

**A
SOCIAL - LEGAL ANALYSIS
OF
THE VOLUNTARY AND INVOLUNTARY RESETTLEMENT
OF THE BAKIGA IN KIBAALE DISTRICT**

BY

PROSSY KATUSHABE

**A DISSERTATION SUBMITTED TO THE FACULTY OF LAW
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
THE AWARD OF THE DEGREE OF BACHELOR OF LAWS
OF MAKERERE UNIVERSITY UGANDA**

JULY, 2005

TABLE OF CONTENTS

PRELIMINARIES	Page
Table of contents	i
Dedication	iii
Statement of originality.....	iv
Acknowledgement	v
List of statutes.....	vi
 CHAPTER ONE	
INTRODUCTION AND BACKGROUND	
1.1 Background of the Study	1
1.2 Statement of the problem.....	5
1.3 Objectives of the study.....	5
1.4 Research questions	6
1.5 Rationale of the study.....	6
1.6 Scope of the research.....	7
1.7 Methodology	7
1.8 Literature review.....	8
1.9 Chapterisation.....	10
 CHAPTER TWO	
LEGAL INSTRUMENTS AND CASE STUDIES	
2.1 Introduction	11
2.2 Legislation.....	12
2.3 International instruments.....	18
2.4 Case studies.....	22
 CHAPTER THREE	
PRESENTATIONS AND ANALYSIS OF THE DATA	
3.1 Introduction.....	27
3.2 Places visited and the type of respondents.....	27

3.3 Nature and forms of abuses of the rights of settlers...	28
3.4 Nature of land in Kibaale and the implementation of the Land Act Cap 227.....	37
3.5 Government intervention in resettlement.....	41
3.6 Social problems.....	43

CHAPTER FOUR

RECOMMENDATIONS AND CONCLUSIONS

4.1 Introduction.....	44
4.2 Recommendations.....	44
4.3 Conclusions.....	50
References.....	51
Appendix 1 Letter of introduction.....	53
Appendix 2 Questionnaire for local people.....	54
Appendix 3 Questionnaire for professionals.....	56

STATEMENT OF ORIGINALITY

The research and the entire information included in this study is a production of the candidate. This dissertation has not been submitted to any other institution of higher learning.

Sign 
KATUSHABE PROSSY

Date..... 3/08/2005

Sign 
SUPERVISOR: Mr. JOHN KIGULA

Date..... 4/08/2005

ACKNOWLEDGEMENT

I would like to thank the Almighty God for his love and help throughout this work.

With distinct pleasure, I extend my sincere gratitude to my supervisor, Mr. John Kigula, whose guidance, criticism, and instruction contributed significantly to the completion of this research.

I acknowledge with deep appreciation, the parental support and guidance of George and Joy Kubiragume, love and care from my family members, Agaba, Jennifer, Prudence and Paul, Amelia and George, Ronnie, Gideon, Brian, Gilbert, Owen, Susan, and Brenda.

Special thanks go to people who gave me guidance in this research, Mr. Eric Hatanga, Mr. Tony Kakooza, Mr. Mohammed Mhabazi, Mr. Murangira Joseph and Mr. Wameli Anthony.

I place on record the entire staff of the faculty of law and the faculty of law Christian union who has shaped my carrier over the four years of my study at Makerere University.

I finally owe my gratitude to my colleagues and classmates, friends for their varied support on which the making of this study a reality, greatly depended, especially Judith, Annet, Julie, Brian, Elijah, Silver, Patrick, Hillary, Craven, Molly, Peter, Ivan, Amma, Enoch, Ben, Brenda, Frank, Dorah, Peter and Moses

May God bless you all.

LIST OF STATUTES

1. The Land Act, Cap 227
- 2 The Land Acquisition Act, Cap 226
- 3 The Uganda Wild Life Act, Cap 2000
4. The UN Charter, 1945
5. The World Bank Guidelines on Involuntary Resettlement

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 BACKGROUND

Kibaale District in Uganda was formally part of Bunyoro kingdom. It borders Kabalore District in the South West, Mubende District in the North East, Hoima in the North and lake Albert in the West. Kabale District is the original homeland of Bakiga and is found in the Southern Western part of Uganda and it was formally part of Kigezi.

