



Peter Weboya, from the Kiryandongo community, lost his leg after he was shot during the eviction.

DRIVEN AWAY FROM HOME

Kiryandongo land evictions case

More than 30,000 families living on approximately 9500 acres of land in Kiryandongo district in Western Uganda were forcefully and violently evicted from their lands in November 2017 despite their occupancy being legally recognized. These evictions were further escalated in 2020 when the COVID-19 lock down hit the country. These evictions have paved way for three multinational companies to carryout large-scale agribusiness. Oxfam/ActionAid and partners calls on the Government of Uganda to immediately release these lands back to the community who depend on them for their livelihoods and food.



1. INTRODUCTION

Uganda has witnessed an increase in forced evictions over the last few years. The country's economic policy to attract domestic and foreign direct investments has mainly been the drive behind this increase. Large scale investments require substantial extents of land which the government is obliged to secure for the investors. While in some instances, the 'willing seller, willing buyer' principle is applied to facilitate access to land for investors, in most cases the government has made public land for investments, including government owned ranches, forest and game reserves¹.

Management of public lands which is under the control of the Uganda Land Commission (ULC) has been questioned as many land allocations have been made to government supporters, companies and multinational corporations disregarding the rights of local communities and in some instances, resulting in forced evictions².

Kiryandongo district which is located in the Western part of Uganda has seen a wave of forced evictions after the government's policy to restructure the commercial ranching schemes failed to materialise. Kiryandongo represents a case where historical injustices caused to pastoral communities by the creation of commercial ranches were aggravated by granting these lands to multinational companies disregarding the land rights of local communities.



Since 2017, over 30,000 families occupying over 9500 acres of land in Kiryandongo district were evicted from their lands which they have been living on for decades and cultivating crops to earn a living. The forced evictions were carried out under violent conditions placing the victims under much physical and psychological pressure and violating their basic human rights. Due process of the law has not been followed in taking over these lands and the communities have not been consulted or made aware of the developments proposed in their lands, let alone conducting a process of obtaining their free, prior and informed consent.

The conditions have aggravated during the Covid-19 pandemic as the companies with the help of security agencies have made use of the lockdown and curfew to force people off their lands disregarding a directive issued by the government of Uganda to halt evictions. The affected communities have been dispossessed off their lands in Kiryandongo under worsening living and health conditions during the covid-19 lockdown. Their houses have been demolished, hundreds of acres of cultivation have been destroyed, community leaders, activists and lawyers have been arrested and charged by the police, leaving the community with no assistance to secure their rights.

2. CREATIONS OF COMMERCIAL RANCHES LEAD TO LAND CONFLICTS

Range lands in Uganda were primarily governed by customary rules. During colonial times, they were viewed as unproductive lands which led to their individualisation through schemes that leased them out to those who met certain criteria set by the government³. Large tracts of lands were allocated in this way in an attempt to make more effective use of these range lands by creating individual ranching schemes. Ranches were expected to promote the adoption of sustainable resource management practices. The government conceptualised that commercial ranching would simulate cultural and social transformation of pastoral communities and that 'modernised' animal husbandry practices of pastoral communities would facilitate their integration to the "developing sector of the Ugandan economy"⁴. It was hoped that ranches would facilitate the effective utilisation of land, which, coupled with improved animal husbandry practices would increase

beef and milk production to satisfy local and foreign demand⁵. Private ownership of the ranches also meant that the government could levy fees and taxes⁶.

Initially, five regional ranching schemes were established for the central, western and Ankole regions. The process of allocating ranches favoured political elites⁷ and wealthy pastoralists while poor pastoralists and cultivators received little or no land. They were often unaware of the process for applying and advertisements were run in English national newspapers which had limited circulation in rural areas⁸. This created widespread land inequality, concentrating large extents of lands in the hands of a wealthy few while deepening the marginalisation of the poorer communities.

Limited access to grazing land for pastoralists led to conflicts with commercial ranchers. It also led to landless pastoralists with large herds of cattle to migrate to forest reserves, game parks and other private ranches in search of pasture and water⁹. As pastoralists continued to struggle with limited access to graze lands, some were forced to take up crop farming.

