land-Related Business Operations	63
5.0. CONCLUSIONS AND RECOMMENDATIONS.....	66
5.1. Conclusions	66
5.2. Recommendations.....	67

Bibliography

Appendices

Appendix 1: Key Informants Interview Guide

Appendix 2: Individual Interview Questionnaire

ABOUT WITNESS RADIO

Witness Radio (WR) is a duly registered non-partisan and a not-for-profit indigenous organization in Uganda. It was established in 2016 by human rights journalists with a long history of farming, lawyers and practicing small-holder farmers to advance and promote economic, social and cultural rights of farming communities in Uganda.

The organization works closely with positive and supportive community-based structures established as Community Land and Environmental Rights Defenders (CLERDs). WR empowers these structures to bridge the shrinking civic space in addressing the confrontational transfer of rights and interests on land which affect the marginalized populations. WR further supports these structures to defend themselves as well as their rights and interests on land.

Owing to its activism, on 18th November 2022 WR received an Award from the National Land Forum as the Best Land Rights Defender among Civil Society Organizations (CSOs).



ACKNOWLEDGEMENTS

WR acknowledges the value of contributions from everyone who shared personal insights during the study, particularly: the Police Desk Officers, District Police Commanders (DPCs), District Local Government (DLG) Chairpersons, Chief Magistrates, Probation and Welfare Officers, members of community child protection committees, Local Councillors (LCs), and members of the media fraternity.

While it is not possible to mention each and every individual who played a role in the study process, WR takes note of the role played by the study team comprised of research assistants; Mr. Katende Tony, Ms. Nattabi Vivienne, Mr. Kajjoba Allan and Mr. Katumba Jimmy.

Special thanks are extended to Mr. Muyomba Lawrence and Mr. Kiwanuka Christopher the lead researchers, Mr. Ssebagala Geoffrey Wokulira – WR's Country Director – for his technical input and guidance to the research team and editorial comments, as well as Mr. Isabirye Gerald – HRAPF's Head of Finance – for coordination of the STAV project under which the research was undertaken and for his comments to the final draft of the study report.

WR further acknowledges the Office of the Director of Public Prosecutions (ODPP), particularly, Ms. Jane Frances Abodo – Director Public Prosecutions (DPP) and Mr. Odiit Andrew – Head of Department Land Crimes, as well as Hon. Judith Nabakooba, the Minister of Lands Housing and Urban Development (MLHUD) and Mr. Obbo Dennis, the MLHUD's Public Relations Officer for their valuable feedback and contributions during the review of the study report prior to publication.

WR is forever indebted to the European Union (EU) that funded the study through the Human Rights Awareness and Promotion Forum (HRAPF) under the auspices of the Standing up Against Violence (STAV) Project aimed at reducing the incidence of violence of rights of marginalized persons facing land grabbing in Uganda.

WR is looking forward to continue working with you in backstopping any concerns anticipated during the feedback workshops to be organized towards the final study report.

Thank you all.

LIST OF ACRONYMS

CFPU	Children and Family Protection Unit of the police
CLERDs	Community Land and Environmental Rights Defenders
COVID-19	Corona Virus of the year 2019
CSOs	Civil Society Organizations
DLG	District Local Government
DPCs	District Police Commanders
ODPP	Office of the Director of Public Prosecutions
DPP	Director Public Prosecutions
EU	European Union
FAO	Food and Agricultural Organization of the United Nations
HRAPF	Human Rights Awareness and Promotion Forum
ICESCR	International Convention on Economic, Social and Cultural Rights
KIIs	Key Informant Interviews
LCs	Local Councillors
LG	Local Government
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MP	Member of Parliament
NEMA	National Environmental Authority
NFA	National Forestry Authority
PWDs	Persons with Disabilities
RDCs	Residential District Commissioners
STAV	Standing up Against Violence Project
SW	Sex workers
UDHR	Universal Declaration of Human Rights
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UPF	Uganda Police Force
UWA	Uganda Wildlife Authority
WR	Witness Radio

DEFINITIONS OF KEY TERMS

For purposes of this report, the following definitions are proposed for consistent understanding and interpretation of the key terms used:

Acquisition	Gaining possession or ownership of an asset or item through buying, exchange, gift, etc.
Administrator	A person appointed by the court to manage and take charge of the assets and liabilities of an intestate person.
Adjudicate	An act of making a formal judgement on a disputed matter (Oxford Dictionary)
Agrarian	This term is used to mean land reform movements and capitalist expansion, with the situation of peasants and their subsistence economies as cornerstones of the debate, as well as land use and the changes therein.
Alienated	To transfer ownership of (property rights) to another person or group.
Arbitration	A technique for the resolution of disputes outside the courts where parties to the dispute refer it to one or more persons by whose decision they agree to be bound. The person who conducts the arbitration is referred to as an arbitrator.
Arson	The act of wilfully and unlawfully burning the property of another person.
Binding	An agreement or promise involving obligations on parties to the agreement.
Bona fide occupant	A person who before the 1995 Constitution had come into force occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government which may include a local authority.
Busuulu	Annual ground rent paid by a tenant (<i>kibanja</i> holder) to a land lord on mailo land.
Consent	Permission for something to happen or agreement to do something.
Communal	Shared by all members of a community for common use.
Community	A group of people living in the same place or having a particular characteristic in common.
Compensation	This is money paid to a person with an interest in land to make up for the loss suffered when the government takes their land through compulsory acquisition. It must be fair and adequate and should be paid in time, before the land is taken. (MOLHUD, "Guidelines for Compensation, Assessment under Land Acquisition," June 2017)
Court order	An order issued by a court that requires a person to do or refrain from a particular action for example an eviction order, injunction, vesting order and restitution order among others.
Customary	These are the norms, customs and practices associated with a specific group of people in a particular society, place or set of circumstances.
Equity	The quality of being fair and just.
Ethnic	Of or relating to a population subgroup (within a larger or dominant national or cultural group) with a common national or cultural tradition.
Eviction	The act of forcefully expelling someone, especially a tenant, from occupation of property or land.

Gender	This refers to the different roles, rights and responsibilities of men and women and the relations between them. Gender does not simply refer to women or men, but to the way their qualities, behaviours, and identities are determined through the process of socialization. Gender is thus an acquired identity that is learned, which changes over time, and varies widely within and across cultures. Women and men are defined in different ways in different societies; the relations they share constitute what is known as gender relations. Gender relations constitute and are constructed by a range of institutions, such as the family, legal systems or the market. Gender relations are hierarchical relations of power between women and men, and tend to disadvantage women. These hierarchies are often accepted as “‘natural’ but are socially determined relations, culturally based and subject to change over time. Gender relations are dynamic, characterized by both conflict and co-operation, and mediated by other axes of stratification, including caste, class, religion, power, income, age, marital status or position in the family.
Gender equity and equality	Gender equity means justice or fairness in the treatment of women and men. It is a remedy intended to overcome discrimination, bias, or favouritism based on sex. Gender equality on the other hand is a principle that all (women and men) are equal before and under the law; women and men have equal dignity (worth); and women and men should have equal opportunities in economic, political, cultural and social life. Equity is a means of achieving equality (ultimate goal).
Gender issues/concerns	Gender issues, concerns and problems arise when there is inequality, inequity or differential treatment of an individual or group purely based on the social expectations and attributes of their sex. This is often a result of old attitudes persisting in situations where they are no longer valid. Gender issues are characterized by gender discrimination and gender oppression. Such practices create gender gaps in which one gender is discriminated to such an extent that it is prevented from getting its fair share of resources or services.
Injunction	A court order that prohibits or requires a party to perform or cease doing a specific act. It can be temporary or permanent.
Interim order	An order passed by a court pending the final conclusion of litigation.
Intestate	To die without a valid Will.
Justiciability	Refers to the types of matters that a court can adjudicate. If a case is "nonjusticiable," then the court cannot hear it. (US Law / Legal Information Institute)
Kibanja	An equitable interest of a tenant on mailo land created as a result of the 1900 Buganda Agreement.
Kibanja Holder	A tenant who settled on the land with the consent of the mailo landowner.
Land Grabbing	This means the unlawful and illegal taking away of land belonging to an individual or a group of people. It can be on a large scale by wealthy individuals or public, private and foreign investors and is usually characterized by force and violence against land owners or occupants regardless of whether it is registered land or not registered.
Landlord	The owner of a house, apartment, land or real estate which is

	rented or leased to an individual or company.
Land Owner	Any Ugandan Citizen who owns or holds land under any of the four (4) recognized systems of land tenure. (Section 2 of the Land Act)
Lessee	A person/organisation to whom a lease is granted.
Lessor	A person/ organization who grants a lease.
Matrimonial Home	A building or part of a building in which a husband and wife/ves ordinarily reside together with their children, if any.
Rights	Claims or entitlements a person justifies in making. Human Rights are basic freedoms and entitlements that belong to everyone by virtue of being human. Human Rights are based on notions of equality, dignity & mutual respect.
Risk	Risk is used in here to mean the likelihood that a person's rights may be violated. Certain behaviours create, increase, and perpetuate risk such as practices, beliefs and laws that stigmatize and disempower certain populations, limiting their ability to access or use support services.
Security of tenure	Security of tenure is the legal protection accorded to all persons on land.
Squatter	A person who unlawfully occupies an uninhabited building or unused land.
Succession	The action or process of inheriting property.
Surface Rights	Rights that an individual has on the surface features of an area of land.
Tenant	One who pays rent to use or occupy land, a building or other property owned by another.
Tenure	This is the nature or system of land ownership.
Testator	A person who has written the last valid will and testament that is in effect at the time of his/her death.
Valuation	This is the process of determining the value of land and structures on it. This is a key process during compulsory acquisition to determine the amount of compensation to be paid to the land owner.
Vulnerable	Throughout the report the term 'vulnerable' is used to mean that an individual or group possesses a characteristic that may increase their risk for human rights abuse (such as age or lack of mental capacity), or could be considered vulnerable due to their circumstances (for example, living in an institutionalised setting, at risk of domestic abuse or having insecure legal status).

EXECUTIVE SUMMARY

This study was part of a larger project titled *“Standing up Against Violence (STAV) Project”*, which is implemented by WR in partnership with HRAPF with financial support from European Union (EU). The study aimed to establish the challenges of accessing justice by victims of land grabbing during COVID-19 related-lockdowns with critical evaluation of the land grabbing and the impact on displaced communities while analysing the management of cases at all levels of the Criminal Justice System. The study covered the whole country targeting 11 districts from six regions, namely; Mubende district in the Central Region; Amuru and Gulu districts in Northern Region; Busia and Mable districts in Eastern Region; Bushenyi and Kabale districts in Western Region; Soroti and Amuria districts for Teso sub-region; and Kiryandongo and Buliisa districts in Albertine Region. The selection of districts was based on land injustices suffered in the districts before and through the COVID-19 outbreak.

The study profiled the players who were implicated in illegal land evictions during COVID-19 related-lockdowns, including; individual actors who, for several reasons, including wealth creation and having political and military connections with enforcers of COVID-19 measures, connived in perpetrating land injustice while the rest of the world was under lockdown, and some COVID-19 Task Force institutions which contrary to their duty to provide protection, regulation and guidance in observing the COVID-19 measures, turned into hubs of conspiracy to grab land. As such, the study established the following actors as responsible parties for illegal land evictions during COVID-19 related-lockdowns:

a) The politically and Militarily Connected People:

The politically and militarily connected people with connections, either as politicians such as local council chairpersons, government functionaries such as Resident District Commissioners (RDCs), and some members of the security establishment, including the Uganda Police Force (UPF) and the Uganda People's Defence Forces (UPDF) used Strategic Lawsuits against Public Participation (SLAPPs) to criminalize victims and community land rights defenders in order to facilitate land grabbing. Most notably, in Amuria district where 2 clans (Irirak and Icekok clans) in Willa Sub-county facing evictions by both Amuria district and Willa sub-county, suffered the police wrath on orders of the RDC Lilian Eyal and chairperson Local Council (LC) III, Muguma James, beating, arresting and SLAPPED residents with trespass and breach of COVID-19 lock-down measures. Without facts, the victims were acquitted of the charges but their land had been grabbed while they were under detention.

b) The District Officials:

During COVID-19 related lockdowns, some officials of the District Land Boards transferred interests on land that was not being developed as owners were confined in households in control the spread of Covid-19. This was established in

Bushenyi district where it was noted that councillors colluded and allocated such land for setting up an industrial park in Buyanja Parish in Kyeizooba Sub-county.

c) Investors:

Some investors took advantage of the COVID-19 pandemic to illegally expand their territories in the neighbouring lands as the world was busy struggling to observe social restrictions in control of the spread of the virus as was the case in Busiu Town Council of Mable district, where respondents revealed that an investor connived with the Mbale Northern Division authorities to expand the neighbouring land for the investor's plant when the civic space for communities to push back was suppressed by the COVID-19 control measures. Besides, investors made neighbours' land resources unusable through pollution and use of toxic pesticides and sprays during COVID-19 lockdown. For example, it was revealed that at this time when the land resource was most needed, the US-based multinational Company, Agilis Partners limited affected over 10,000 residents in Jerusalem, Kisalanda, Canan, Kololo, Kamisoni and, Kapapula villages in both Kiryandongo and Kitwaala Sub counties in Kiryandongo district by the heavy use of agrochemicals on the plantations, burning crops of residents, compromising health of the children and women and contaminating sources of water for livestock and domestic use. Consequently, residents migrated leaving behind their land which they tilled for food and household income.

d) Land Brokers/Middlemen/Dealers:

These were profiled as key actors in illegal land evictions during the COVID-19 lockdowns. They were unregulated during the COVID-19 control supplementary legislation yet they are involved in all sorts of practices in which people have lost their land during COVID-19 lockdowns.

The study established several interrelated challenges of accessing justice by victims of land grabbing during COVID-19 related-lockdowns, including the following:

- The rapidly adopted social distancing measures during lockdown in control of the spread of COVID-19 virus in March 2020 made access to justice through courts and tribunals difficult to the most-at-risk victims of land grabs in order to seek protection and assert their land rights;
- For the land grabbing victims whose cases were filed in court, the postponement of court hearings resulted in escalating delays of cases, meaning that people weren't getting the timely help they need from courts.
- According to Chief Magistrate Simon Toroko of Greater Bushenyi region, the stringent measures that restricted the number of judicial officers and staff culminated into increased cases that would have been handled through alternative dispute resolution (ADR) and increased pressure on a justice system already under strain.

- The distant location of Courts and police stations made it impossible for lawyers and relatives of arbitrarily detained land grabbing victims to access judicial processes for the right to apply for bail and police bond, respectively. Most noted was the land grabs of the Apaa land where resisters were arrested from Amuru district and detained in police cells of Arua district, making it impossible for relatives and lawyers to travel from Amuru to Arua to seek police bond. In cases where they were released on police bond, these victims travelled long distances without food, means of transport and transport fees where applicable to get back to their homes.
- With physical visits prevented by social distancing rules, it necessitated virtual meetings to take place with legal professionals and human rights groups or activists which were expensive for the individual victims of land grabbing whose incomes were adversely affected by both the challenging times of the pandemic and the loss of their lands as sources of their livelihoods.
- While the intent behind the Coronavirus control measures was justified, the manner of their implementation caused concern. The Police and RDC officers, on whom the COVID-19 Task Forces were reliant to ensure observation of the COVID-19 control measures, as directed by the President, some of them were implicated in taking advantage of the restrictive measures during the lockdowns to illegally evict people from land while the victims were not receiving the support and services they needed.
- Land grabbing during the pandemic happened at the same time when the civic space and external funding for civic engagements declined, such as the suspension of the Democratic Governance Facility and suspension of over 50 CSOs. Contact with civil society organizations for support and check on the treatment of people they stand for were otherwise closed off from the communities.

During the individual interviews and conversations as well as in-depth interviews with key informants in the study area, the implications of land evictions on livelihoods were identified as:

a) Food shortages:

The loss of land to investors as noted in Kiryandongo, Soroti and parts of Mable districts and the loss of gardens and crops in the land conflicts of Amuru and parts of Gulu, translated into a lack of food. According to Alice Lagulu, a mother of 12 says she lost several acres of garden crops in the Amuru land conflict and at the time of the study was living with her aunt with limited food for her 12 children. Susan Aloyo says her family lost three huts and every household property and crops during the attack in Amuru, and at the study time was surviving with assistance from the local churches neighbouring the area.

b) Strained livelihoods:

In Kiryandongo, the locals who farmed on the lands neighbouring the US-based multinational Company, Agilis Partners limited, were denied the opportunity to continue with their livelihoods on account of the agrochemicals being used to spray the large-scale farms of the company leading to crops being burned and garden workers' health threatened.

To guarantee land tenure security and access to justice for victims of land-related human rights violations in land-related business operations during Covid-19 and future emergency situations, this study recommends the following:

- The conditions behind the illegal land grabbing during the COVID-19 related lockdowns or states of emergency in Uganda require urgent political and legal attention ranging from issuance of legal documents to unregistered land users and occupants, bringing perpetrators to book, restoration and/or compensation of illegally evicted people on their lands, strengthening the judicial system to operate during stringent measures during emergency related lockdowns, regulating *bibanja* and title deed holders as regards access to and the use of land during an emergency to avoid illegal expansions, to limiting the amount of land a single individual can buy or possess to address risks of deepening inequalities and undermining the resilience of societies in an emergency when land remains the only source of livelihood.
- There is a need for rapid and decisive action by government, international community and other non-state actors to ensure that vulnerable people who are economic agents have the necessary legal support and access to channels of redress for their current legal problems and future challenges on human rights and business during an emergency, including provision of basic legal services, coordination with other social (protection, health care, housing support, etc.) and business (advice on business and human rights issues) related services.
- There is also a need for rapid and decisive action by government to ratify the ILO's Indigenous and Tribal Peoples Convention No. 169 of 1989 as a key instrument in the evolution of concepts of land rights in international law. This convention should be drawn on for prescription of the 2013 land policy reforms and guidelines therein.
- CSOs should anchor on the National Action Plan on Business and Human Rights (NAPBHR) to advocate for integration of land as a human right into any constitutional reforms.
- There is a need for awareness creation on land as a human right in order to increase appreciation for land as a very important commodity for many people and as a fundamental means for enjoyment of a number of human rights including; the right to food, housing and development. It should be made known

that illegal evictions resulting from situations of gross impunity jeopardizes the country's democracy, peaceful co-existence and security.