In an attempt to address increasing conflicts, the government introduced a ranching reform agenda and established the Ranches Restructuring Board¹⁰ in 1990. The aim was to ensure orderly and harmonious resettlement of squatters within the areas covered by ranches. The Board was mandated with wide powers to revoke leaseholds of ranches which have not been developed as per the conditions of allocation, restructuring and sub-division of ranches as well as resettlement of squatters within areas covered by ranches. This led to the take-over of lands belonging to ranch owners and redistributing it to landless pastoralists. However, it provided only a short-term solution as the Board was accused of operating arbitrarily and some of the conflicts led to threats of violence and legal action against the government¹¹.

BUNYORO RANCHING SCHEME IN KIRYANDONGO

In Kiryandongo District, the Bunyoro Ranching Scheme was established by the government in 1970s. It comprises of 37 ranches allocated to individuals while the government retained power to levy fees and reallocate land where the conditions of the lease were not met. However, in the 1980's the development of the ranches was hindered by political instability in Uganda and internally displaced persons (IDPs) squatting on ranch land. In 1986, the President of Uganda allowed internally displaced persons to settle in ranches in Karuma, Bweyale and Kigumba situated in the Kiryandongo District and to cultivate on them. This led to many conflicts between the ranchers and squatters.

The Bunyoro Ranches Restructuring Board (BRRB) was established in 1995 by a Presidential Directive and was tasked to restructure the Bunyoro Ranching Scheme by allocating a part of the ranch lands to squatters living on them. In 1997, the Bunyoro Ranch Restructuring Board allocated land to landless people in two central reserves of Nyamakere (3,898ha) and Kibeka (9,570ha). The BRRB identified 8 ranches situated within these reserves as being more suitable for human settlement than for ranching. The Ministry of Lands also approved this process and took steps to issue the gazettes that enabled the settlement process. A total of 13 ranches allocated to squatters while 14 ranches were subdivided between ranch owners and squatters. Some ranches were not subdivided at all while others were allocated to three companies Agilis Partners, Great Seasons SMC Limited and Kiryandongo Sugar Limited for agribusiness.

Although the Board sought to recognize the people's rights considering their length of occupation of the land and the developments they have made, cases of forced evictions have been reported on seven ranches occupied by the three investment companies.

3. Restructuring of Bunyoro Ranches:

Allocation of Ranches to ranch owners, squatters and companies

- Entire ranch allocated to squatters (Ranches 5, 6, 7, 12, 14, 16, 22, 24, 26, 27, 32, 33 and 36)
- Ranches subdivided between ranch owners and squatters (A and B) (Ranches 2, 3, 4, 8, 9, 10, 13, 17, 19, 25, 31, 34 and 35)
- Ranches not restructured and still unallocated (Ranch 11)
- Ranches allocated to Agilis Partners (Ranches 20 and 21)
- Ranches allocated Kiryandongo Sugar Limited (Ranches 23, 28, 29, 30)
- Ranches allocated to Great Seasons (Ranch 15)
- Ranches allocated to the Office of the Prime Minister (Ranches 1 and 37 for Refugee Settlement and Ranch 18 for Bududa IDP's and Refugee Settlement)

The administration of the ranches that had hitherto been under the control of ULC are now entrusted with the DLB subject to Section 59 of the Land Act, 1998 that empowers the Board to manage public land in the district. However, according to the General Notice No. 180/1990, the responsibility to issue fresh and extension to full term of titles to the lessee and to existing settled squatters for their respective portions lies with the ULC.

"Where the government compensated former owners of the land, it's now the DLB to take charge of that land and not the ULC. The former leases under the former controlling authority revert back to the DLB which issues new leases to the holders of the ranch lands. Currently, 95% of ranches in Kiryandongo district are under the DLB and the rest that are under ULC are those that were allocated to government agencies."
- Senior Land Management Officer

3. FORCED EVICTIONS IN KIRYANDONGO

Forced evictions by three multi-national companies in Kiryandongo

In a study by Witness Radio and GRAIN on land grabs in Kiryandongo district, they noted, “Three multi-national companies- Agilis Partners, Kiryandongo Sugar Limited and Great Seasons SMC Limited- are involved in grabbing land, violently evicting people from their homes and causing untold humiliation and grief to thousands of farming families residing in Kiryandongo district, Uganda. The land grabs are happening on abandoned national ranches which have long since been settled and farmed by people who came to the area fleeing war and natural calamities in neighbouring areas. The local people are being displaced without notice, alternatives or even negotiations and are now desperately trying to save their homes and lives.”