- Land administration institutions through the IGG should enhance transparency and accountability in land governance and administration by checking corruption in the existing land governance and administration structures, bringing land grabbers and their accomplices to book, and publishing case management reports for illegal land evictions not only to build public confidence in the justice system but also as an element of good practice and transparency.
- The Government should regulate land brokers to guarantee that the land in question is free of claims and be held liable for illegal evictions in order to protect the country from risks of losing investors whose financiers may pull out of financing investments that do not protect human rights in their business operations.
- Incorporation of clans into legal entities that can hold and register land.
- There is need for a law regulating the real estate sector actors.

1.0 INTRODUCTION

This report presents findings of the study on the challenges of accessing justice by victims of land grabbing during COVID-19 related-lockdowns with critical evaluation of the land grabbing and the impact on displaced communities while analysing the management of cases at all levels of the Criminal Justice System.

The report is one of the milestones from the project titled *“Standing up Against Violence (STAV) Project”*, which is implemented by WR in partnership with HRAFP with financial support from European Union (EU). The project is aimed at reducing the incidence of violence of rights of vulnerable persons facing land grabbing in Uganda.

Having experienced a number of waves of COVID-19 since 2019, with threats of further waves and the possibility of similar pandemics in future, it is hoped that the findings from the study can inform responses to any future emergencies in relation to promotion and protection of land rights. Accordingly, detailed recommendations are made throughout this report for both improving the immediate situation and ensuring lessons are learned from this study and taken forward to shape future responses to emergency situations while protecting access to justice and legal advice for those most at risk.

This report is divided into five sections: This first section provides a background and justification to the study, objectives of the study, scope and area of the study, and the conceptual framework for the study. Section two explains the study methodology while section three presents the land policy and legal framework in Uganda, the gaps and challenges and some of the existing literature on the major debates on land-related conflicts in Uganda as well as access to justice and justiciability of land rights in Uganda during COVID-19 lock-downs. Section four of the report provides the analysis and interpretations of the field findings. Finally, section five provides the general conclusions of the study and recommendations to inform justice innovations from government policies and civil society interventions to sustain access to justice for the vulnerable and marginalized victims of land grabs during emergency situations.

1.1. Background and Justification of the Study

Today, the world continues to grapple with coronavirus disease also known as COVID-19 and its impact on many, including vulnerable persons such as children, women, Persons with Disabilities (PWDs), SWs and indigent/needy persons. In Uganda, the situation is not any different. This has coincided with additional risks for women, Sex Workers, and indigent persons facing land grabbing in Uganda. They are experiencing intersecting forms of violence including; stereotyping, criminalization, detention and arrest, threats to themselves and their families, character defamation, stigmatisation, smear campaigns, digital harassment and intimidation.

On 18 March 2020, the President of Uganda announced a 32-day long lockdown in an effort to manage the spread of the COVID-19. The measures were published in the Public Health (Control of COVID - 19) (No. 2) Rules, 2020 (SI 55 of 2020) gazetted on March 24, 2020. The guidelines generally restricted movement and banned any form of gatherings and emphasised social distancing.

Following the President's announcement of a 32-day long lockdown, the Chief Justice of Uganda, on March 19, 2020, issued a circular detailing administrative and contingency measure to prevent and mitigate the spread of COVID-19 by the Judiciary. The guidelines suspended all court hearings and appearances among other measures and only those serious cases like bail applications would be allowed under strict guidelines. These emergency measures of the sort were unprecedented in the country.

Making policy decisions in this context necessitated a more flexible approach than usually taken. Thus, much was left to the discretion of the Minister of Health and the COVID-19 Control Task Forces at National and Local Government (LG) levels composed of Ministers, Parliamentarians, Residential District Commissioners (RDCs), and Intelligence Personnel, Police, local council and religious leaders. These were granted full powers to make subsequent changes through the supplementary legislation and Presidential directives. While this situation required expedited decision-making, many CSOs which would have provided insight of such decisions from the perspective of their vulnerable beneficiaries were not given chance to do so and were, at the time, understandably pre-occupied by the immediate implications of the virus for their organisations and immediate family members. Implicit in this, is that the likely impact of the measures on the most vulnerable in society received less scrutiny than is ideal, at a time when it is arguably needed most.

As a result of the foregoing, unintended consequences have been steadily emerging among the most at risk populations throughout the pandemic since the introduction of lockdown measures on 18 March 2020. Many of these consequences are serious and have gravely impacted the wellbeing, safety and fundamental rights of large numbers of people. For instance, unscrupulous people took advantage of the Covid-19 lockdown to grab other people's land despite the Presidential directive to halt land transactions and disputed land developments, leading to unjust loss of family farms, lives and land for local people as well as land-related human rights abuses orchestrated by the methods used to grab land such as rape, defilement, kidnap, torture, arbitrary arrests and detention, demolition of shelters and environmental degradation. Reports by the media, civil society organisations (CSOs) including WR, Community Land and Environmental Defenders (CLERDs) and academia have revealed that the expansion of large scale mining activities in Karamoja, Busia and Namayingo districts as well as the oil extraction and agribusiness in the Albertine Region has greatly increased land-related disputes and resulted in an alarming rise in violence suffered by individuals who defend community lands, forests and the

rights of women, children, SWs, needy persons, indigenous and farming communities. Threats, bullying, judicial harassment, illegal surveillance, forced disappearances, blackmail, sexual assault and murder are common practice.

Owing to the above, it is essential that access to legal advice and justice is maintained during emergency situations to enable those most at risk to challenge these effects and enforce their rights. Frequent review of any emergency measures is essential to rectify challenges which emerge and provide solutions to encounter such challenges. Hence, the justification for what this particular study is all about.

1.2. Objectives of the Study

The overall objective of the study was to establish the challenges of accessing justice by victims of land grabbing during COVID-19 related-lockdowns with critical evaluation of the land grabs and the impact on displaced communities while analysing the management of cases at all levels of the Criminal Justice System. The specific objectives of the study were:

1. To analyse the displacement pattern of victims of land grabbing during COVID-19 related-lockdowns in Uganda.
2. To establish the land tenure characteristics for the victims of illegal land evictions during COVID-19 related-lockdowns and parties responsible for illegal land evictions in Uganda.
3. To examine the effect of illegal land evictions on the most at risk victims of land grabs during COVID-19 related-lockdowns in Uganda.
4. To Identify and analyse the case reporting and management systems used by the most at risk victims of illegal land grabs during COVID-19 related-lockdowns in Uganda.
5. To identify and analyse the challenges faced by victims of land grabs in accessing justice during COVID-19 emergency control measures. Under this objective, the study focussed on three themes:
 - a) Access to services and safeguards in communities
 - b) Access to justice through courts and tribunals
 - c) Access to legal advice and representation
6. To evaluate the impact of illegal land evictions on the livelihoods of displaced communities during COVID-19 emergency.
7. To identify awareness gaps and information needs of victims of land grabs for use in advocacy on the land rights of the most at risk and indigenous communities.

8. To generate recommendations that guarantee land tenure security and access to justice for victims of land-related human rights violations in land-related business operations during emergency situations.

1.3. Scope and Area of the Study

The study covered the whole country targeting six regions; Central, Northern, Eastern, Western, Karamoja and Albertine Regions.

The main focus of the study was to explore the challenges of accessing justice by victims of land grabbing during COVID-19 related-lockdowns with critical evaluation of the land grabs and the impact on displaced communities while analysing the management of cases at all levels of the Criminal Justice System. This is because of the reportedly increasing cases of land-based transactions and disputed land developments a few years before and through the Covid-19 lockdowns, perpetuated by the high global consumption of sugarcane products and recent discovery of oil and minerals.

The study targeted 300 victims of land evictions from 150 cases handled by WR and the key informants were drawn from Police Officers, Judicial Officers, and Local Government (LG) political and technical Officials.

1.4. Conceptual framework

The study was conceptualized on the pretext that access to justice is a fundamental human right which should be respected and upheld by the state as guaranteed in Article 28 under Chapter Four of the 1995 Constitution of the Republic of Uganda.

Further, that access to justice is an important aspect for people to be able to access the courts to assert all their fundamental rights and freedoms embedded in Chapter Four of the 1995 Constitution of the Republic of Uganda. In the context of the COVID-19 crisis, in which emergency measures affecting the fundamental rights of many people to access justice have been introduced by the judiciary at speed, it is even more important. Yet lockdown and social distancing requirements affected the extent to which people have been able to seek justice through the courts. Thus, the justice system and its actors should maintain access to justice during emergency situations for every individual including those “left behind” during the crisis and those who are being disproportionately impacted by emergency regulations or practices.

Besides, the study was inspired by the Uganda National Action Plan on Business and Human Rights (NAPBHR) which was developed in August 2021 as a measure to strengthen the State duty to protect human rights, enhance the corporate responsibility to respect human rights, and ensure access to remedy for victims of human rights violations and abuses resulting from non-compliance by business entities in the Country. As the country awaits the implementation of the NAPBHR

strategies, there are severe violations of human rights perpetrated by the confrontational implementation of industrial policy requiring land tracts for large pieces of land for agricultural projects, carbon off-set tree plantations, oil refineries and mines, which intensified during COVID-19 related lockdowns and led to unjust loss of family farms, lives and land for poor indigenous communities in Uganda.

Additionally, the study was inspired by the several changes in justice systems following the unprecedented COVID-19 crisis in order to adapt to the new reality of related crises. In facing the path to recovery and to aid the justice system in shaping “the new normal” through learning from experience, this study presents evidence to inform justice innovations from government policies and civil society interventions to sustain access to justice for the vulnerable and marginalized populations during emergency situations.

2.0 METHODOLOGY

2.1. Study Design and Approach

For purposes of complementarity, triangulation, and validation of responses, a mixed approach of both quantitative and qualitative methods of data collection was employed while undertaking the study.

The study followed a convergent parallel approach, where quantitative and qualitative methods were conducted separately yet concurrently and merged at the point of interpretation. This was done to allocate equal priority to each method, to increase data collection efficiency, and also to facilitate a more or complete understanding of the field findings.

While the greater part was quantitative using a structured questionnaire, the qualitative aspect focused on the repressive contexts in which victims of land grabs faced limitations for access to justice and legal advice in the face of COVID-19 emergency measures and how it impacted on livelihoods of displaced communities.

A combined team of research assistants in the regions of focus and WR media and research staff collected the data under the supervision of the WR Programs Director and the Capacity Building Officer as the team leaders.

The consultations involved individual interviews and conversations with selected victims of land evictions from the study area and the key informants were drawn from Police Officers, Judicial Officers, and LG political and technical Officials.

2.4 Methods of Data Collection

The main methods of data collection involved literature review, key informants interviews (KIIs) as well as interviews and conversations with selected individuals.

2.4.1. Literature Review

Review of relevant documents was extensively undertaken by the study team leaders to inform the study aspects that needed field investigations. Documents reviewed included the approved grant proposal document, supplementary legislation for control of COVID-19 in Uganda, COVID-19 control measures by the Judiciary in Uganda, media reports, global and national reports, and relevant online texts on land grabbing in Uganda and access to justice during COVID-19 pandemic.

2.4.2. Key Informants Interviews (KIIs)

These were held with a cross section of individuals with sufficient and exceptional knowledge in the areas of the study. Persons interviewed included selected victims of land grabbing, Land Desk officers of the Uganda Police Force (UPF), Chief Magistrates, Local Government (LG) political officials namely; LC V chairpersons, local councillors from affected communities, local government speakers, and technical officials namely; Community Development Officers, and Community Protection Officers of marginalized populations such as SWs, Women, Children, PWDs and Community Land and Environment Defenders (CLERDs). A semi-structured study questionnaire was designed for the KIIs.

2.4.3. Interviews and Conversations with selected individuals

Interviews and conversations with selected individuals were conducted using structured questionnaires as annexed to this report to assess displacement pattern and land tenure characteristics of victims of land grabs, responsible parties for illegal land evictions, effects of land evictions to the most at risk indigenous communities, case reporting and management systems used by land grab victims, the challenges related to access to justice which victims of land grabs faced during COVID-19 pandemic, and the impact of evictions on the livelihoods of indigenous communities.

Demographic information of respondents was also collected on the structured questionnaire to stratify results by gender and location. The questionnaires possess consent forms which the respondents were asked to sign before the interviews.

A total of 386 respondents were interviewed from 11 districts selected from six regions of Uganda namely; Mubende district in the Central Region; Amuru and Gulu districts in Northern Region; Busia and Mable districts in Eastern Region; Bushenyi and Kabale districts in Western Region; Soroti and Amuria districts for Teso sub-region; and Kiryandongo and Buliisa districts in Albertine Region.

2.4.4. Sampling Technique

For quantitative data collection, sampling targeted victims of land grabbing from the targeted regions. Hence, purposeful sampling was used to select an adequate representation of active respondents. The criteria for purposeful selection of respondents was done in two stages as indicated below:

a) Hard Selection Criteria:

- The respondent has been identified by WR's CLERDs as victim of land grabbing.
- The respondent has been deemed an indigent person or SW or LGBTI or defender of rights of indigent persons by the WR's CLERDs
- The respondent's case for land grabbing and the sought for justice must have started between 2020 and before 2022, during the COVID-19 related restrictions and lockdowns

b) Additional Selection Criteria supported a relatively equal distribution of the following characteristics:

- Respondent Classification (landlord, Bona fide occupant, squatter, land owner, lease. Leaser, etc.)
- The nature of land conflict developments (conflict within family, communal, involving government or involving investors, etc)
- The specific sector for land acquisition (i.e. agriculture, mining, oil extraction, etc.)
- The community/region the respondent lives
- The gender of the respondent

After purposefully selecting the respondent using the above criteria, a random selection of the respondent to participate in the study was undertaken by the research team in the specific districts that were targeted for the study.

2.4.5. Sample Size

The sample size for the whole exercise was pre-determined by the STAV project as 300. However, this target was exceeded and 386 respondents participated in the quantitative method of data collection using a structured questionnaire appended herewith.

2.5 Methods of Data Analysis

Data collected using the structured questionnaires was converted into and stored in an MS Excel data base. Data was analysed in Microsoft Excel. The findings were analysed and are presented in descriptive tables, charts, diagrams, figures and graphs in section 3 of this report.

2.6 Quality Control Measures

In order to ensure quality and standardize the data that was collected, the following was done:

1. Appropriately prepared and oriented data collectors to ensure that they were sufficiently familiar with the consultative processes, and study questionnaires;
2. Provided adequate and proper supervision during fieldwork to ensure that field teams actually conducted the interviews at the selected sites and that survey procedures and protocols were followed;
3. Instant field problem solving as well as constant field editing was exercised by the team leaders.
4. Cleaned the collected data at both data entry and analysis levels.
5. Production of a data set, and frequency tables based on an analysis plan aligned to the study objectives.

2.7. Feedback Workshops

After compiling the draft report of the study, feedback workshops will be conducted for the purpose of validating the findings and to enable further consultations with a wider constituency. The feedback workshops will be conducted at regional level and will enable the development of consensus on the critical issues for follow-up by WR and other stakeholders at regional level.

2.8. Limitations of the study

There were no major setbacks during the time of the study. However, the study team notes the following limitations:

- Although the team managed to interview the Chief Magistrate in charge of the 5 districts in greater Bushenyi (Rubirizi, Shema, Buhweju, Mitooma and Bushenyi districts), efforts to secure interviews with Grade I Magistrates and Magistrates in other regions were not successful.
- For Kayunga district, the second district that was selected for the study in the central region, a group of people armed with pangas and canes, acting in favour of the land grabbers, stormed the affected communities where the interviews were being held and threatened data collectors and potential respondents with assault not to participate in the interviews. This made potential respondents suspicious that they might be victims of assault by land grabbers at night and were made to shy away from the interviews.

3.0. LAND POLICY AND LEGAL FRAMEWORK IN UGANDA

3.1. Introduction

This section analyses land as a human right, examines the land policy and legal framework in Uganda, the existing literature on major debates on land-related conflicts in Uganda, and access to justice and justiciability of land rights in Uganda with an emphasis on identifying the gaps and challenges.

3.2. Land as a Human Right

Land is a very important commodity for many people as a source of livelihood, and is central to economic rights. Land is considered a specifically important right for indigenous peoples and women. Although land as a right is absent from all international human rights instruments, it is an essential element of Economic, Social and Cultural (ESC) rights and a fundamental means for enjoyment of a number of human rights including; the right to food, housing and development and without access to land people find themselves in a situation of great economic insecurity. In Uganda, land is “arguably the most emotive, culturally sensitive, politically volatile and economically central issue” (Uganda National Land Policy, 2013: Page iii) and an important tool to prevent and eliminate poverty.

Although there is no treaty or declaration that specifically refers to a human right to land, different approaches arguably identify the place of land rights within the international human rights instruments as rights to use, control, and transfer of interests on land. They include rights to: occupy, enjoy and use land and resources; restrict or exclude others from land; transfer, sell, purchase, grant or loan; inherit and donate; develop or improve; rent or sublet; and benefit from improved land values or rental income (FAO, 2002).

3.3. Land Rights in International and Regional Human Rights Instruments

Article 17 of the Universal Declaration of Human Rights (UDHR) provides for the right to own property by everyone alone as well as in association with others and provides that no one shall be arbitrarily deprived of his property. The reference to property rights includes land as property. Article 11 of the International Convention on Economic, Social and Cultural Rights (ICESCR) makes an indirect reference to land when it encourages states parties to develop or reform “agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.” Agrarian systems involve land reform movements and capitalist expansion, with the situation of peasants and their subsistence economies as cornerstones of the debate, as well as land use and the changes therein.

Article 14 of the African Charter on Human and Peoples' Rights provides that the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.¹ Article 21(2) says, "In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation."

The United Nations Declaration on Social Progress, adopted by the General Assembly in 1969, which recognizes the social function of property, including land, calls for forms of land ownership that ensure equal rights to property for all.²

The UN specialized agencies, the Food and Agriculture Organization (FAO) and the International Labour Organization (ILO) have given most attention to land rights concerns, in either binding conventions or nonbinding declarations as follows:

- At its World Conference on Agrarian Reform and Rural Development in 1979, the FAO adopted a Declaration of Principles and Programme of Action, referred to as "The Peasants Charter," a major section of which is concerned with the reorganization of land tenure. It advocates the imposition of land ceilings in countries where substantial reorganization of land tenure and land redistribution to land-less peasants and smallholders is needed as part of a rural development strategy and as a means to redistribution of power. Other sections of the charter are concerned with tenancy reform, regulation of changes in customary tenure and with community control over natural resources.
- The ILO Convention No. 117, The Social Policy (Basic Aims and Standards) Convention of 1962, covers measures to improve the standard of living for agricultural producers. They are to include control of the alienation of land to non-agriculturalists, regard for customary land rights and the supervision of tenancy arrangements.
- The ILO's Indigenous and Tribal Peoples Convention No. 169 of 1989 is a key instrument in the evolution of concepts of land rights in international law.³ That convention; recognizes the special relationship between indigenous people and their lands, requires states to adopt special measures of protection on their behalf, provides safeguards against the arbitrary removal of indigenous people from their traditional land with procedural guarantees, and includes other provisions related to the transmission of land rights and respect for customary procedures. Uganda has never ratified the ILO

¹ African [Banjul] Charter on Human and Peoples' Rights, *adopted* 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* 21 Oct. 21 1986.

² Declaration on Social Progress and Development, GA Res. 2542 (XXIV), 24 UN GAOR Supp. (No. 30) at 49, UN Doc. A/7630 (1969). United Nations Declaration on Social Progress, 1969.

³ Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169), 72 ILO Official Bull. 59, *entered into force* 5 Sept. 1991.

Convention 169, but is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The recognition of land rights in the international and regional instruments places an obligation on Uganda as a State party to these instruments it has ratified to uphold land rights for its citizens.

3.4. Land Rights in National Legal and Policy Frameworks

In Uganda, land rights are guaranteed in the 1995 Constitution of the Republic of Uganda, National Land Policy, 2013, Land Act, 1998 as analysed hereunder.

Article 237(1) of the 1995 Constitution of the Republic of Uganda states that “land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution”

Article 26(1) of the 1995 Constitution protects the right to own property either individually or in association with others for instance groups of people who hold land communally.

Article 237(2) of the 1995 Constitution states that “Notwithstanding clause (1) of this article;

- a) the Government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament;
- b) the Government or a local government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens;
- c) Non-citizens may acquire leases in land in accordance with the laws prescribed by Parliament, and the laws so prescribed shall define a non-citizen for the purposes of this paragraph”.

Section 24 of the 1998 Land Act details the right to land of communities to graze, hunt, gather honey and other forest resources for food and medicinal purposes, and any other purposes as may be traditional among the community.

In the National Land Policy 2013, the Government of Uganda commits to pay fair compensation to Ethnic Minority Groups (EMGs) displaced from their ancestral lands – in the past and in the future – which provision is a fundamental step that could see disenfranchised indigenous communities compensated for eviction from their natural habitats that were later gazetted as national parks or/and forest reserves.

The relationship between *lawful* and *bonafide* occupants (tenants) and registered landowners is regulated through the rights and obligations outlined in the Land Act. These regulations ensure protection of land rights of the tenants as follows:

- *Lawful* and *bonafide* occupants enjoy legal guarantee of continued occupancy under the Land Act. They can only be evicted under the following circumstances;
- a) Failure to pay ground rent as determined by the District Land Board (discussed in 1.3.3 below) in the locality where the land is situated (section 31 (3) Land Act).

3.4.1. The Legal and Policy Framework on Gender and Land Rights in Uganda

The principles of gender equality and women's empowerment to enjoy land rights are enshrined in the following policy and legal frameworks

- a) The following provisions of the 1995 Constitution provides the policy and legal reforms aimed at securing women's land rights and advancing gender equality and women's empowerment:
 - Article 21: all persons are equal before the law in all spheres of political, economic, social and cultural life and in every other aspect and shall enjoy equal protection of the law.
 - Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage.
 - Article 32 of the Constitution provides for affirmative action in favour of groups marginalized on the basis of gender or any other reason created by history, tradition or custom.
 - Article 33 (4) the state shall provide facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement.
- b) The following Sections of the Land Act Cap 227 contain several provisions that provide for security of tenure and safeguard the land rights of women and children:
 - Section 27 makes it unlawful to discriminate against women and children in respect of ownership, occupation and use of any land.
 - Section 38 and 39 requires mandatory consent by spouses to transactions involving matrimonial land (where the family ordinarily resides) and land from which the family derives sustenance.

- The Land Act 1998 also provides for the mandatory representation of women on land administration institutions as follows:
 - Uganda Land Commission: at least one female member out of five members.
 - District Land Boards: one third of the membership must be women.
 - Area Land Committees: at least one third of the membership must be women (out of five) members.
 - Communal Land Management Associations: Management Committees to have at least one third female members.

- c) The National Land Policy (NLP) 2013, in describing the tenure systems in Uganda, recognizes that the structure of tenure and the attributes of the bundle of rights under the mailo, freehold, leasehold and customary regimes shall be guided by the principles of a good tenure system which must, among other things, ensure equity in the distribution of land resources and eliminate discrimination in ownership and transmission of land resources. The NLP makes specific commitments on gender equity and equality as follows:
 - Para 37: (i) Guarantee that the transfer of land under all tenure regimes does not deny any person rights in land on the basis of gender, age, ethnicity, social and economic status; and (ii) Ensure equity in the distribution of land resources and preserve and conserve land for future generations;

 - Para 41: Government shall: (i) Modify the rules of land inheritance under customary land tenure to guarantee gender equality and equity and (ii) Make provision for joint ownership of family land by spouses;

 - Para 42: (i) Develop guidelines and procedures under customary land norms, values and customs for the allocation and distribution of land complying with the principles of equality and natural justice;

 - Para 65: (a) Government commits itself to protect women's and children's legal right to inherit and own land; and (b) Government, further commits to ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination.

 - Para 66: Government further commits itself to review and regulate cultural norms, values and practices in access to and ownership of land, through a number of actions including:
 - Ensuring that rules and procedures relating to succession do not impede transmission of land to women, girl child and children;
 - Educating and sensitizing the public on discrimination against women and girl child with respect to access, use and ownership of land;
 - Reviewing and regulating customary rules to avoid violation and abuse of family land held in trust for the family;

- Restoring the power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups; and
 - Ensuring that the head of a family is held to account on his/her fiduciary duties over family land held in trust.
- Para 67: To redress gender inequity and inequality to inheritance and ownership of land in statutory law, government will:
 - Enact progressive laws on matrimonial property aimed at the protection of spouses;
 - Make legal provision for joint or spousal co-ownership of family land and the matrimonial home;
 - Amend the succession Act Cap 162 to provide for the right to succession and inheritance of family land by women and children;
 - Amend the Land Act Cap 227 to restore the consent clause to protect children below 18 years; and
- Para 68: To ensure that women are fully integrated in all decision-making structures and processes in access to and use of land, government will take special measures to:
 - Mainstream gender into development planning to improve the status of women;
 - Domesticate all international conventions ratified by the Government of Uganda which outlaw discrimination against women and children and enforce all the principles therein;
 - Support the implementation of the Equal Opportunities Commission as a specialized institution to advocate for and, where relevant, implement strategies in the National Land Policy; and
 - Solicit the support of faith-based institutions and cultural leaders to accept and implement measures in the National Land Policy designed to protect the rights of women and children.
- In para 73, the government asserts that (a) Legislation and management practices shall accord all vulnerable groups equal land rights in acquisition, transaction and use of land and (b) The state shall regulate land markets to curtail distress land sales and ensure that the land rights of the vulnerable groups are protected.
- Para 74. To protect the rights of all vulnerable groups, government will take legislative and other measures to:
 - Guarantee that access to land, by way of transfer or transaction, is not denied on the basis of gender, disability, ethnicity, social or economic status;
 - Prevent the appropriation of the land rights of vulnerable groups through regulation and control of the land markets;
 - Mitigate the distress of land sales involving persons infected and affected by HIV/AIDS and terminally ill persons;

- Sensitize and encourage vulnerable groups to hold their ownership rights and interests in family or community trusts; and
 - Mainstream gender, HIV/AIDS and disability interventions in strategic land sector activities.
- Para 75: To protect the land rights of internally-displaced persons, government will take special measures to:
 - Consider adequate compensation or resettlement for IDPs, and
 - Put in place mechanisms and structures for claiming compensation or resettlement.
 - Para 102: (IV) Develop mechanisms for full and effective participation by landowners and users, especially women, in all land rights administration functions;
 - Para 116: (VII) Provide free legal aid to the vulnerable sections of society through a system of partnerships and incentives to private and civil society organizations to deal with the ever- increasing land litigation.

3.5. The Land Tenure Systems in Uganda, Gaps and Challenges

According to Article 237 (3) of the 1995 Constitution of Uganda and Section 2 of the Land Act, the citizens of Uganda hold land under four (4) tenure systems namely Freehold, Leasehold, Mailo and Customary.

There is an increase in land-based transactions and land-related disputes which often arise as to: who owns the land; the rights one has concerning the land; the distinction between occupation and ownership of land; how one can protect his/her use of land; and many others. Today's land problems in Uganda have been shaped by various aspects of history and vary depending on the different land tenure systems.

The matrix below provides an analysis of the existing literature on major debates in the study on the land tenure regime gaps and challenges in Uganda

Matrix on land tenure regime gaps and challenges for access to justice and justiciability of land rights in Uganda

Land tenure system	Analysis of gaps and challenges
<p>1. FREEHOLD TENURE SYSTEM</p> <p>Proof of ownership: Possession of a Freehold Certificate of Title (section 59 Registration of Titles Act).</p> <p>Definition and Characteristics:</p> <ul style="list-style-type: none"> • A freehold is an estate in land held in fee simple or for term of life and derives its legality from the Constitution of the Republic of Uganda and section 3 (2) Land Act. • Types of freeholds in Uganda include alienated freeholds granted under the Crown Lands Ordinance 1903, the Public Lands Ordinance 1962, and the Public Lands Act 1969. Adjudicated freeholds were created in Ankole and Bugisu areas in 1958. Native freeholds were created in Ankole and Toro by virtue of the Ankole and Toro Agreements of 1900 and 1901 respectively. • The land owner owns the land in perpetuity i.e. for an unlimited time depending on a condition or happening of a certain event and may be passed on to future generations. • The landowner has full powers over land and can do anything lawful with the land, including power to sell, lease or transfer the land. • Freehold is subject to laws governing physical planning (through use conditions) and the environment through restrictive conditions for environmentally sensitive areas (Physical Planning Act of 2010, and National Environment Act, Cap. 153). • Freehold tenure cannot be acquired or held by a non-citizen (section 40 (4) Land Act). A non-citizen can only acquire a lease on freehold. • The Registration of Titles Act governs transactions, this 	<p>The major challenges attached to this tenure system emanate from the political and social issues pertaining to functionality of the District Land Boards (DLB) and Area Land Committees (ALCs) as analysed below.</p> <ul style="list-style-type: none"> • The 2004 Land (Amendment) Act under Section 64(6) provides that the District Council to appoint the Land Committees upon determining: a) any request from the sub-counties or Divisions; (b) extent of demand from the people within the sub-counties or Divisions; c) indication by the sub-counties or Divisions to fund the committees; d) the state of the finances of the District Council; e) upon the economic and social benefits of appointing or not appointing the committees; f) any advice and guidance from the MLHUD. These conditions for establishing the DLBs and ALCs put the committees in a more vulnerable position to the privileged rich in need of transfer of interests and rights on land to cause for the establishment and constitution of the committees. As the saying goes that he who blows the piper determines the sound/tune, the committees are vulnerable to function in favor of the architects. • Section 66(1) of the 1998 Land Act, Cap. 227 provide that the remuneration of the ALC is determined by the district councils on recommendations of the district executive committee. Section 66(2) provides that all expenses incurred by or on behalf of the ALC shall be charged on the district administration funds. However, in most cases as evidenced in Kiryandongo and Bulisa districts, there are no streamlined DLB and ALC remuneration modalities ever been determined by the district council and recommended by the district executive committees. As such, it is most likely that the privileged rich – some of who are riddled with corruption – may take advantage of inadequately and sometimes non-financed DLB and ALCs to influence inspection reports in favour of the leasee without listening to the claims, interests and any other question or matter concerning other people on the land. Thereby rendering DLB and ALCs centers of exploitation by the powerful against the poor.

<p>means that the land is surveyed and a freehold certificate of title is issued.</p> <p>Methods of Acquisition:</p> <ul style="list-style-type: none"> • Freehold grants are only given to non-customary owners of land. • Through an application to the District Land Board (DLB) for a grant of land in freehold, by a non-customary owner of land (section 10 Land Act) who acquire the land by either purchase or otherwise. Therefore a grant of freehold is subjected to assessment at the fair market value by the Chief Government Valuer (section 13(5) Land Act). • Through an application to the DLB for Conversion of Customary Tenure to Freehold Tenure by a customary owner of land (section 9 Land Act). • Through an application to the DLB to convert a lease acquired out of former public land into freehold. A number of conditions set in the Land Act have to be met by the lessee before the lease can be converted (section 28 Land Act). • Thereafter, subsequent rights under freehold tenure can be acquired through sale, gift and succession. 	<ul style="list-style-type: none"> • Section 6(6)(a) and Section 12(2)(b) of the 1998 Land Act, Cap. 227 provide for the ALCs to prepare reports on application for the transfer of land interests under customary and freehold land systems. The Sections further provide for what to include in the reports. However, the ALC members in most cases lack the skills to do so. On the other hand, in recognition that buying interest in freehold land or public land in some sub-counties or divisions is being forced by the privileged rich who have interests in such land, the reports of ALCs may be jeopardized. Although Section 6(6)(d) compels the ALCs to make the report available within the sub-county or division to be inspected by all the stakeholders, these reports are in English for some community members, the very possible victims of abuse, cannot read and interpret those reports if deliberately wished by the ALCs. • The law mandates the DLBs to compile rates of compensation payable in interest of crops and buildings of any nature which is reviewed every year. However, there are no annual rates compiled in this regard in the districts where the study was undertaken. Therefore, all the rates of compensation payable in interest of the victims of evictions are usually made without adequate consultations to favour the perpetrators or architects for the cause of transfer of interests and rights on the land. • Section 6(2) of the 1998 Land Act, Cap. 227 compel ALCs to publish and post a notice of hearing the grant of application on freehold or public land in a prominent/public place. However, in recognition that buying interest in freehold land or public land in the region is sometimes orchestrated by the privileged rich through the ALCs due to their interest in such land, many tenants are denied the first priority of buying interest in land. Notice of hearing application for grant of freehold titles are never put in easily noticeable public places and sometimes the cost is hiked to restrain poor tenants. • The other challenge attached to this tenure system is that a person who obtains a land title through fraud is rarely challenged in courts of law.
---	---

<p>2. LEASEHOLD TENURE SYSTEM</p> <p>Proof of ownership:</p> <ul style="list-style-type: none"> • Possession of Certificate of title. • Unregistered leases can be proved by a lease agreement between the Lessor and the lessee. <p>Definition and Characteristics:</p> <ul style="list-style-type: none"> • Leasehold land tenure system is provided for in the Constitution and section 3 (5) of the Land Act. • A person referred to as a tenant or lessee owns land through an agreement between him/her and the owner of the land known as landlord or Lessor. • Through the agreement, the Lessor grants exclusive possession of the land to the lessee for a specific period of time in return for a periodic payment of money called ground rent and a premium. • Land is held by the lessee for a given period of time from a specified date of commencement. • It is governed by terms and conditions, which may be regulated by law to the exclusion of any contractual agreements reached between the parties. For example, most leases granted on public land dictate that certain developments such as the construction of certain structures will be made. • A lessee can grant a sublease to another person (called a sub-lessee) who may register his/her interest as an encumbrance on the lessee's Leasehold Title. • In event of a breach of the lease terms and conditions, the lease may terminate. • A grantee of a lease of three years or more is entitled to a Certificate of Title if he or she is a Ugandan citizen and for non-citizens, the lease must be for five years or more for it to be registered. • Leases can be extended, varied or renewed. Variation affects 	<p>The challenges with this tenure are manifested in the conflicting interests between the lessor and the lessee as follows:</p> <ul style="list-style-type: none"> • Quite often the lessee is interested in extension of the lease which may not be in the interests of the lessor. • The lessor who wishes to grab the property of the lessee on land in question will not want to renew the lease period. • Land grabbers or speculators of new discoveries such as oil and minerals on the land occupied by the lessor may connive with the lessor to deprive chance of the lessee to have his/her lease renewed.
---	---

<p>terms of the lease including the duration and user clause. A lease is renewed when the full term has expired following which a fresh lease is granted. Extension of a lease increases the initial term which was granted.</p> <ul style="list-style-type: none"> • A non-citizen cannot be granted a lease for more than 99 years (section 40 (3) Land Act). <p>Methods of Acquisition:</p> <ul style="list-style-type: none"> • Private lease - a person or institution can obtain a lease from an owner of freehold, customary or mailo land. • Public lease - a person can also acquire a lease on public land from the DLB or ULC on former public land or Government land respectively. Such leases are usually granted for duration of 5, 49 or 99 years. Five (5) years is referred to as the "initial term" where the lessee is granted a conditional lease to comply with the building covenant before it can be extended to 49 years which is called "the full term". After expiry of the full term, the lessee may apply to the DLB or ULC for renewal of lease on different terms (premium and ground rent). Government institutions (schools, hospitals, installations) are given automatic full terms of 49 or 99 years. Any lease that was granted to a Uganda citizen out of former public land may be converted into freehold (section 28 Land Act). • Mining leases - these are granted for mining purposes by the Geological Department to holders of mining licenses. • Ranching leases - these are granted to owners of gazetted ranches under the Ranches Restructuring Scheme. 	
<p>3. MAILO LAND TENURE SYSTEM</p> <p>Proof of ownership:</p> <ul style="list-style-type: none"> • Mailo owners possess a Certificate of Title. • Proof of ownership for lawful and bonafide occupants is a Certificate of Occupancy, social occupancy by oral evidence 	<ul style="list-style-type: none"> • The law requires, as a mandatory prerequisite, that the tenant pays the <i>busuulu</i> and in case of default, the landlord can apply to court to take over the land. Thus, the landlords sometimes hide purposely to defeat the tenant's attempts to pay. In such a case, there is a conflict between the two parties which could easily lead to eviction of the tenant by the landlord.