The restructuring process of the Bunyoro Ranching Scheme has been tainted with allegations of mismanagement which has led to aggravated conflicts between squatters and ranch owners and ultimately leading to eviction of some of the communities from their lands.

Although the BRRB identified ranch land that should be allocated to squatters, most of this information was not made publicly available. While in some cases, land allocation certificates were issued to squatters, in most cases, allocation certificates have not been issued. Land allocation certificates enable the allottees to register their land with the Kiryandongo District Land Board. The Kiryandongo District Land Board was required to take follow up action to register the allocations and issue leasehold titles to ranch owners and squatters for their respective land parcels.

However, mismanagement of the process meant that land allocations and registrations were not done properly, and it also led to some ranches being leased out to local business giants and the three multinational companies mentioned above, in conflict with the rights of the local communities.

In 25 Aug 2020 Ranch 20B was leased out to Agilis Partners. In 2014 Ranch 21B was fraudulently leased to Ruben Mwesigye and John Rubambra but later reversed back to ranch 21B. However, Mwesigye disregarded the reversal and sold the land to Great Seasons SMC Limited. In 2017, Kiryandongo Sugar Limited was given ranches 23, 28, 29 and 30 to grow sugarcane. The squatters in all these ranches have since been evicted although the companies deny their involvement in the evictions and claim that the government was responsible for compensating the squatters.

4. STORIES FROM THE FIELD



"One day after we'd been evicted, I went to collect firewood. There, I found soldiers. I had gone with other women. The other women run away and left me behind. That's when that soldier raped me."

Evicted yesterday, raped the next day

Many of the victims of the evictions in Kiryandongo were women:

"One day after we'd been evicted, I went to collect firewood. There, I found soldiers," said Dina*. "I had gone with other women. The other women run away and left me behind. That's when that soldier raped me."

Dina was not the only one. There were others who experienced the same fate. One of them was a young girl named Tara* who was raped by a male stranger.

"My daughter had gone to collect firewood. After the other girls had left, he forced her under a broken tractor and raped her," said the mother of Tara. The impact of the tragic incident left Tara with a mental illness.

As for Dina, her family suffered when rumors of the rape spread in their village.

"After my husband got back home and heard these rumors, he left me, with all our six children," said Dina. She was left alone to feed her kids, be their father and at the same time face what happened to her.

*Her name was changed for her protection.

Much more than a loss of a leg and a fractured arm

During the evictions, soldiers did not hesitate to shoot the villagers. This is what Peter experienced:

"I was shot while running away and I fell down. I was then taken to Mulango hospital, in so much pain," said Peter. He was shot in the leg, affecting a major artery. His leg was amputated, he has to rely on crutches.



"The soldiers did not hesitate. I was shot while running away and fell down"



Today, he is struggling to fend for his family. The loss of his leg is one of the reasons, but more than that is the loss of the land that they have been living on for generations. The land where they cultivate crops in the old days is no longer possible.

Meanwhile, Kazasa David, an old man, got a fractured arm while trying to save his maize plants:

"The cows strayed into my garden and fed on my maize crops. So, while I chased the cows out of my garden, one of the herdsmen lifted me from the back and plunged me to the ground," said Kazasa.

The herdsmen work in one of the multi-national companies that evicted Kazasa and his fellow villagers from their lands.

Kazasa said, "He intended to hit me down first but by God's grace, I landed on my arm instead. I got a compound fracture."

Peter and Kazasa were not the only torture victims of the eviction.



But much more than the loss of Peter's leg and Kazasa's fractured arm were the struggles that their communities face as their living condition becomes worse - increased rape cases, the lack of access to social services like medical treatment, education and safe drinking water among others and no land to call their own.