<p>and receipt of payment of ground rent.</p> <p>Definition and Characteristics:</p> <ul style="list-style-type: none"> • Created by the 1900 Buganda Agreement and is only peculiar in central and western Uganda. • It involves holding of registered land in perpetuity. • Ownership of land by a mailo owner is separated from ownership of developments on land made by lawful and bonafide occupants. • A mailo owner has full powers over his/her land and can sell, mortgage, or deal with it in any way BUT this is subject to the rights of bonafide and lawful <p>Methods of Acquisition:</p> <ul style="list-style-type: none"> • Some mailo owners acquired mailo land as a result of the 1900 Buganda Agreement where land was given to prominent members of the kingdom. • Subsequent rights under Mailo tenure can be gained through sale, gift and inheritance, and subdivision. 	<ul style="list-style-type: none"> • Although titling of land and registration of interests of land is expected to guarantee safety of one's interest on Milo land tenure system, the issue of evictions seems to somewhat persist with mailo land, caused by absentee landlords that claim failure by the tenant to pay for the land use and corrupt land officials who issue more than one title over the same piece of land.
<p>4. CUSTOMARY TENURE SYSTEM</p> <p>Proof of ownership:</p> <ul style="list-style-type: none"> • By Certificate of Customary Ownership (section 4 Land Act). Note: Non acquisition of Certificate of Customary ownership does not take away ownership rights of a customary land owner. • It can also be proved by witnesses, word of mouth supported by demarcations, receipts and sketches maps. <p>Definition and Characteristics:</p> <ul style="list-style-type: none"> • Land is owned and disposed of in accordance with customs, norms and practices of a specific community. • It is applicable to a specific area of land and a specific class of people. 	<p>Given that land under customary land tenure is not surveyed and not registered, the gaps and challenges with it include the following:</p> <ul style="list-style-type: none"> • Vulnerability to land grabbing due to the fact that the customary land owner cannot easily prove that he/she actually owns the land; • Difficulty in establishing whether one has any sort of interest over the land; • Difficulty in establishing which interest takes precedence over the other. This is because unlike other tenures like freehold where the interests in land are registered at the registry and precedence depends on who registered first, this is not the case with customary tenure as land is not registered. It therefore becomes difficult to determine which interest comes before the other. • A high chance of encroachment by land grabbers since land is not surveyed and does not have express boundaries.

- It is governed by rules and practices generally accepted as binding and authoritative by the class/group of people to which it applies BUT such rules and practices must not be discriminatory against women, children and persons with disability(section 3 (1) (b) Land Act). Note: These rules also apply to persons acquiring land in that area.
- It provides for communal ownership and use of land.
- Parcels of land may be recognised as sub divisions belonging to a person, family or traditional institution.
- Land is owned in Perpetuity.
- Customary land may be converted to freehold tenure by registration (section 9 Land Act).

Difference between customary tenure and other tenures:

- Unlike other tenures, it is not titled i.e. one does not necessarily require a Certificate of Title to prove ownership.
- Customary land is governed by customs norms and practices of a particular community whereas other tenures are governed by written laws.
- The land is not surveyed; it is only demarcated by traditional plants e.g. Oruyenje (in Ankole), Ebiryobwa (in Bunyoro) or Oluwany (in Buganda).
- It constitutes over 80% of Uganda's land tenure regime and is the most susceptible to abuse by land grabbers.

Methods of Acquisition:

- By inheritance following traditions, customs, rules and practices of a given community.
- Through sale, transfers, gift, or lease.

4.0. FINDINGS AND INTERPRETATIONS

4.1. Social Demographic Characteristics of Respondents

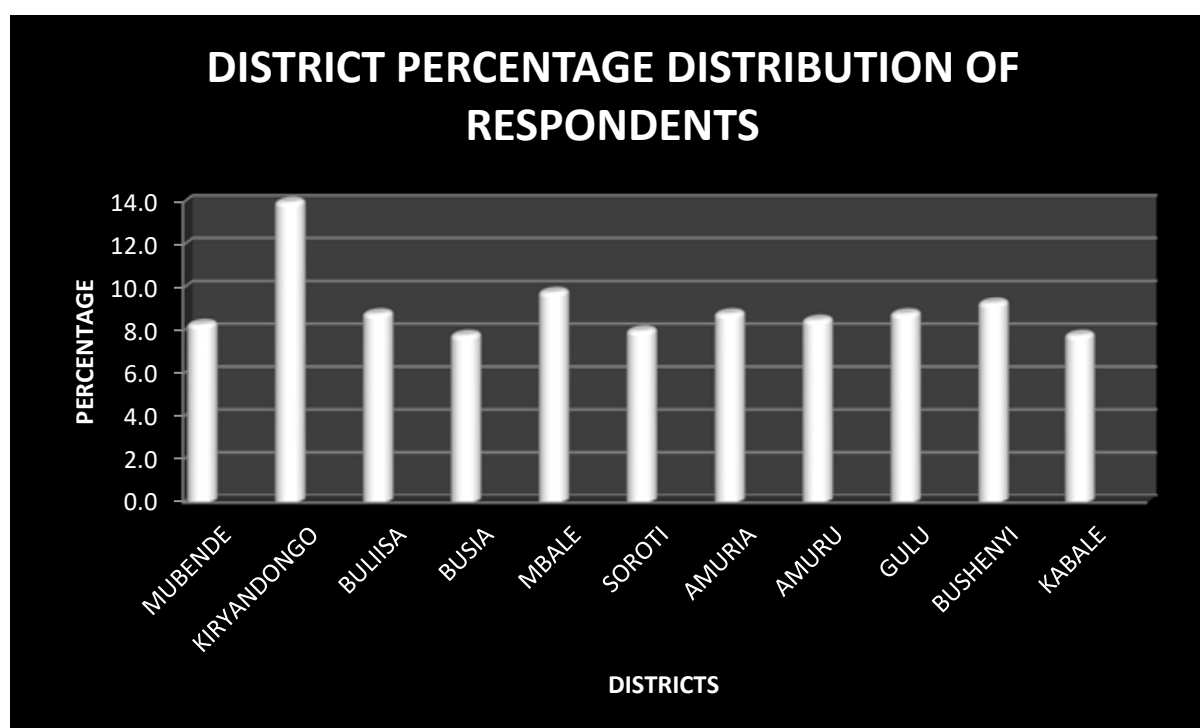
4.1.1. Introduction

The study examined the challenges of victims of land grabs in the face of COVID-19 emergency measures in all contexts, including but not limited to geographical location, sexual orientation, gender, age, family background and land tenure system. This section describes the geographical distribution of respondents and their social and demographic characteristics such as age, sex, marital status, number of children and dependants.

4.1.2. Geographical Distribution of Respondents

A total of 386 respondents were reached through individual interviews and conversations from 11 districts. 32 (8.3%) of the respondents were reached from Mubende district, 54 (14.0%) from Kiryandongo district, 34 (8.8%) from Buliisa district, 30 (7.8%) from Busia district, 38 (9.8%) from Mbale district, 31 (8.0%) from Soroti district, 34 (8.8%) from Amuria district, 33 (8.5%) from Amuru district, 34 (8.8%) from Gulu district, 36 (9.3%) from Bushenyi district and 30 (7.8%) were from Kabale district. This is illustrated in the figure below.

Figure 1: Distribution of Respondents by district



4.1.3. Age of respondents

The majority of respondents (39.2%) were in the age range of 41 – 50 years, 26.6% were in the age bracket of 51 and above, 21.7% were between 31 – 40 years and 12.6% were in the age range of 18 – 30 years as illustrated in table 1 below.

Table 1: Age of respondents by district of residence

District	Age Range (%)				Total (%)
	18 - 30	31 - 40	41 - 50	51+	
Mubende	09 (2.3%)	03 (0.8%)	15 (3.9%)	05 (1.3%)	32 (8.3%)
Kiryandongo	08 (2.1%)	11 (2.8%)	18 (4.7%)	17 (4.4%)	54 (14.0%)
Buliisa	01 (0.3%)	04 (1.0%)	05 (1.3%)	24 (6.2%)	34 (8.8%)
Busia	05 (1.3%)	09 (2.3%)	11 (2.8%)	05 (1.3%)	30 (7.8%)
Mbale	03 (0.8%)	11 (2.8%)	18 (4.7%)	06 (1.6%)	38 (9.8%)
Soroti	02 (0.5%)	12 (3.1%)	14 (3.6%)	03 (0.8%)	31 (8.0%)
Amuria	01 (0.3%)	09 (2.3%)	20 (5.2%)	04 (1.0%)	34 (8.8%)
Amuru	02 (0.5%)	11 (2.8%)	15 (3.9%)	05 (1.3%)	33 (8.5%)
Gulu	03 (0.8%)	12 (3.1%)	16 (4.1%)	03 (0.8%)	34 (8.8%)
Bushenyi	02 (0.5%)	10 (2.6%)	12 (4.2%)	12 (4.2%)	36 (9.3%)
Kabale	01 (0.3%)	06 (1.6%)	18 (4.7%)	05 (1.3%)	30 (7.8%)
Total	37 (9.6%)	98 (25.4%)	162 (42.0%)	89 (23.1%)	386 (100%)

Majority of respondents (42.0%) were in the age range of 41 – 50 years, the age range with many children as parents and with dependants as guardians, followed by those in the age bracket of 51 and above (26.6%), the age bracket of elders and possibility of being dependants. Indeed, majority of respondents (96.4%) stated that they had children while 61% revealed that they had dependants in their families as illustrated in table 3 and 4 below, respectively.

Implicit in the foregoing is that forceful methods used in illegal land evictions have adverse effects on children and women including: denying them shelter and food following the loss of their homes and gardens from where they feed; denial of the right of children to education following the displacement of their families to places in unreasonable distances to the nearest schools; social insecurity among women as they lose their property unjustly; physical and psychological torture as some of them end up in displacement camps or/and jail or beaten bitterly in fighting back for their rights; and children and women whose parents and spouses, respectively, lose life or get detained during the land wrangles yawn helplessly without any provider for their basic needs.

In addition, the age range of 41 – 50 years of majority of the most at risk respondents emphasizes the need for the justice system to employ scientific or technological means relevant to them in efforts to sustain legal work and ensuring availability of justice adjudication during crises that are characterised with lockdowns, social distancing and movement restrictions such as the COVID-19 crisis.

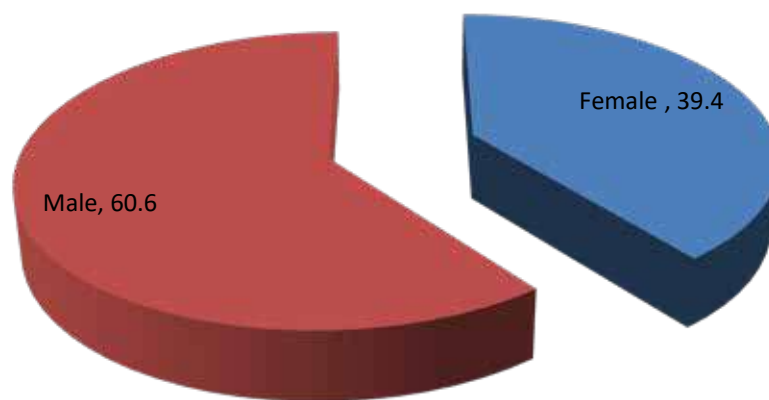
4.1.4. Sex of respondents

Despite efforts outlined in the study design to ensure equal participation of both men and women in the study, majority of the respondents were male (234 or 60.6% of the respondents) and 152 or 39.4% were female as illustrated in figure 2 below. This could have been influenced by gender issues, particularly gender imbalance

where access and control over resources, development services and benefits are inequitably distributed between women and men in society and women are denied equal rights to inheritance⁴, resulting in women's lack of secure rights to land and meaningful participation in land-related conflict prevention and management processes, yet they till the land and produce the food for the families and entire, community.

In the context of addressing the challenges of access to justice during an emergency characterised by social restrictions and lockdowns, the foregoing clearly shows the need for appropriate response to these disparities is a holistic approach that commits to designing mechanisms, strategies and actions to improve gender equity and equality in the processes, institutions and activities of land tenure governance and justice system.

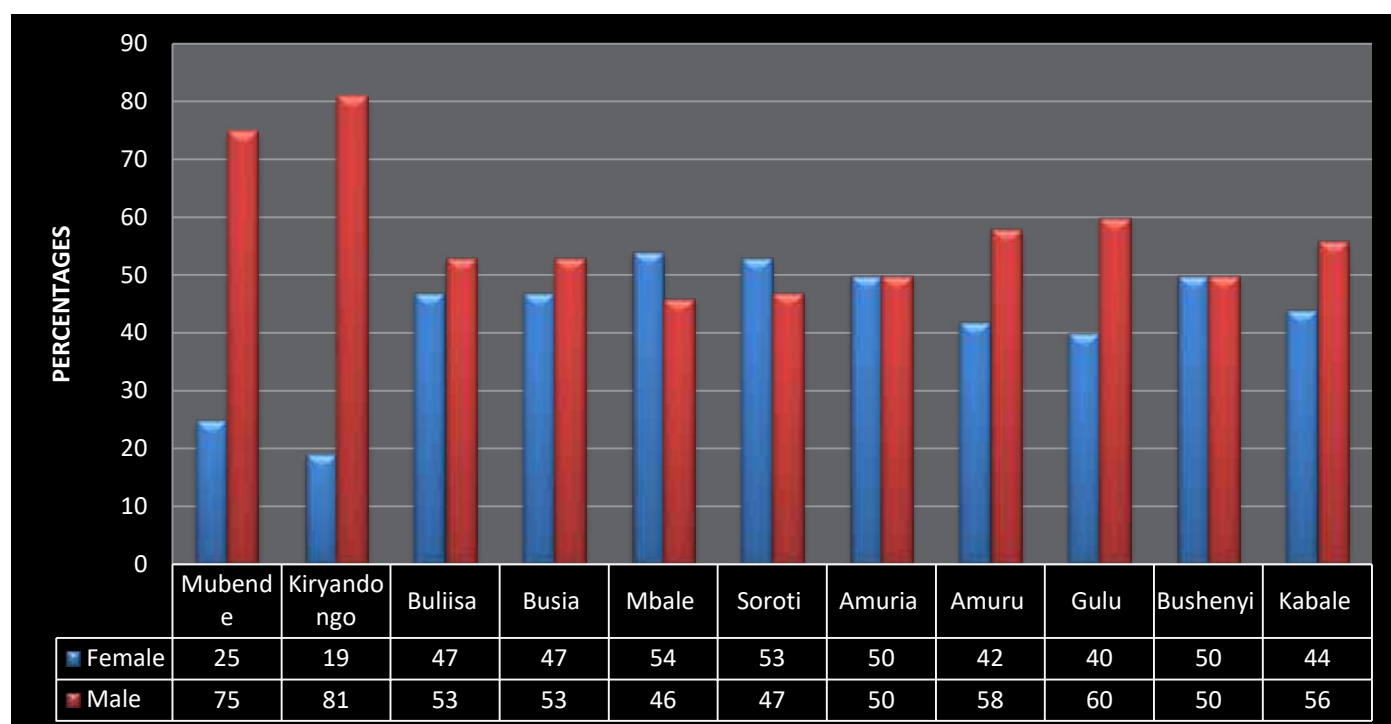
Figure 2: Percentage Distribution of Respondents by Sex



Similar to the general distribution of respondents by sex as illustrated in figure 2 above, more male respondents participated in the study in the respective districts with exception of Mable district with 54% female and 46% male respondents, Soroti with 53% female and 47% male respondents, Amuria with 50% female and 50% male respondents and Bushenyi with 50% female and 50% male respondents. This is presented in figure 3 below.

⁴ The National Gender Strategy on Land developed by the Ministry of Lands Housing and Urban Development (MLHUD) of Uganda, with support from the Global Land Tool Network (GLTN) as facilitated by UN Habitat.

Figure 3: District Percentage Distribution of Respondents by Sex



4.1.5. Family system, marital status and vulnerability of respondents

The study captured data on the family system, marital status and vulnerability of respondents to show the linkage with the impact of COVID-19 measures on access to justice for victims of land grabbing in the context of the family system with children and dependants.

i) Family system

It was established that similar to other communities in the Sub-Saharan Africa, all the families from which the respondents were drawn depend on extended family system as a form of social safety net.

ii) Marital status

The majority of respondents (42%) stated that they were married, 41% were cohabiting, 11% were widowed/widowers and 6% did not reveal their marital status. See table 2 below.

Table 2: Marital status of respondents

Marital status	Frequency	Percentage
Married	162	42%
Cohabiting	158	41%
Widow/Widower	43	11%
Did not respond	23	6%
Total	386	100%

iii) Respondents' number of children

The majority of respondents have between 1 and 2 children as revealed by 73.1% of the respondents. Other respondents have between 3 and 4 children as revealed by 16.8% of the respondents while 6.6% of the respondents have over 5 children. 3.6% of the respondents indicated that they had no children. See table 3 below.

Table 3: Respondents' number of children by district of residence

Range of number of children	Frequency	Percentage
No child	14	3.6%
Between 1 – 2 children	282	73.1%
Between 3 – 4 children	65	16.8%
5 and more children	25	6.5%
Total	386	100%

iv) Respondents' number of dependants

Besides their biological children as illustrated in table 3 above, 38% of respondents have between 1 and 2 dependants. Other respondents have over 3 dependants in their families as revealed by 21% and 2% of the respondents with dependants ranging from 3-4 and over 5 dependants, respectively. See table 4 below.

Table 4: Respondents' number of dependants by district of residence

Range of number of dependants	Frequency	Percentage
No dependants	149	39%
Between 1 – 2 dependants	146	38%
Between 3 – 4 dependants	82	21%
5 and more dependants	09	2%
Total	386	100%

4.2. Displacement Pattern of Land Eviction Victims During COVID-19 Related-lockdowns in Uganda

In Uganda, the increased use of land as a commodity and the increasing demand for land has resulted in more evictions, both lawful and unlawful. Besides publishing measures and guidelines restricting movement and banned forms of gatherings and social distancing following the President of Uganda's directives on national-wide lockdowns since March 2020 in an effort to manage the spread of COVID-19, the media was awash with unscrupulous individuals, private investors and agents of the state taking advantage of the Covid-19 lockdown to grab other individual's and community's lands in various parts of the country.

Admittedly, the then Lands Minister Beti Olive Kamywa, halted all land transactions and the impending land evictions of tenants, registered land and customary land owners during the lockdown. Further, using Presidential and Ministerial directives

under Article 98(1) and 99(1) of the Constitution that enjoins him to ensure good governance and protect the Constitution, the President - in a letter dated February 28, 2022 addressed to the Prime Minister, Rt. Hon. Robinah Nabbanja - requested His Lordship the Chief Justice to prevail upon the Justices and Magistrates who violate the Constitution by illegally evicting people in collusion with land grabbers.

The study looked into more detail to find out the exact areas of residence from which the respondents were lawfully and/or unlawfully evicted and where they resettled following the evictions as detailed below.

4.2.1. Displacement Pattern in Amuria District

In Amuria, the study investigated 34 victims who revealed that they were from 2 clans (Irirak and Icekok clans) in Willa Sub-county facing evictions by both Amuria district and Willa sub-county. The communities have been on this very land for decades not until in 2021 when both Amuria district local government and Willa sub-county appeared claiming ownership of the same land.

The violent evictions intensified during Covid 19 where people were attacked by police officers under the command of the Redidential District Commissioner (RDC) Lilian Eyal, the chairman Local Council (LC) III, Muguma James beat, arrested and falsely charged residents with both criminal trespass and opening a market to collect revenue. One of those who were arrested narrates:

"Around July, I was arrested by a group of police officers. They found me at my home, and started shooting directly to me. During the process, my leg was injured and I believe these officers wanted to kill me because I have always been vocal in fighting for people's land. They then arrested me and took me to Amuria police where I spent one day before taking me to Amuria Grade One Magistrate Court the first time following day. Here I was charged with opening a market and collecting revenue from it, which I believe is retaliation for my work. At court, I was remanded to prison but my condition was worsening day by day since I was badly injured. I couldn't walk and was always carried by my inmates, after a week, when I reported for the case, the judge saw my condition and decided to give me a bail to get treatment."

Another community members known as Okore Gilbert was also arrested and spent one week and two days at Amuria CPS without clothes (staying in only under pant). He was later released without any charge. These humiliations, violence and threats of death are the order of the day in Olwatai village, Willa sub-county in Amuria district fueled by the big shots in the government whom people believe are interested in grabbing their land. According to other community members, the Willa sub-county has also started planting sisal in their land, a true sign of land grab despite the case of land ownership being in court. The case which was taken by the residents in Amuria Court to challenge the land grab is set for ruling on 18th Jan 2023.

The victims are still living within the community in constant fear without alternative land for settlement but waiting to be evicted.

4.2.2. Displacement Pattern in Mubende District

In Mubende district, the study investigated victims of the rampant cases of land evictions who revealed that they were from the villages of Kiyuni (2), Kyadoki (3), Kayinja (3), Madudu (3), Butoloogo (3), Kyanyina Cell (3), Kigwanyi (3), Kiruma (3), Malabigambo (3), Kyenda (3) and Kigatte (3) from which they are threatened for eviction before, during and after the COVID-19 emergency lockdowns.

Communities revealed that in August 2001 government used UPDF soldiers to drive more than 2,000 people off their land in Madudu sub-county, Mubende district. Later, Uganda Investment Authority (UIA) handed the land to a German investor to establish Kaweri Coffee Plantation Ltd, a subsidiary of the Germany-based Neumann Kaffe Gruppe, one of the world's largest coffee companies with similar projects in Kenya, Mexico, Brazil, Tanzania and El Salvador. Since 2011, Formasa Limited under the protection of Mubende police has forcefully grabbed 2590 hectares that were a source of livelihood for poor communities located in Maduddu, Kambuye and Butoloogo sub-counties of Mubende district.

It was emphasized that in the last days of 2020 when COVID-19 control measures intensified, a group of 42 workers attached to Formasa Company attacked 3 villages, destroyed houses and plantations of residents forcing them off their land. Residents who have never received compensation from Formasa or its agents are being threatened and stopped from cultivating their land by company workers. The community first filed Civil Suit in 2017 with Rwakafuzi & Co. Advocates seeking that the community be reinstated back to their land, temporary and permanent injunction against Fomasa from using their land and damages. The suit however, has been overtaken by events, which means the Community cannot pursue it anymore but remedy it by filing a new suit seeking for the same remedies. In the course, the Community filed a Representative suit seeking for the various Remedies in early 2022. The Community through the advice of Witness Radio filed a representative suit to get all their interests. The communities chose from amongst themselves those that represented them to get their interests. The community filed Jimmy Segguja, Safari Ibrahim and Nalongo Versus Quality Parts Limited and 20 others miscellaneous Case No. at Mubende High Court. However, when the matter came up for hearing on the 31st of May 2022, the Deputy Registrar insisted that the nature of the claim could not be effectively prosecuted by way of representative Suit. That instead the community files a Suit directly with all the affected persons as parties.

People that were resettled to Kambuye resettlement camp after UIA handed the land to a German investor to establish Kaweri Coffee Plantation Ltd were threatened for eviction by Kaweesi George a one business man from Mityana tried to evict them again in 2017. Before their eviction, government offered to relocate the

evictees to Kambuye on land that included villages in Kanseera, Kikono, Kyabaana and Lwensanga. In 2018, they were again evicted from their new homes after George Kaweesi laid claim to land measuring 322.5 hectares. The land is comprised in Buwekula Block 168, Plot 28 at Kambuye and also doubles as the alleged scene of crime. The land in question (the resettlement camp) measures 322.5 hectares while the violent and arbitrary evictions happened between 7th and 12th October 2018. There are fears that the Kambuye land is going to be annexed to the coffee plantation. The LC-V chairman blames the entire confusion on Hajji Swaib Lubega Waggwa, the former resident district commissioner (RDC). Waggwa had allegedly sold the land to Mubende LC V chairman Kibuuka Amooti from Kayiwa who was the landlord at Kaweri but died before paying the full amount. He later repossessed the land and sold it to Kaweesi however, the certificate of Title doesn't consist of the Instrument number that transferred ownership from Kayiwa to Kaweesi.

Further in 2011, a carbon off-set tree plantation project which had attracted investment from international banks and private equity funds – including the European Investment Bank (EIB) with five million Euros (almost US 6 million dollars) to expand one of its plantations in Uganda; The Agri-Vie Agribusiness Fund, a private equity investment fund, had invested US 6.7 million dollars; the World Bank's private sector lending arm, the International Finance Corporation (IFC) and the UK bank HSBC with around US 10 million – has caused unimaginable pain to hundreds of households and continued to suffer gross human rights abuses, mainly in Mubende district. Early 2020, evictees rose up again to revive their demands to repossess back their land following the failure to resettle and compensate them for the human rights violations and damages. Yet Presidential announcements of long lockdowns in an effort to manage the spread of the COVID-19 had commenced in March 18, 2020.

4.2.3. Displacement Pattern in Soroti District

The study respondents reached in Soroti district revealed that they were residents of Madela village (11) in Soroti east division of soroti city is facing violent evictions by a one Erimu Peter John, and in Amen A (10) and B (10) villages in Arapai Ginery in Soroti City.

The Madela village case has been on for over 22 years. Since 2000, they have been facing violent evictions. Some of them left but others have resisted the evictions. However during the Covid-19 crisis the violent evictions and threats intensified. About 7 people were violently arrested and framed with a murder case (spent one year at soroti police), which was recently dismissed by court in Soroti after one year at police. The arrests happened when the country was battling Covid-19 pandemic. These detainees included: Asunge Peter 88, Asunge Felix 59, Ajuru Robert, Oluma Francis, Okiror, Okitoi Ben, Adupu Joseph. Mr Asunge Felix said the community is challenged by the continuous engagement of police officers and armed gangs in brutalizing the community members.

For the case of Amen A and B villages, over 3000 homesteads are being evicted by an Indian National Chandran. The evictees have lived in the said piece of land from the early 1900s to date. This follows a land give away of the community land to the investor by the Soroti district land board. In 2014 the Soroti land board gave a land title to an Indian Investor Chandran and Associates LTD who had allegedly secured a lease of 3 million shillings for the land measuring 50.016 hectares. However, the secretary of the affected community said the issue of erroneous land giveaway of community land is still under investigation by the parliament.

"We are waiting for the parliament's investigation team as well, but we are fighting to remain the very owners of the land that was given to the investor." He added in brief.

4.2.4. Displacement Pattern in Kiryandongo District

The 54 study respondents in Kiryandongo district were residents from Jerusalem (9), Kisalanda (9), Canan (9), Kololo (9), Kamisoni (9) and, Kapapula (9) villages in both Kiryandongo and Kitwaala Sub counties. They revealed that their villages were invaded by the US based multinational Company, Agilis Partners limited for investment of large-scale plantation agriculture. The community consists of various tribes such as Banyankole, Bacholi, Bafumbira, Itesots and others whose entire livelihood has been depending on the land for survival. The affected communities are about 5 villages that were evicted and they consist of about 2500 families that were sent homeless, according to the residents. The action taken by the community against unlawful evictions of 2500 families in 5 villages and human rights abuses by Agilis, was legal proceedings against the respondents and all the tenable parties on the suit. The Communities through the advice of their Advocates decided to file a human rights cause against the Company and the other stake holders' members that were involved in the evictions. The community sued Agilis, Attorney General and the Managers of the Company. The suit was filed on the 28th / May/ 2020 seeking redress from the High Court of Mubende. The delay to hear the case was because of the Pandemic re-occurring in the two consecutive years, however, in the early 2022 in February, the Advocates engaged Court on the Urgency of the matter and was given a first hearing date on the 20th /04/2022.

Following the controversial lease of ranch land in Kiryandongo in 2017, by government to Great Season SMC Limited, which acquired 1,165 hectares for a coffee plantation; the affected Community on the 28th May 2020 filed a miscellaneous Cause NO 007 of 2020 at High Court of Masindi to seek redress and protect the interests of the affected community. The affected community chose a number that equates to 7 representatives that they entrusted with the role to protect their interests. Amongst the requests of the affected communities were: A permanent injunction prohibiting the investor company from continuing the evictions and or any other activities from the suit land; An order to authorize the immediate and unconditional return of the victims to the eviction site; An order directing the investor company to jointly or severally to adequately, fairly and

promptly compensate the applicants; An order that the investor company bears the costs of the application. The application hearing date was set late because of the COVID-19 pandemic as courts at the time were not functional at the time. However, with the aid of Witness Radio, the case was first for hearing on the 20th/04/2022 where Court gave directives on both parties ie for the applicants to serve the respondents with the pleadings and the respondents to file their affidavits in reply. The Court Directives were fulfilled by both parties and Court was adjourned to the 20th May of 2022. On the 20th/05/2022, the Court gave parties another directive to file the preliminary Objections and the applicants reply to the same. Furthermore, the Court adjourned to give the ruling on the 05/07/2022 however the same has not yet been delivered.

The population of about 10,000 people at Kiryandongo Ranch 22 is being faced with forceful evictions. The Community is struggling with the evictor from the year 2019 who has been threatening to evict the community members. Ranch 22 is comprised of about four villages which are Ndoyo, Kikugulu and Nyamutende. However, in the early 2015, the Community through their elected representatives applied to the Ministry of Lands so that they could be granted a lease since they had settled on the land without any disturbance from anyone. The community made an application to the Ministry of Lands however the Representatives didn't do as the community required instead the representatives obtained a lease Title in their names and not on behalf of the Community as had earlier been agreed. The persons who obtained the Certificate of Title sold the property to an investor and it is the investor that is now evicting people off of the land. Witness Radio Team was then invited by the Community Chairperson in the month of July seeking for assistance with the matter at hand. Several cases were filed against the proprietors who have turned out to be futile as the Court cases have not been a success. Witness Radio advised it best to first lodge a caveat on the Certificate of Title to stop any transactions on the land. This is the first interim remedy that community has to avoid any transfers on the suit land. The team further advised that the community should institute a suit to protect the interests of the community which is to stop the evictions.

4.2.5. Displacement Pattern in Buliisa District

The study respondents were selected from Watembo (14) and Boma (20) villages in Butiaba town council. It is estimated that more than 1,000 families in these two villages are living in fear of being evicted forcefully from their ancestral land. The residents are threatened eviction by Francis Kaahwa, a businessman in Buliisa and Kampala who is said to have illegally acquired a title for the contested land measuring about 1,800 hectares. Deo Ntakimanyi, the Boma LCI chairperson wonders about Kaahwa's acquisition of the land title in 2019 on their land that they have settled on since the 1960s.

4.2.6. Displacement Pattern in Amuru District

The 33 study respondents revealed that they were residents from Amuru district were displaced from Langeta village, Pawel sub-county in Amuru district.

In October 2021, there was a bitter land row between Palaro and Pakwayi clans, all in Amuru district over the ancestral ownership of land measuring approximately 3053.4 acres situated along the Gulu-Nimule highway. The conflict followed reports that Joseph Livingstone Otema of Palaro clan sold 150 acres of the contested land to the Amuru Resident District Commissioner, Geoffrey Osborn Oceng prompting protest from members of the Pakwayi clan. The violent conflict left dozens of people injured, household properties worth millions of shillings destroyed, and crop gardens measuring hundreds of acres razed to the ground. After the violent dispute, hundreds of the residents occupying the contested land abandoned the area and their garden works for fear of revenge.

The study respondents revealed that they had taken refuge at homes of relatives at the time of the study. One Tuwape John, 50, a member of the Pakwayi clan, revealed he has taken refuge at his brother's home in Kabadopong cell in Gulu City. Alice Lagulu, a mother of 12 says she lost several acres of garden crops in the conflict and three of her grass-thatched huts is now living with her aunt. Susan Aloyo says her family lost three huts and every household property during the attack, and is now residing and being assisted by one of the local churches neighboring the area.

In Opara, over 10 community land rights defenders were arrested for resisting Akon City. According to the residents, a family wanted to sell their land for the establishment of Akon City. The land measures over 5.2 sq miles accommodating over 250 families. When some members resisted, they were brutally beaten and arrested.

4.2.7. Displacement Pattern in Gulu District

In Gulu district, the study respondents indicated that they were residents of Oroko (14), Gwei (10) and Lagot-Oywec (10) all in Palaro Sub-county in Gulu district.

In Paralo Sub-county, clans are fighting over boundaries separating Atiak Sub-county in Amuru District and Palaro Sub-county in Gulu District. Residents at border points of the two sub-counties are preventing each other from cultivating on the disputed land. Each of them claims to be the original owner of the land. This has seen many people arrested and falsely charged with offenses they never committed. Some of them are still in jail due to lack of legal representation.

4.2.8. Displacement Pattern in Busia District

Out of the 30 study respondents in Busia, 9 resided in the village of Tiira and 7 in Akipeneti village in Tiira T/C, and 7 in Alupe village of Mawero parish in Buteba Sub-county and 7 in Sikuda sub-county. Residents revealed that families in Busia are losing out their land for gold mining to investors, and companies. Cases of framing community members with charges are also rampant. See examples below.

According to the CID officer in charge of the land desk at Busia police station, a case on file SD Ref 42/30/03/22, Child neglect /Domestic violence was registered and later realized it was a framing trick due to selling of land from Alupe Byobona Jesca and Wandera James in November 2021.

Eriya Okituyi from Tiira had a land case with his brothers in March 2021 but was later solved by the help of clan leaders. Here he was allowed to sell part of it.

In Alupe village Mawero parish Buteba s/c one pastor Wandera Solal sold his piece of land and bought somewhere but the wife was unwilling. She reported the case at police but later the CFPU resolved the matter in February 2022.

In Akipeneti village in Tiira Town Council (T/C) one Omollo Patrick sold their piece of land where by the wife Nambuya Christinetine refused to move away and join the husband where he had bought and built. So the wife was charged and the matter is before the courts of law.

In Alupe village of Mawero parish in Buteba sub-county, a customary land-related conflict erupted when one family member, Wandera, didn't respect the letters of administration. This case involved a Catholic Father complaining about his brother who is selling family land without the consent of the administrator. The case was still under investigation at police by the time of the study.

In Sikuda sub-county, a husband passed on and when the wife wanted to sale her portion and move on, the brother in-law came and complained at police. The parties were summoned but the brother in-law did not honour the summons. The matter was still pending at the time of the study.

In Tiira T/C, the mining company Green Stone surveyed/explored gold in the area. The company called for a community meeting and agreed with the community that for the survey string to pass through their land each person will be paid UGX30,000/= but one Opamba in Tabongo cell when he saw the string, he cut it claiming that they were surveying his land. So, he was charged for malicious damage arraigned in courts of law and he is serving his sentence and also asked to pay UGX15,000,000/= the cost of the survey string

Still in Tiira T/C, a certain woman of 4 sons from different men bought a piece of land and divided it equally to all the 4 sons but it is only in one piece of land where gold was discovered. This brought conflicts amongst the sons to the extent of assaulting each other, but the son owning the piece of land on which gold was discovered doesn't allow his brothers to come to his portion and mine gold. The matter was reported to police station but referred to Children and Family Protection Unit (CFPU) of the police for mediation and counselling.

4.2.9. Displacement Pattern in Mbale District

The 38 study respondents in Mbale district indicated that they were residents of; Makhumbo village in Mbale city's industrial division where they were evicted from their ancestral land of over 600 acres of land currently hosting MBALE INDUSTRIAL

PARK (10), Busajja Bwankuba village in the Northern Division of Mable district (7), Busiu town council (7), Bulambuli community land where many people ran to following the Lord's Resistance Army (LRA) insurgency and the lands they migrated from were grabbed (7), and Buduuda resettlement camp claimed by families from Kapchorwa who say they were chased away during the LRA insurgency (7).

A 95-year-old Jessica Nabujeke is one of the residents evicted from the land in Makhumbo village in Mbale city's industrial division where many others were evicted from their ancestral land of over 600 acres of land currently hosting MBALE INDUSTRIAL PARK. At the time of the study, Jessica Nabujeke lived in a nearby church after losing over 10 acres of land.

4.2.10. Displacement Pattern in Bushenyi District

Of the 36 study respondents in Bushenyi district, 18 were residents of Buyanja Parish in Kyeizooba Sub-county battling a row with the Bushenyi District leadership and residents over ownership of 100 hectares of land identified for setting up an industrial park but the residents say the piece of land belongs to the community. Others were; 4 from Ruhumuro Sub-county with cases of criminal trespass to land, 5 from Bitooma Sub county, 1 from Kyabugimbi Sub county, 3 from Ibaare Sub-county, 2 from Nyabubare Sub-county, 2 from Kyeizoba Sub-county and 1 from Kyabugimbi Sub-county.

4.2.11. Displacement Pattern in Kabale District

For Kabale district, all the 30 participants in the study indicated that they were from Rubaya sub-county in Kabale district, with conflicts between family members with cases ranging from criminal trespass to malicious damage.

4.3. Land Ownership and Tenure Characteristics of Land Grabs During COVID-19 Emergency

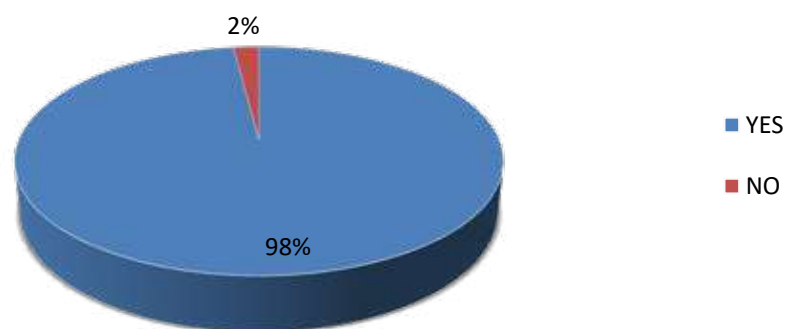
In order to generate a good understanding of the bottlenecks in accessing justice by victims of land grabs during COVID-19 related-lockdowns and appreciation of the proposed recommendations that guarantee land tenure security and access to justice for land grab victims during an emergency, the study gathered information from respondents on the players involved/implicated in land conflicts during COVID-19 emergency depending on the land tenure characteristics. This involved issues such as land ownership and tenure characteristics of the land from which respondents were evicted during COVID-19 related-lockdowns, prove of ownership, number of years spent on the land from which respondents were evicted, responsible parties for these illegal evictions, tools used to evict victims and the physical, emotional and sexual harm which victims suffered during illegal evictions amidst COVID-19 related-lockdowns.