5. COMPENSATION

The restructuring of the ranching schemes foresaw compensating legitimate landowners for the loss of land and developments made on the lands. The squatters were not eligible for compensation due to the apparent lack of legitimate ownership. Claims that squatters occupied lands for long periods of time were refuted by the government who claimed exclusive title and uninterrupted possession of the lands. The President did not encourage compensating squatters as it would cause problems with the original owners of the lands. This led to the handling of compensation and resettlement processes in different ways in the lands allocated to the three companies.

The process adopted by Agilis Partners included documentary evidence of people who have been compensated, valuation of their properties, recorded amounts of compensation paid for each property and five witnesses for every transaction including the village chairperson. They claimed that those who accepted the amounts offered, were paid their compensation at a public place, upon which they vacated the lands. Some families who claimed that the compensation offered were inadequate, refused accept the amounts offered continued to remain on the ranch. They have made counter claims by obtaining private valuations from the Kiryandongo District Agricultural Officer which have been approved by the District Land Board. However, Agilis Partners disregarded their counter claims. There are reports of mistreatment of people remaining on the land and cases forced evictions by the security agencies using tear gas and gun shots.¹²

On the other hand, Kiryandongo Sugar Limited and Great Seasons SMC Limited were not involved in the compensation process and left it to be handled by the entities who leased the lands to them. Kiryandongo Sugar Limited claimed that a government committee was responsible for clearing the land before they could take possession while Great Seasons SMC Limited took up the position that local businessman Reuben Mwesigye who had sold the land to them had to pay compensation.

Compensation claims handled by Great Seasons SMC Limited

“Reuben Mwesigye sold ranch 21B that I live on to Great Seasons SMC Limited. The company offered little compensation which I refused to take and opted to stay on the land. Many people in our community feared and accepted the money because the police, using teargas and guns coerced them into signing the papers. I was told that I would be forcefully evicted and indeed, the first eviction was carried out in 2017 when the company used tractors to plough the food I had grown. I was assaulted by the workers of the company although I was eight months pregnant. When I reported the case to the Kiryandongo police post, they instead arrested me upon learning that I still live in the ranch. Even the hospital could not give me a medical report to support my case. I now survive by offering labour on people’s farms outside the ranch. The maize you see around my house is for the company. I use herbal medicine most of the time because I can only get treatment from the Panyadori Health Centre II in the refugee camp, 15 kilometres away from here. Anything that happens oppresses me and my children. Yet no one, including the government is helping us.”

Wolodin Uwinezza on Ranch 21B owned by Great Seasons.

Principles of Equivalence during Land Acquisition were not adhered to by the Government of Uganda.

The compensation that was offered was not fair, adequate and timely and was paid after the land was taken. The affected persons were left in a worse off financial position after the acquisition than they were was before. Compensation is key and must be paid to persons with an interest in the land before the government takes possession, both physical and legal.¹³

6. LEGAL ACTION

Communities faced with evictions in these ranches have taken legal action to protect their lands and livelihoods. While some cases were dismissed, currently there are four human rights enforcement cases in the Masindi Court against the three companies.

On the other hand, several cases have been filed against the community members and human rights activists who have been leading the land rights struggle of this communities.

7. FIGHT FOR RIGHTS AND LIVELIHOODS

Women's rights

Women have particularly been affected by the dispossessions. Many squatters are internal migrant workers, after their evictions, most men have left the area leaving women and children to fend for themselves. Limited access to lands for women has increased the strain of food insecurity of women headed households. Inability to grow their food on their lands means that women must work on farms to earn a living and have access to only a selected variety of food to meet nutritional requirements, specially of children. This has increased cases of hunger and malnutrition in the community.

Women are forced to live on makeshift shacks with little or no income to rebuild their lives. Children are denied education and they have limited healthcare. Women have also suffered harassment and assault at the hands of private security forces guarding the ranches owned by private companies, with police offering little or no help.

"Women suffer a lot as they take the larger share of responsibilities of the home. There are high rates of marriage break ups because women have been forced to offer sex for money or land to grow food," the Speaker, Apac DLG said.

Their rights to land, food, housing, education and health been violated, the affected communities struggle to return to normalcy in their lives.

FPIC

The main characteristics which underpin the FPIC principles are that it is: (1) freely given; (2) fully informed; (3) obtained before permission is granted to a proponent to proceed with the project; and (4) is consensual.