4.3.1. Land ownership

Private land, and land held in trust by Government are the two forms of land ownership in Uganda. Private land ownership is the land owned individually, by families or communities under any of the four land tenure systems namely Freehold, Leasehold, Mailo and Customary as discussed earlier in section 3.5. The land held in trust by Government is land vested or acquired or owned by government for the purpose of carrying out the functions and services of government. Under Article 237(1)(b) of the 1995 Constitution of Uganda, Government or Local Government is mandated to hold in trust for the people, natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological (environmental) and tourist purposes for the common good of all citizens. Parastatal bodies are usually appointed by law to manage these lands e.g. National Environmental Authority (NEMA), Uganda Wildlife Authority (UWA) and National Forestry Authority (NFA). The Uganda Land Commission holds and manages land vested in or acquired or owned by the government of Uganda in accordance with the Constitution including Diplomatic Missions abroad.

Asked whether the respondents owned the land from where they were illegally evicted, the responses were as presented in figure 4 below.

Figure 4: Respondents owning the land from which they were evicted



4.3.2. Proof of ownership

To ascertain the proof of ownership for the land from which the victims were evicted, the study inquired from respondents whether they had proof of ownership for the land from which they were evicted. Majority of the respondents (38.1%) intimated that they did not have any proof of ownership for the land from which they were evicted.

37.3% indicated that they were facing evictions from customary land owned in accordance with customs, norms and practices of a specific community with no prove of ownership. However, it should be noted that non-acquisition of proof of ownership does not take away ownership rights of a customary land owner.

10.6% of the respondents revealed that the lands from which they were facing illegal evictions were their inheritance from their parents and ancestors, while 8.3% showed that they had bought the land from which they were facing illegal evictions and that they possessed land agreements.

The rest of the respondents indicated that the proof of the land from which they were facing evictions is by; Land Titles (0.3%), Certificate of Title for Freehold and Leasehold land tenure (0.5%), Busuulu receipts (0.3%), Letter from the Minister (0.3%), Resettlement documents by Investor (0.8%) and government (0.5%), Word of mouth supported by witnesses and demarcations (2.1%) and support documents from owners of the land for which they were caretakers (1.0%) This is presented in table 5 below.

Table 5: Proof of ownership for land from which victims were evicted

Response	Frequency	Percentage
Land Title (Milo land tenure)	1	0.3%
Certificate of Title (Freehold & Lease hold land tenure)	2	0.5%
Inheritance	41	10.6%
Clan relations (Communal Land)	144	37.3%
Busuulu receipts	1	0.3%
Letter from Minister	1	0.3%
Resettled by Investor	3	0.8%
Resettled by Government	2	0.5%
Land agreement	32	8.3%
Word of mouth supported by witnesses and demarcations	8	2.1%
Care takers	4	1.0%
None	147	38.1%
Total	386	100.1%

Asked for how long the respondents had owned the land from which they were being illegally evicted, the responses were as presented in table 6 below.

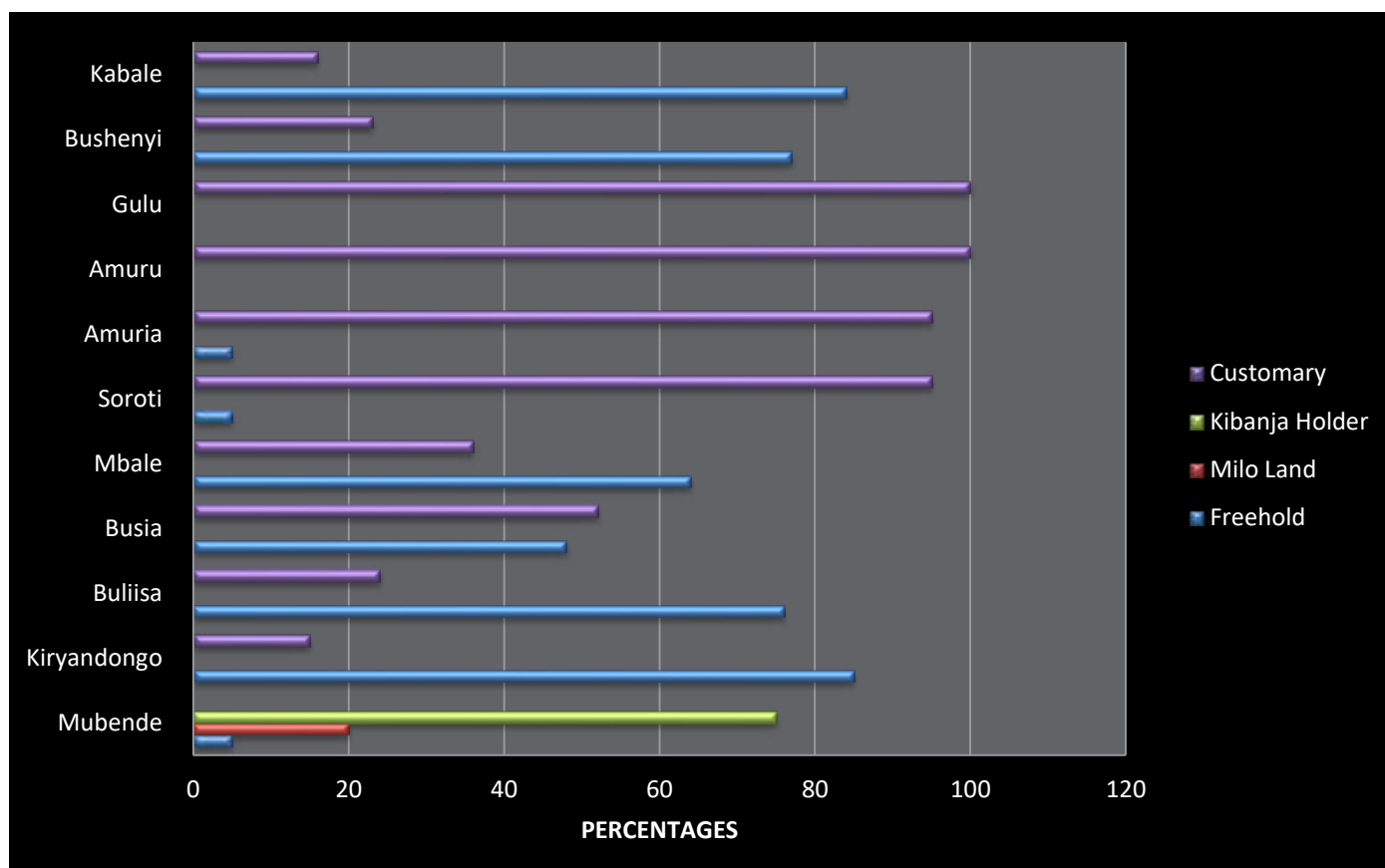
Table 6: Time respondents had owned land from which victims were evicted

Response	Frequency	Percentage
0 to 2 years	0	0%
3 to 5 years	0	0%
6 to 8 years	0	0%
9 to 10 years	0	0%
11 to 20 years	70	18.1%
20 years and above	284	73.6%
Did not respond	32	8.3%
Total	386	100%

To establish the most affected land tenure system for the illegal evictions during COVID-19 related-lockdowns, respondents were asked the land tenure ownership in

their respective areas of residence. The responses are provided in the figure 5 below.

Figure 5: Land Tenure Systems for Respondents' Areas of Residence



Owing to the responses above, illegal land evictions during COVID-19 related-lockdowns happened, majorly, on Customary and Freehold land tenure systems in the Western, Northern and Eastern regions of Uganda, while in Buganda (central region) the illegal land evictions during COVID-19 related-lockdowns were common with Bibanja and milo land owners. While it is true that these regions have differing land tenure systems, implicit in this is that illegal land evictions and crises that occurred therefrom were happening across the different land tenure systems in Uganda.

4.4. Actors in Illegal land Evictions During COVID-19 Emergency

The study profiled the players who were implicated in illegal land evictions during COVID-19 related-lockdowns. From the responses, the study established that such actors involved individuals and institutions. The individual actors are those who, for several reasons, including wealth creation and having political and military connections with enforcers of COVID-19 measures, connived in perpetrating land injustice while the rest of the world was under lockdown. The institutions on the other hand, are those contrary to their duty to provide protection, regulation and guidance in observing the COVID-19 measures, turned into hubs of conspiracy to grab land of indigenous communities. As such, the study established the following

actors as responsible parties for illegal land evictions during COVID-19 related-lockdowns:

4.4.1. The individuals in law enforcement agencies, Police and the Army

The police and the army were profiled as being deployed to use the criminal justice system to facilitate land grabs of the politically and militarily connected people with connections to the national ruling party, National Resistance Movement Organisation (NRM), either as party politicians, government functionaries such as Resident District Commissioners (RDCs), and members of the security establishment, including the Uganda Police Force (UPF) and the Uganda People's Defence Forces (UPDF). For example, during the evictions of residents of over 2000 residents in Madela village in Soroti east division of soroti district, violent evictions and threats intensified during the Covid-19 crisis and about 7 people were violently arrested and framed with a murder case (spent one year at soroti police), which was recently dismissed by court in Soroti after one year at police. These detainees included: Asunge Peter 88, Asunge Felix 59, Ajuru Robert, Oluma Francis, Okiror, Okitoi Ben, Adupu Joseph. During the study interviews in Soroti, Mr Asunge Felix said:

"...the community is challenged by the continuous engagement of police officers and armed gangs in brutalizing the community members".

4.4.2. The District Local Government Officials

The other players included district local land officials including District Residence Commissioners (RDC). Following the President's announcements of lockdowns, the RDCs were in charge of the respective District COVID-19 Control Task Forces composed of Area Parliamentarians, Intelligence Personnel, Police, local government councils and religious leaders. These were granted full powers to make subsequent changes through the supplementary legislations and Presidential directives. In the guise of their duty to enforce COVID-19 measures, RDCs, Land Boards and Local Council (LC) leaders turned the COVID-19 Control Task Forces into hubs of conspiracy to grab land of indigenous communities. For example, the study investigated 34 victims who revealed that they were from 2 clans (Irirak and Icekok clans) in Willa Sub-county facing evictions by both Amuria district and Willa sub-county. In 2021, both Amuria district and Willa sub-county local government officials claimed ownership of the same land. During Covid-19, communities were attacked by police officers under the command of the RDC, M/s. Lilian Eyal and the chairman Local Council (LC) III of Willa sub-county, Mr. Muguma James. The police beat, arrested and falsely charged residents with both criminal trespass and opening a market to collect revenue. One of those who were arrested narrates:

"Around July, I was arrested by a group of police officers. They found me at my home, and started shooting directly to me. ... I was remanded to prison but my condition was worsening day by day since I was badly injured. I couldn't walk and

was always carried by my inmates, after a week, when I reported for the case, the judge saw my condition and decided to give me a bail to get treatment."

The Speaker of Bushenyi district, Mr. Mucunguzi Dauglous affirmed that, often, councillors collude and allocate land with abandon for national development projects. For example, residents of Buyanja Parish in Kyeizooba Sub-county are battling a row with the Bushenyi District leadership and residents over ownership of 100 hectares of land identified for setting up an industrial park. The officials of the district land boards know exactly where and which land is in abandon for development projects without due respect for the proper procedures for such acquisition.

4.4.3. Investors

Investors have tended to making use of the land-related conflicts to evict communities to their advantage during COVID-19 pandemic as the world was busy struggling to observe social restrictions in control of the spread of the virus. For example, in Busiu Town Council of Mable district, an investor connived with the Mbale Northern Division authorities to grab the neighbouring land to the investor's plant when the civic space for communities to push back was suppressed by the COVID-19 control measures. In another example, the population of about 10,000 people at Kiryandongo Ranch 22 in Ndoyo, Kikugulu and Nyamutende communities is being faced with forceful evictions by an investor to lease land from community representatives who fraudulently had obtained the Certificate of Title and the investor is now evicting people off of the land. Similar cases were affirmed for Amen A and B villages, where over 3000 homesteads were being evicted by an Indian National Chandran of Chandran and Associates LTD following a fraudulent land give away of the community land measuring 50.016 hectares to the investor by the Soroti district land board at a lease of 3 million shillings.

Besides, investors make neighbours' land resources unusable through pollution and use of toxic pesticides and sprays. During COVID-19 lockdown, people were confined in their households left with tilling their land resource for food and household income. At this time when the land resource was most needed the invasion of the US based multinational Company, Agilis Partners limited for investment of large-scale plantation agriculture in the community that accommodated over 10,000 residents in Jerusalem, Kisalanda, Canan, Kololo, Kamisoni and, Kapapula villages in both Kiryandongo and Kitwaala Sub counties in Kiryandongo district, led the health of the garden workers and local people impacted by the heavy use of agrochemicals on the plantations. Local residents say that nothing is done to protect them or forewarn them when crops are being sprayed or being burned. The effects of these chemicals are visible on the bodies and compromised health of the children and women. The water bodies which communities have been using as a source of water for human consumption and for their livestock have further been contaminated by the agrochemicals being used to

spray the large-scale farms. With the heavy rains, these chemicals flow back to the river where water is fetched for domestic use by the communities.

4.4.4. Land Brokers/Middlemen/Dealers

The study established that land dealers and brokers were key actors in illegal land evictions during the COVID-19 lockdowns. They were unregulated during the COVID-19 control supplementary legislation yet they are involved in all sorts of practices in which people have lost their land during COVID-19 lockdowns. In Mbale, for example, the Buduuda Resettlement Camp was grabbed by MP. Mudiimi Ignatius and Wekomba family and was sold to Government. Residents say part of the land was bought cheaply by the said grabbers and other parts of the land were grabbed from the families that had fled to Kapchorwa district during the LRA insurgency and could not travel to fight back during the COVID-19 social restrictions.

4.5. Tools Used in Illegal land Evictions

With specific examples, this section sets out to discuss the different tools used to evict victims in the different places during the COVID-19 lockdowns. It was established that the most effective tools used were not just intimidation but also actual violence to forcefully evict tenants from their lands. The forceful evictions used different tools, including:

- Illegal arrests on the basis of claiming trespass: One respondent in Olwatai village, Willa sub-county in Amuria district said, "Around July, I was arrested by a group of police officers. They found me at my home, and started shooting directly to me. During the process, my leg was injured and I believe these officers wanted to kill me because I have always been vocal in fighting for people's land".
- Use of intimidation and other threats: Intimidation and other threats were also part of the eviction process. Another community member known as Okore Gilbert Olwatai village, Willa sub-county in Amuria district said, "I was arrested and spent one week and two days at Amuria CPS without clothes (staying in only under pant). I was later released without any charge. These humiliations, violence and threats of death are the order of the day in the community, fuelled by the big shots in the government whom people believe are interested in grabbing their land".
- Spoliation: Some respondents revealed that the eviction process also involved spoliation or acts of ruining or destroying crops and other property on the lands in question as demonstrated in the following excerpts from the respondents.

'...These men just randomly started to demarcate a portion of my land, there after they started to pluck my coffee and other plans and after that they just took it'. - Mugula Tom from Kyadoki village in Mubende district.

'...The perpetrator hired people to farm on my land forcefully and all my passion fruits were slashed'. - Mugerwa Achilles from Kyenda Parish in Mubende district.

'...They put down and cut my bananas, sweet potatoes and my son's house was also destroyed and am an old man I don't know what to do I was given one week to demolish my house but until now I have resisted; I was slapped with charges and I had to run'. - Saul Ndagizi from Kiruma, village in Mubende district

- Arson: Burning down of houses was another tool used to enforce evictions. Alice Lagulu, a mother of 12 says she lost several acres of garden crops in the conflict and three of her grass-thatched huts were burnt and is now living with her aunt. Susan Aloyo says her family lost three huts and every household property in fire during the attack, and is now residing and being assisted by one of the local churches neighbouring the area.
- Imprisonment of resistant victims: Resistant victims were imprisoned and detained in quite distant prisons and police stations where their families, lawyers and social groups could not travel to support them due to the COVID-19 lockdown restrictions. In Opara, over 10 community land rights defenders were arrested for resisting Akon City Project when a family member wanted to sell their land measuring over 5.2 sq miles and accommodating over 250 families for the establishment of Akon City. When some members resisted, they were brutally beaten and arrested and imprisoned in Arua where their family members and lawyers could not travel to during the COVID-19 lockdowns.
- Use of Water pollutants, toxic pesticides and sprays: As earlier mentioned on investors as key actors in illegal evictions, these tools are used to make neighbouring land and resources unusable during COVID-19 lockdown when people were confined in their respective households. For example, the heavy use of agrochemicals on the plantations of the US based multinational Company, Agilis Partners limited in Kiryandongo district, led the health of the garden workers and local people affected. The water bodies used by communities as a source of water for human consumption and livestock have further been contaminated by the agrochemicals being used to spray the large-scale farms.
- Framing: According to the CID officer in charge of the land desk at Busia police station, a case on file SD Ref 42/30/03/22, Child neglect/Domestic violence was registered and later realized it was a framing trick intended to

selling of land from Alupe Byobona Jesca and Wandera James in November 2021.

4.6. The effect of illegal land evictions on the most at risk victims

As regards to the effect of illegal evictions on the most at-risk victims of land grabs during the COVID-19 related-lockdowns in Uganda, the respondents indicated physical and emotional effects they suffered in the process of illegal evictions. As articulated earlier in section 4.2 on the displacement patterns, respondents indicated the following effects of illegal evictions:

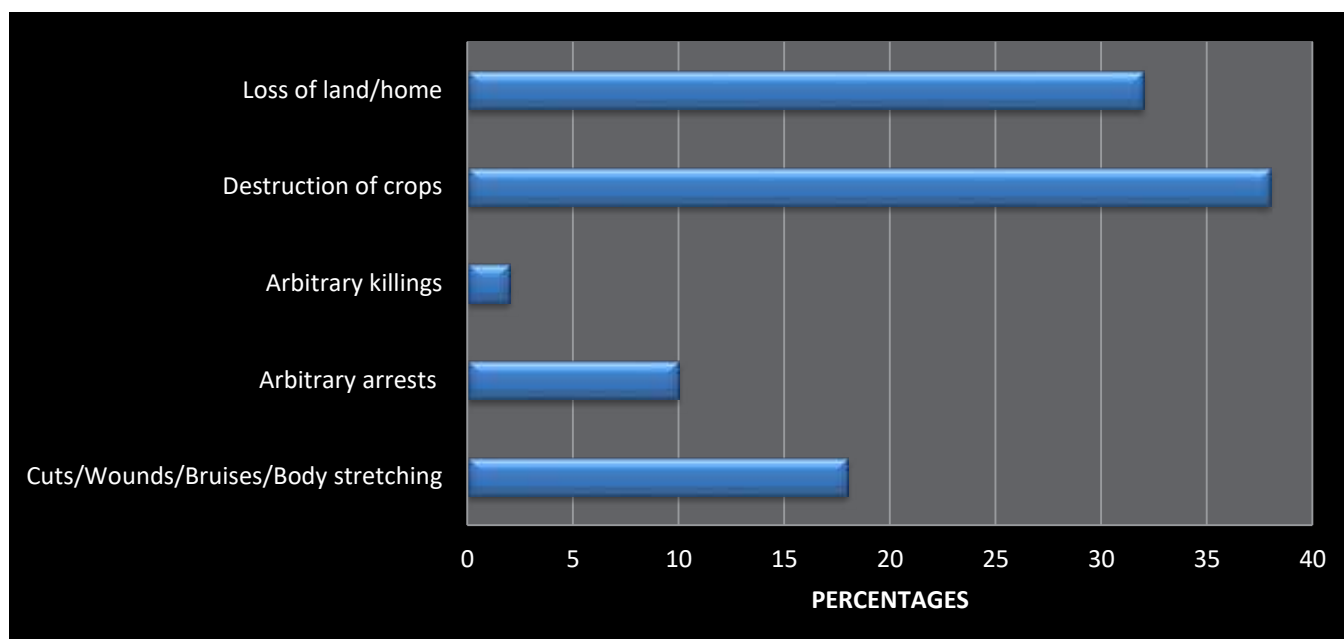
4.6.1. Physical effects

As illustrated in Figure 6 below, 38% of the respondents indicated that their crops and animals were destroyed through the use of arson and spoliation methods of evictions. This implies that there were food shortages during COVID-19 emergency, some were buying food elsewhere and thus to find food for their families and several families spent days without eating as they could not afford to buy maize flour.

32% indicated that they remained landless and homeless following the illegal land evictions. One such family is that of a 95-year-old Jessica Nabujeke whom we found living in a nearby church after losing over 10 acres of land in Makhumbo village in Mbale city's industrial division where many others were evicted from their ancestral land of over 600 acres of land currently hosting Mbale Industrial Park.

10% revealed that they suffered physical torture as some of them end up in jail while 18% suffered cuts, wounds, bruises and body stretches as they were beaten bitterly in fighting back for their rights. 2% revealed that their loved ones lost life from arson and guns used in the eviction process. This is illustrated below.

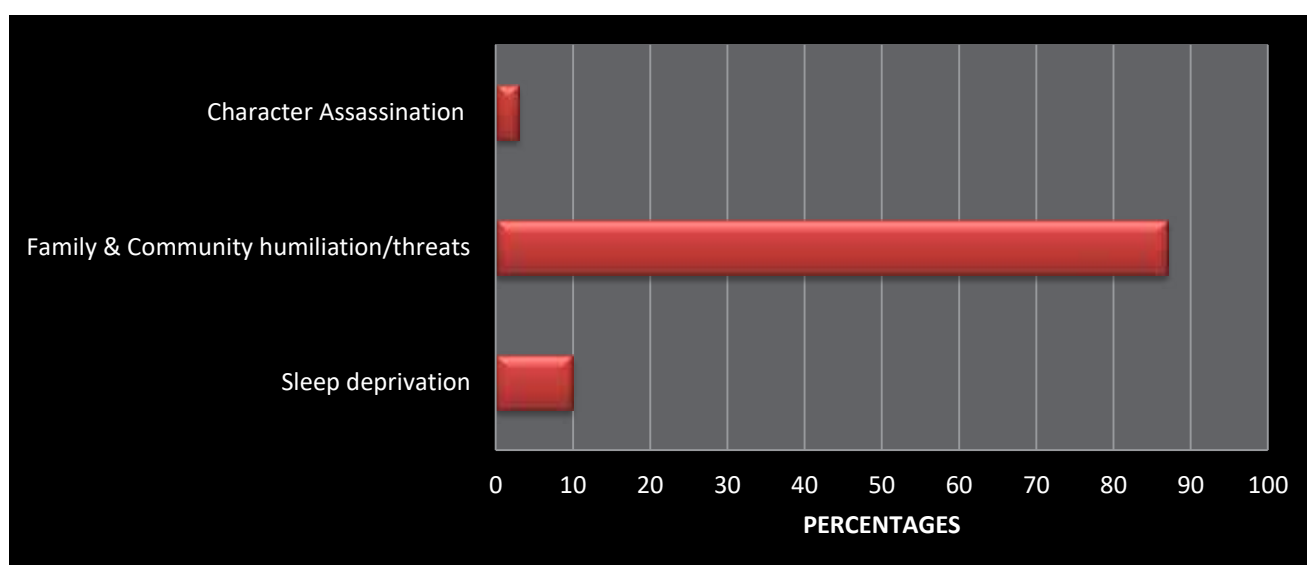
Figure 6: Physical effects of land grabs among Respondents



4.6.2. Emotional effects

The respondents highlighted that they experienced psychological torture as some of them reported family and community humiliations and threats as they were denied shelter and food following the loss of their homes and gardens from where they feed and children whose parents lose life or get detained during the land wrangles yawn helplessly without any provider for their basic needs, presented by 87% of the respondents; sleep deprivation due to social insecurity as they lost their property unjustly and being evaded in the wee hours during the eviction process, presented by 10% of the respondents; and character assassination as some of them end up in jail after framing them for criminal cases, presented by 3% of the respondents. An example of the latter is a case on file SD Ref 42/30/03/22 at Busia Police Station of Child neglect /Domestic violence which was later realized it was a framing trick intended to sell land from Alupe Byobona Jesca and Wandera James in November 2021. This is illustrated in figure 7 below.

Figure 7: Emotional effects of land grabs among Respondents



4.7. Understanding the case reporting systems used by the land grab victims during COVID-19 related-lockdowns in Uganda

Chapter 4, Article 20(2) of the 1995 Constitution of the Republic of Uganda provides that “the rights and freedoms of the individual and groups enshrined in this chapter shall be respected, upheld and promoted by all organs and agencies of the government and by all persons”. The following structures/institutions enforce human rights in Uganda:

- a) The court system: The duty of enforcing human rights in Uganda is primarily assigned to courts. As an individual, any person who claims that a fundamental

or other right or freedom has been infringed or threatened is entitled to apply to a competent court for redress. For human rights activists on the other hand, any person or organization may bring an action against the violation of another person's or group rights.

- b) Human Rights Commission: This was established under the 1995 constitution to perform the following functions: Investigate at its own initiative or on complaint against the violation of any right; Inspect conditions of prisoners; Recommend to Parliament the effective measures to protect human rights and; Monitor government' compliance with international human rights instruments.
- c) Inspectorate of Government (IGG): The IGG plays the role of promoting and protecting human rights within the context of public administration through: promoting and fostering the rule of law; eliminating corruption and abuse of public office; supervising the enforcement of the leadership code; investigating actions and decisions of public officers done or given in exercise of their administrative functions.
- d) Judicial review of administrative decisions: Uganda operates a system of Common Law. In the case of *John Nsereko v. George Gitta*, it was stated that Common Law meant the law created out of the customs of the people and embodied in decisions of the judges. Thus, Common Law consists of the following elements: It is judge-made law, as opposed to the law in statutes; The Doctrine of Precedent is respected; There is an adversarial system of litigation and; Procedure plays a decisive role and specific procedures must be followed especially in criminal cases. As such a common law doctrine of judicial review of administrative decisions was constitutionalized to incorporate the element of human rights respect in the course of conducting public affairs. Article 42 of the 1995 constitution provides that, "any person appearing before any administrative official or body has a rights to appeal to a court of law in respect of any administrative decision taken against him".

The study investigated the case reporting systems used by the land grab victims amidst national lockdown and suspension of all court hearings and appearances among other measures in an effort to manage the spread of the COVID-19. Respondents revealed that they reported their unjust loss of lands and human rights violations during the illegal evictions to the following structures or institutions:

- i) Residential District Commissioner (RDC)'s Office:

Majority of the respondents (47%) said that they reported illegal evictions to RDCs for redress. Article 203 of 1995 Constitution provides for the establishment of the office of the RDC and the roles provided for are: To monitor implementation of Central and Local Government services in the District; To act as Chairperson of the District Security Committee; To carry out such other functions as may be assigned by the President or prescribed by Parliament by Law. Article 71 of the Local

Government Act 1997 depicts the functions of the RDC as: Represent the President and the Government services in the district; Coordinate Government services in the district; Advise the district chairperson on matters of a national nature that may affect the district or its plans or programmes and particularly the relations between the district and the Government; Monitor and inspect the activities of local governments and, where necessary, advise the chairperson; Carry out such other functions as may be assigned by the President or prescribed by Parliament. The National Security Council Act of 2000, under section 6 provides for establishment of District Security and Intelligence Committees chaired by the RDC.

Mandated to take on any other role prescribed to them by the President, the President has been writing guidelines to RDCs and other political leaders from time to time as well as giving directives on some key areas on which to mobilize the population on, for example, operationalization of the COVID-19 pandemic control measures, HIV/AIDS awareness, land fragmentation practices, illegal evictions, among many others. As chairperson of the District Security Committee, RDCs generally liaise with other security actors to fight crime. It is by this role played by RDCs that victims of the illegal land grabs during COVID-19 emergency reported to RDCs for redress.

However, it is sad to note that many RDCs have found themselves on wrong arm of this either by misinterpreting the delegated mandate or simply by assuming themselves more unconstitutional powers. Land evictions have majorly been blamed on them as discussed earlier in Section 4.1.

ii) Police:

21% of the respondents indicated that they reported their cases of illegal evictions to the Police. The police, like elsewhere in the country and the world, have been playing a leading role in ensuring that the public adhere to the recommended practices to prevent the transmission of the COVID-19 virus. During COVID-19 lockdowns, security organs like the military and police were better technically equipped and resourced to handle security matters during the emergency to mobilize communities on matters like community policing to prevent crime, mechanisms of accessing justice and on other peace and security issues. However, as evidenced in section 4.4.1 of this report, the police and the army were found to facilitate land grabs of the politically and militarily connected people.

iii) Local Council V (LCV) Chairpersons:

23% of the respondents told the study team that they reported to their respective LCV chairpersons for redress of being illegally evicted from their lands during COVID-19 emergency despite Presidential directive to halt all land evictions during the pandemic. Some of the respondents revealed that in event that the RDC was implicated in land grabs, they reported to LCV chairpersons.

iv) Human rights activists:

9% of the respondents said that they reported to human rights activists including community land rights defenders (CLRDs) and NGOs such as Witness Radio (WR). In this report, CLRDs refer to individuals and groups who act individually or with others in a peaceful manner within a given community to protect their lands, their water supply sources, their sources of livelihoods and basic services, and a healthy living environment. CLRDs investigated, gathered information and reported on the illegal land evictions during the COVID-19 emergency. They used lobbying strategies to bring their reports to the attention of the media with a view to ensuring that their investigative work was given consideration in efforts to halt the evictions during the COVID-19 lockdowns.

4.8. The challenges faced by land grab victims in accessing justice during COVID-19 related-lockdowns in Uganda.

Following its first COVID-19 case reported on the 21st March 2020, the Chief Justice of Uganda issued stringent measures that restricted the number of judicial officers and staff allowed at any given court at any time. On 31 March 2020, the President issued stringent measures that effectively shut down the entire country with only 'essential services' such as healthcare, food markets and banks left to operate. The administration of justice was not listed among these essential services, yet the presumed violators of the COVID-19 control measures would have to be sanctioned by law through the judicial system. According to Justice Henry Peter Adonyo, a judge of the High Court of Uganda and the Head of its Commercial Division, 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. Justice Henry Peter Adonyo adds that this made the legally provided timeline for the filing of civil matters and the required efficiency in the judicial ethical code difficult to maintain.

The situation led to despotism and violation of land rights as some district officials (RDCs and LG Chairpersons) and some security personnel within the Police and the Army, from whom self-restraint was expected in implementing the COVID-19 control guidelines, were implicated in land grabs with no oversight as discussed earlier in Section 4.1. As more and more people lost their lands fraudulently when land grabbers took advantage of this situation, the victims encountered numerous challenges to enjoy their sacred right of access to justice. In the areas of the study, these challenges manifested themselves in the specific forms discussed below:

4.8.1. Access to justice through courts and tribunals

- Courts adapted rapidly to social distancing measures and, with many court buildings closed to the public following the Presidential directives in control of the spread of COVID-19 virus in March 2020. This made access to justice

through courts and tribunals difficult to the most-at-risk victims of land grabs in order to seek protection and assert their land rights;

- For the land grab victims whose cases were filed in court, the postponement of court hearings resulted in escalating delays of cases, meaning that people weren't getting the timely help they need from courts.
- According to Chief Magistrate Simon Toroko of Greater Bushenyi, responsible for districts of Bushenyi, Sheema, Rubirizi and Mitooma, the stringent measures that restricted the number of judicial officers and staff and the increased cases that would have been handled through alternative dispute resolution (ADR), increased pressure on a justice system already under severe strain.
- The distant location of Courts made it impossible for lawyers and relatives of arbitrarily detained land grab victims to access judicial processes for the right to apply for bail. This is because the country was under a lockdown and when it was lifted, the transport costs were very high. This also applied to land grab victims of the Apaa land conflicts who were arrested from Amuru district and detained in police cells of Arua district, making it impossible for relatives and lawyers to travel from Amuru to Arua to seek police bond. In cases where they were released on police bond, these victims travelled long distances without food, means of transport and transport fees where applicable to get back to their homes.

4.8.2. Access to legal advice and representation

The study sought to understand the challenges on access to legal advice and representation for those that sought to access justice through legal professionals and human rights groups or activists. In this regard, respondents revealed the following challenges during COVID-19 related lockdowns;

- With physical visits prevented by social distancing rules, it necessitated remote meetings to take place with legal professionals and human rights groups or activists. This was expensive for the individual victims of land grabs whose incomes were adversely affected by both the challenging times of the pandemic and the loss of their lands, sources of their livelihoods. As discussed in the introduction section of this report, this was a challenging time for the legal professions and human rights groups or activists, who were at the time understandably pre-occupied by the immediate implications of the virus for their organisations and immediate family members. This ended up hindering the ability to access timely legal advice for victims of land grabs for timely redress.

4.8.3. Access to services and safeguards in communities

The study sought to understand the challenges to the ways in which communities and state authorities, particularly within justice system discharged their duties and obligations to protect the right to life and property of land grab victims. The following challenges were established in this regard:

- While the intent behind the Coronavirus control measures was justified, the manner of their implementation has caused concern. The Police and RDC offices on which people who are reliant to meet their needs and protect them against land evictions during the pandemic, as directed by the President, were implicated in the illegal evictions and the victims were not receiving the support and services they need with implications for their fundamental rights.
- Land grabs during the pandemic happened at the same time when the civic space and external funding for civic engagements declined, such as the suspension of the Democratic Governance Facility and suspension of over 50 CSOs. Contact with civil society organizations for support and check on the treatment of people they stand for were otherwise closed off from the communities. Further, vulnerable families were cut-off from relatives in safer communities to get time away from their abusers, leaving many trapped in increasingly dangerous situations. With the evidence provided earlier in this report, some victims of land evictions sought refuge at nearby churches.

4.9. Implications of illegal evictions on livelihoods during COVID-19 emergency control measures

During the individual interviews and conversations as well as in-depth interviews with key informants in the study area, the impacts of land evictions on livelihoods manifested themselves in the form of food shortages and strained livelihoods as analysed below:

4.9.1. Food shortages:

The loss of land to investors in Kiryandongo, Soroti and parts of Mable districts and the loss of gardens and crops in the land conflicts of Amuru and parts of Gulu, translates into a lack of food. According to Alice Lagulu, a mother of 12 says she lost several acres of garden crops in the Amuru land conflict is now living with her aunt with limited food for her 12 children. Susan Aloyo says her family lost three huts and every household property and crops during the attack in Amru, and is now residing and being assisted by one of the local churches neighbouring the area. The people of Amuru grew maize, beans, sweet potatoes and cassava on their lands.

In Soroti and Amuria, evictions were done illegally without compensation for food crops to enable the evictees to afford to buy land elsewhere and thus to find food for their families.

There were several families in Mbale who spent days without eating as they could not afford to buy maize flour. For example the 95-year-old Jessica Nabujeke was evicted from her ancestral land currently hosting MBALE INDUSTRIAL PARK and was living and depending on a nearby church after losing over 10 acres of land.

4.9.2. Strained livelihoods:

In Kiryandongo, the locals who farmed on the lands neighbouring the US-based multinational Company, Agilis Partners limited with a large-scale agriculture plantation in the community that accommodated over 10,000 residents in Jerusalem, Kisalanda, Canan, Kololo, Kamisoni and, Kapapula villages in both Kiryandongo and Kitwaala Sub counties in Kiryandongo district, were the denied the opportunity to continue with their livelihoods on account of the agrochemicals being used to spray the large-scale farms of the company leading to crops being burned and garden workers' health threatened.

4.10. Knowledge and Perceptions about Human Rights Violations in Land-Related Business Operations

In order to generate a good understanding of the bottlenecks in accessing justice for land rights violations and an appreciation of proposals that guarantee land tenure security and access to justice for victims of land-related during emergency situations, the study gathered information from respondents on the land-related human rights that were violated during the COVID-19 emergency and their views on what should be done to promote land occupancy safety and security.

4.10.1. Land-related human rights that were violated during the COVID-19 emergency

Asked for the human rights known by the respondents, which were violated in the context of illegal land evictions during the Covid-19 outbreak, the responses were as presented in the table 7 below.