"There is nothing to eat. We have only one meal a day and the children are used. We pray for their health so that we only strive to get greens for them to eat from the bush"

Pamela Mulongo, Jerusalem Village on Ranch 21.

"Women do not have a source of livelihood as they can no longer produce food for sale to get money. They don't have decent places to live. Children no longer go to school, there are no opportunities for health care services and with many cases of rape and assault."

The rights that have a direct bearing on this principle include the right to access of information, civic participation, right against discrimination, affirmative action in favour of marginalized groups, right to own property. Indeed, all the provisions of the constitution that have a bearing on FPIC ought to be considered together. In doing so, sight must not be lost of the spirit of our Constitution which is the establishment and promotion of a just, free and democratic society.¹⁴

In the face of massive development projects and the quest for middle income status by the government of Uganda, the principle of FPIC offers much needed protection to vulnerable indigenous communities and project affected communities. The need to adhere to the elements of FPIC is justified by the resultant benefits of conducting it, which include among others; a social license from the affected communities, less costs incurred in conflict resolution and most importantly sustainable development. Therefore, compliance to these principles is not just for human rights enjoyment and protection but also an indispensable aspect for sustainable development. Thus, the Government of Uganda needs to incorporate a Human Rights Based Approach to the development policies and related legislation especially to expressly provide for FPIC as a substantive right and a procedural guarantee to enhance the realization of economic, social and cultural rights for all.

What policy / law has been violated?

The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arising from several international legal instruments that protect the human right to adequate housing and other related human rights.¹⁵

“Economic and social rights, including the rights to food, housing, water, health, work and an adequate standard of living, are directly affected by land management decisions. These decisions can either ensure the enjoyment of these rights or lead to the weakening of social safety nets, and thereby hamper the realization of these rights.” E/2014/86

All evictions must be carried out in a manner acceptable by law which is compatible with International Human Rights Standards and in accordance with principles of reasonableness and proportionality depending on the particular circumstances.¹⁶

Prior to carrying out any evictions, especially those involving large groups, all feasible alternatives must be explored in consultation with the affected persons, with a view to avoiding or minimizing, the need to use force.¹⁷

Legal remedies or procedures should be provided to those who are affected by eviction orders. All the affected individuals have a right to adequate compensation for any affected property, both personal and real

The constitution of the Republic of Uganda ARTICLE 26 (2) clearly stipulates that:

No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied

(a) The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and

(b) The compulsory taking of possession or acquisition of property is made under a law which makes provision for

“Forced evictions intensify inequality, social conflict, segregation and “ghettorization,” and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.

A/HRC/4/18

- (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and
- (ii) a right of access to a court of law by any person who has an interest or right over the property.

Before the government takes possession of private land it has acquired, it must pay timely, fair and adequate compensation to all persons with an interest in the land (Article 26 (2) (b) (i) of the 1995 Constitution).

The compensation must be assessed at the actual market value of the land at the time of acquisition.

Section 29 (2) of The Land Act, Cap 227 as amended stipulates that¹⁸:

“Bona fide Occupant” means a person who before the coming into force of the Constitution:

- (a) Had occupied and utilized or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more before coming into force of the 1995 Constitution.
- (b) Had been settled on land by the Government or an agent of the Government which may include a local authority.

8 . RECOMMENDATIONS

In the past years, the government of Uganda has failed to protect the people of Kiryandongo. To ensure their human rights, the Uganda’s authorities need to take the following actions:

- Kiryandongo DLB should revisit the land allocations made under the 1995 Presidential Directive to ensure that all subdivisions of ranches that were made are implemented.
- Kiryandongo DLB should make details of all subdivisions of ranches and land allocations to squatters publicly available, issue outstanding land allocation certificates and facilitate the land registration process and issue leaseholds to the land allottees.
- Create a platform for dialogue between affected communities and multi-national companies to resolve grievances arising out of the forced evictions.
- The communities who were evicted from their lands should be returned to their lands, their possession of the lands should be restored and compensation should be paid for any loss of crops or developments they have made on the lands.
- In the alternative, that the government should relocate the evicted communities in other suitable lands and provide fair and adequate compensation for loss of their lands, developments made thereon along with support for livelihood restoration;

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