Response	Frequency	Percentage
Right to life and Security of a person	143	37%
Right to land ownership	109	28%
Right to freedom of speech	205	53%
Right to property	384	99%
Right to shelter	97	25%
Right to adequate standards of living	18	5%
Right to food	386	100%
Right to free from thought and conscience	48	12%
Right to work/livelihoods	56	15%
Right to privacy	16	4%
Right to clean environment	13	3%

right to proper health care	16	4%
Freedom from torture	278	72%
Right to compensation	74	19%
Right to freedom of association and peaceful assembly	126	33%
Right to access to justice	87	23%
Right to legal representation	23	6%

4.10.2. Respondents' views on what should be done to promote land occupancy safety and security

When the respondents were asked about what ought to be done by various actors to promote land tenure safety and security, the following excerpts express the views given:

- i) Government
 - should help fight against corruption in the justice system
 - support the vulnerable people in getting authentic documents as *bonafide* occupants
 - replicate the Land fund programme to compensate or get titles for most at-risk people
 - Ensure that land grabbers are dealt with
 - needs to audit the entire lands office staff
 - prove that the people torturing us are not attached to the government
 - Help us regain our land back
 - Secure a place where peasants can settle and issue them some documentation to show ownership
 - Restore our social services that were destroyed in the area and help us get secure tenure and restoration of our land
 - Stop giving land to investors and find for us another piece of land
 - should convince the investors to compensate us and get us a better place for our family
 - Remove the police and army from land issues and hand them over to the local community because the police instil fear in the people.
 - Protect indigenous and local communities
 - Sensitizing about land rights
 - Educate citizens about their rights before bringing the investors
 - Respect human rights
 - Provide legal assistance and guidance
- ii) Civil society organizations
 - Provide us with legal aid to eliminate corruption
 - Do some research and find out where the problem is and support us with legal aid
 - raise the community concerns through land rights awareness
 - Support communities in advocating for land rights

- Put government on pressure to fulfil its pledges in fighting land grabs. Because it keeps on banning evictions and yet they continue to exist.
- Sensitizing us the locals about how to handle such issues for example what process one can follow when they are a victim of land grabbing
- Help victims such as the elderly persons with all the basic needs following illegal evictions
- Advocacy to government to respect human rights and dignity and ensure good prices for agricultural prices in compensations
- They should create mediations between the land grabbers and the local people.
- Mobilise enough lawyers to advocate for victim rights
- Forward information to relevant officials and authorities to help us
- Capacity building in land rights awareness

iii) Investors

- Investigate rightful land owners through local persons who can help them lease our land to the investors without grabbing it
- They should compensate for our land
- liaise with land owners not evicting them illegally
- Respect local communities because at times they have established their livelihoods on that land
- Ensure that they get land through right procedures
- Provide free social services like public schools
- They should respect us as human beings and accept mediation before evictions
- They should stop annexation of land unlawfully
- The investors should look for land that is not in use and invest on it but not to relocate people

iv) International community

- Fight against corruption because the perpetrators have a lot of money
- Help us acquire authentic documents of ownership
- Provide financial support needed
- Help us fight for justice and see to it that our land is not grabbed
- Caution investors to avoid degrading human rights
- Regulating investors on making investments that benefit people.
- They should help press the government to handle our issues because they give them the money
- Checking on the corruption within the governments it funds because the same donor money given to us for development is later used to harass us as the voiceless
- Legal help can be extended
- Fight and hold the rich accountable for these atrocities
- Empower the local people to fight for their land

v) Local communities

- The LC 1 should support us fight corruption and ensure that the owners of the land remain on their land.
- should follow up our cases
- should help us identify the right full owners
- should not fear to fight together with the communities in order to be safe on our land
- Unite the communities to fight for land
- Not to be corrupt
- Seek assistance and finding tenure security
- Unity and have a single voice against the investors
- Seeking help from different organisation, we are helpless
- Come up with projects to improve our lives and continue seeking help
- pay busuulu and ensure that we remain with our land
- To see that people they lead are not evicted
- Extend help to each other
- We need sensitisation around Land
- Work together and push our claims
- Collaboration with partners to get our land back
- Teach people how to protect their land
- Register interest on land to secure it

5.0. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

Findings from the study, coupled with the cases explored in the context of COVID-19 outbreak, and in line with the study objectives, several conclusions can be made about the challenges of accessing justice by marginalized victims of land grabbing during an emergency. In the first instance, illegal land evictions and crises occur across the country irrespective of the different land tenure systems in Uganda. The point is not the weaknesses in the different land tenure security, but there appears to be an absolute lawlessness in land-related transactions. Although the legal provisions guarantee safety of everyone's interest land-related business operations, the issue of illegal evictions during an emergency seems to somewhat persist on different land tenure systems, caused by people with both political and military connections of enforcers of COVID-19 measures who grab land identified as abandon as rightful owners are under lockdown, absentee landlords that claim failure of tenants to pay for the land use during the pandemic period, and investors who Use of water pollutants, toxic pesticides and sprays for evictions as they make neighbouring land and resources unusable during lockdowns when people are confined in their respective households. This is partly because the administration of justice was not listed among essential services to operate during COVID-19 control lockdowns, yet the presumed violators of the COVID-19 control measures would have to be sanctioned by law through the judicial system. Secondly, most cases of land grabbing during COVID-19 lockdowns involve people with both political and military connections. These actors are often people connected with enforcers of

emergency measures in either military (police and army) or political (RDCs, LC chairpersons) circles or both. These actors connived in perpetrating land injustice while the rest of the world was under lockdown, contrary to their duty to provide protection, regulation and guidance in observing the COVID-19 measures. Thus, it is quite clear that the solution to the emergency related land injustice can only be addressed politically. As several respondents lamented; the government must stop aiding, abetting and ignoring the action of land grabbers; the government should endeavour to fight corruption in land administration; government should support victims of land grab for resettlement and compensation where applicable. Furthermore, the judiciary is among the essential services to operate during an emergency in order to sanction human rights abusers during an emergency by law. The police and members of the military, who are entrusted with the duty to protect life and property, have to stop supporting land grabbers with guns and other forms of protection and facilitation.

5.2. Recommendations

- Certainly, the conditions behind the illegal land grabs during the COVID-19 related lockdowns in Uganda require urgent political and legal attention. These range from bringing perpetrators to book, restoration and/or compensation of illegally evicted people on their lands, strengthening the judicial system to operate during stringent measures during emergency related lockdowns, regulating *bibanja* and title deed holders as regards access to and the use of land during an emergency to avoid illegal expansions, to limiting the amount of land a single individual can buy or possess to address risks of deepening inequalities, possibly creating new divides and undermining the resilience of societies in an emergency when land remains the only source of livelihoods.
- There is a need for rapid and decisive action by government, international community and other non-state actors to ensure that the most vulnerable people and economic agents have the necessary legal support and access to channels of redress for their current legal problems and future challenges on human rights and business during an emergency, including provision of basic legal services, coordination with other social (protection, health care, housing support, etc.) and business (advice on business and human rights issues) related services.
- There is also a need for rapid and decisive action by government to ratify the ILO's Indigenous and Tribal Peoples Convention No. 169 of 1989. This is a key instrument in the evolution of concepts of land rights in international law. The convention; recognizes the special relationship between indigenous people and their lands, requires states to adopt special measures of protection on their behalf, provides safeguards against the arbitrary removal of indigenous people from their traditional land with procedural guarantees, and includes other provisions related to the transmission of land rights and

respect for customary procedures. This convention should be drawn on for prescription of the 2013 land policy reforms and guidelines therein.

- Anchored on the UN Guiding Principles on Business and Human Rights dubbed - the “Protect, Respect and Remedy” Framework, in August 2021 the Government of Uganda developed the National Action Plan on Business and Human Rights (NAPBHR) as a measure to strengthen the State duty to protect human rights, enhance the corporate responsibility to respect human rights, and ensure access to remedy for victims of human rights violations and abuses resulting from non-compliance by business entities in the Country. As evidenced in the study findings, Uganda is grappling with a subtle agrarian revolution which has seen thousands of small-scale farmers across the country being driven off their land to create room for large-scale farmers. This calls for a need to integrate land as human right into any constitutional reforms.
- There is a need for awareness creation on land as a human right. This will increase appreciation for land as a very important commodity for many people as a fundamental means for enjoyment of a number of human rights including; the right to food, housing and development and with illegal evictions resulting from situations of gross impunity, people find themselves in a situation of great economic insecurity, a thing that jeopardizes the country’s democracy, peaceful co-existence and security.
- Government should enhance transparency and accountability in land governance and administration. There is need to check corruption in the existing land governance and administration structures, bring land grabbers and their accomplices to book, and creation of platforms for publishing and awareness raising on case management reports for illegal land evictions not only to build public confidence in the justice system but also as an element of good practice and transparency.
- Land brokers should be regulated for people-centred investments. The treatment of land as property in a liberal economy mainly marked by the principle of willing buyer, willing seller is a major challenge in all land matters. The idea of willing buyer, willing seller needs regulation and should integrate the consideration of land brokers to be liable for illegal evictions in order to protect the country from risks of losing any investor who proves that the land broker or seller guaranteed that the land in question is free of claims for ownership.

Bibliography

Justice Henry Peter Adonyo, *COVID-19 and the Administration of Justice: A Reflection on Ethical Judicial Conduct*, UNOC

Lunyiigo, L. Samwiri (2011), *The Struggle for Land in Buganda, 1888-2005*, Wavah Books Limited, Kampala.

Mafeje, Archie (May, 2003), *The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa*, Civil Society and Social Movements Programme, United Nations Research Institute for Social Development (UNRISD), Paper No. 6.

Law and Justice Foundation of New South Wales (2020), *Access to justice and the COVID-19 pandemic: Compendium of Country Practices*, UK

Rwegasira, Abdon (2012), *Land as a Human Right: A History of Land Law and Practice in Tanzania*, Mkuki wa Nyota, Dar es Salaam.

The African Union, *African [Banjul] Charter on Human and Peoples' Rights*, adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 Oct. 21 1986.

The International Labour Office, *Geneva, Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169)*, 72 ILO Official Bull. 59, entered into force 5 Sept. 1991.

The Law Society, *Law under lockdown: The impact of COVID-19 measures on access to justice and vulnerable people*, UK September 2020

The Ministry of Health, *Uganda Public Health Act, Public Health (Control of COVID - 19) (No. 2) Rules, 2020, March 2020*.

United Nations, *Declaration on Social Progress and Development*, GA Res. 2542 (XXIV), 24 UN GAOR Supp. (No. 30) at 49, UN Doc. A/7630 (1969). United Nations Declaration on Social Progress, 1969.

Witness Radio (November, 2020), *Land in Mubende: Guns, money and power grabbed over 1,975,834 hectares of land; broke families*, Kampala: <https://witnessradio.org/download/reports/Land-Grabbing-In-MubendeReport.pdf>.

APPENDICES

Appendix 1: Key Informants Interview Guide

Key Informant Interview: 2022/WR/GO

Research Topic: “*Assessing Challenges in Accessing Justice by Land Grab Victims during COVID-19 Pandemic in Uganda.*”

Date of the Interview.....

Start time of the Interview.....**End time of the Interview**.....

Informed Consent:

Good morning/Afternoon: Sir/Madam,

My name is..... a research assistant working with Witness Radio undertaking a field research: “*Assessing Challenges in Accessing Justice by Land Grab Victims during the COVID-19 pandemic in Uganda*”. Personal Identifiers will be collected but will be handled with the utmost confidentiality and their use in the report will be based on the permission granted by you in writing or verbally. The interview will take between 45 minutes.

Signature of the person obtaining consent.....

Name of the person giving consent.....

Signature of the person giving consent.....

SECTION A: RESPONDENT DETAILS

Reference No......

No.	Demographic Characteristics	
1.	Name	
2.	Position	
3.	Sex	
4.	District of Operation	
5.	Village of Operation	

Interview guide:

1. For how long have lived in this area?
2. During the COVID-19 pandemic, do you know of any project that involved acquiring large land sizes for agriculture, mining and infrastructural developments in this area?
3. Who was the owner of the land?

4. Do you think all due processes and diligence were followed during the land acquisition process?
5. Was the government involved? If so how
6. Were the local authorities involved? If so how
7. Did you hear of any human rights violations during the evictions?
8. If yes, what steps did you take to address these concerns
9. Within your area of jurisdiction, have you ever received a complaint from a land grab victim?
10. In the realms of law, what steps did you take?
11. What challenges do you think victims face in the search for justice from your offices?
12. What are your recommendations to ensure land tenure security?

Appendix 2: Individual Interview Questionnaire

Questionnaire 1: 2022/WR/LGV

Research Topic: “Assessing Challenges in Accessing Justice by Land Grab Victims during COVID-19 Pandemic in Uganda.”

Date of the Interview:

Start time of the Interview.....End time of the Interview.....

Informed Consent:

Good morning/Afternoon: Sir/Madam,

My name is..... a research assistant working with Witness Radio undertaking field research: “*Assessing Challenges in Accessing Justice by Land Grab Victims during the COVID-19 pandemic in Uganda*”. Personal Identifiers will be collected but will be handled with the utmost confidentiality and their use in the report will be based on the permission granted by you in writing or verbally. The interview will take about one hour.

Signature of the person obtaining consent.....

Name of the person giving consent.....

Signature of the person giving consent.....

SECTION A: RESPONDENT DETAILS

Reference No.....

No.	Demographic Characteristics	
1.	Name	
2.	Age	
3.	Sex	
4.	Marital Status	
5.	No. of Biological Children	
6.	No. of Dependents	
7.	Family Type	

SECTION B: DISPLACEMENT PATTERN OF THE VICTIM

No.	Location	Former Area of Residence	Current Area of Residence
1.	Village		
2.	Parish		
3.	Sub-County		
4.	County		
5.	District		
6.	Region		

SECTION C: LAND OWNERSHIP AND TENURE CHARACTERISTICS

1. Are you among those illegally evicted or lost land?

☐ Yes

☐ No (Skip to qn.4)

2. When were evicted from your land?

Date of illegal eviction.....

3. Did you own the land where you were illegally evicted?

☐ Yes

☐ No

4. What proof of ownership do you have?

☐ Land Title

☐ Certificate of title

☐ Inheritance

☐ Clan relations

☐ Others Specify.....

5. If yes, for how long have you owned this land?

☐ 0-2 years

☐ 3-5 years

☐ 6-8 years

☐ 9-10 years

☐ 11-20 years

☐ Others specify.....

6. If yes, what was the land tenure of ownership in your area?

☐ Freehold

- ☐ Mailo land
- ☐ Kibanja holder
- ☐ Customary
- ☐ Others specify.....

7. Do you own the land where you currently staying?

- ☐ Yes
- ☐ No

SECTION D: RESPONSIBLE PARTIES FOR ILLEGAL EVICTIONS

8. Who was responsible for the illegal evictions?

- ☐ Police
- ☐ Local Council (LC)
- ☐ District Officials
- ☐ Army
- ☐ Investor
- ☐ Broker/Middlemen
- ☐ Others Specify.....

9. What tools of did they use to evict you?

- ☐ Guns
- ☐ Excavators/Tractors/Heavy machinery: Specify.....
- ☐ Water pollutants
- ☐ Toxic pesticides and sprays
- ☐ Pangas, sticks: specify.....
- ☐ Arson
- ☐ Animals dropped on victims' farm lands
- ☐ Forged Documents

☐ Others specify.....

10. What kind of physical, emotional and sexual harm did you suffer as a result of these illegal evictions:

Physical

☐ Cuts/wounds/bruises/body stretching: Others specify.....

☐ Suffocations/body hanging: Others specify.....

☐ Arbitrary Arrests

☐ Extractions& Electric shocks: others Specify.....

☐ Others forms specify.....

Emotional

☐ Sleep Deprivation

☐ Family & Community humiliations/threats

☐ Family separations& Isolations

☐ Character Assassination

☐ Yelling/shouting

☐ Others Specify.....

Sexual

☐ Rape/forced sexual arousals

☐ Penetration with objects or weapons

☐ Forced Marriages

☐ Forced pregnancy/Abortion

☐ Wounding/ Sequencing of sexual parts

☐ Others specify.....

SECTION E: CASE REPORTING SYSTEMS USED BY THE LAND GRAB VICTIMS

11. When you were illegally evicted from your land, did you report?

☐ Yes

☐ No (Skip to qn 18)

12. If yes, where did you report?

☐ Family member: Specify.....

☐ Clan

☐ Local Council: Specify.....

☐ Police

☐ Courts of law

☐ DPP's Office

☐ Legal person/lawyer

☐ Others Specify.....

13. How far is the office where you reported? (In Km or hours)

.....
...

14. Were you helped?

☐ Yes

☐ No

15. If yes, how were you helped?

.....
.....

16. If No, why were you not helped?

.....
.....

17. At what stage is your case in the criminal justice process?

.....
.....

18. Why didn't you report?

.....
.....

SECTION F: CHALLENGES FACED BY LAND GRAB VICTIMS IN ACCESSING JUSTICE

19. What are the charges that were brought against you at?

i) Police

.....
.....

ii) Courts of Law

.....
.....

iii) Office of the D.P.P

.....
.....

20. Did you face challenges in accessing land justice during the COVID-19 Pandemic?

☐ Yes

☐ No (Skip to qn.24)

21. If yes, what challenges did you face at:

i) Community Level

.....
.....

ii) Police

.....
.....

iii) Courts of Law

.....
.....

iv) Director of Public Prosecution Office (D.P.P)

.....
.....

22. Did you have any legal representation at this offices

☐ Yes

☐ No

23. If No, what were the reasons for not having legal representation

.....
.....
SECTION G: LIVELIHOOD DISTORTION

24. Were you adequately compensated for your land?

☐ Yes

☐ No

25. How much of your land was taken (in acres)?

.....
.....

26. How much were you paid for the land?

.....
.....
.....

27. What economic activities were you doing on the land?

.....
.....
.....

28. What was your income earned per harvest season?

.....
.....
.....

29. Currently can you meet your financial obligations and basic needs?

☐ Yes

☐ No

30. If No, what are those needs that you cannot meet now?

.....
.....
.....

31. Before the illegal eviction, were you able to meet these needs?

☐ Yes

☐ No

32. What other livelihood effects are you facing because of the land grabs that happened in your area during COVID-19 Pandemic?

.....
.....
.....

SECTION H: HUMAN RIGHTS AWARENESS AND KNOWLEDGE

33. Do you know your human rights?

☐

Yes

☐

No (Skip to qn.36)

34. If yes, what are those your human rights?

.....
.....
.....

35. Which of your human rights that were violated?

.....
.....
.....

36. What should be done to promote land occupancy safety and security?

By government

.....

By civil society organizations

.....

By investors

.....

By International Community

.....

By local Communities

.....



Witness Radio - Uganda
Plot 28 Ssentema Road
P. O. Box 16882 Wandegaya
Email: info@witnessradio.org
Web: witnessradio.org