The present day Kibaale District is the creation of the Movement Government to solve the persistent problem of the Banyoro people that live in the area. However, the said position instead brought about conflict amongst the original occupants of the land (the Banyoro) and the Bakiga people who resettled to the Kibaale area. As a result, the said settlements brought about and highlighted the contradictions between the theory and practice of movement government policy¹ on resettlement schemes.

A resettlement scheme is a planned movement of people from one area to another. In some cases the greater desire is for people to settle in under populated area, to contribute to its development or as is often in Uganda² where people acquire land in such places.

The origins of the Bakiga's resettlement in Kibaale originate from the high number of immigrants to the place from Kabale. This study therefore is intended to focus on the problems that emanated from the scarcity of land in Kabale District. The great need for land was predominately as a result of considerable increase in the population of the Bakiga and the land system of the said people where acquisition of land was mainly through inheritance. This land system resulted into land fragmentation between only those who could inherit land or have resources to acquire land. There was therefore limited land to suit the growing population and this forced the Bakiga people to request

¹ M. Kulumba (2001) p.155 Uganda Riding the Political Tiger. *Security and Wars in the Great Lakes Region*.

² Ibid p.157

the Government of Uganda to provide a remedy. Consequently, the Government mitigated the needs of the Bakiga through two deliberate government settlements schemes.

During the period of 1946 to 1961, the government facilitated and assisted in the resettlement of the Bakiga to Kibaale and whose movements subsequently became spontaneous. At the said time, the Bakiga moved and settled into Kibaale freely with little concern from the Banyoro considering that the numbers of the Bakiga were not threatening and they spoke a language the Banyoro could understand³.

The immigration of the Bakiga is not a new thing. In 1965 a group of 300 families were brought in and settled in Rutete-Kagadi - part of Kibaale District, they were however told to confine themselves in that resettlement area.⁴ The said area was officially made a resettlement scheme in 1973.⁵

In the 1970s there were several involuntary migrations by people in different parts of Kabale and Bushenyi. The Bakiga were given an option by the government of moving to Kibaale District particularly in Bugangaizi County. There was another resettlement area in Bugangaizi called Kisiita Resettlement where a bigger number of Bakiga are placed. It is believed that these were brought without going through the normal process. The latter group came as *Banyabuzaire* (extended family members)⁶.

In 1992 another resettlement took place in Kibaale in an area that was part of the Kibaale Forest Reserve game corridor and virtually all those settled in the said area were Bakiga who came through government sponsored resettlement schemes. Others had come as workers on tea plantations over years since the mid-1940s when the Bakiga had been migrated to that area and the number of Bakiga inevitably increased in the forest reserve. However the local population of mainly Batoro rose against the Bakiga and as a result led

³ Prof. Byarugaba (2002) p 11-12 A Report on Kibaale District.

⁴ Byarugaba (2002) p.12 Uganda's Fundamental Change. *Domestic And External Dynamics Of Conflict And Development*

⁵ *New Vision* Wednesday June 25th, 2003

into the compulsory resettlement from Mpokya near Fort Portal becoming what was termed as the Mpokya conflict. The indigenous Batoro had become threatened as the number of in-migrants increased. The climax of this conflict culminated into the "Mpokya Incident" where the local population rose up against the Bakiga and a number of lives and property were lost as the Bakiga were forcefully evicted from the area. The government responded by resettling the Bakiga in the nearby area of Kibaale in the then Hoima District in 1992.⁷

Historical perspective

Such conflicts between the settlers and Banyoro in Kibaale date back to the 1900 Buganda Agreement through which the mailo land tenure system that was introduced by the Agreement. The mailo land tenure system included the lost counties and these historically included Bugangaizi and Buyaga in Kibaale District, Rugojo⁸ Buruli and Buyaga in Bugerere- Buganda region⁹ this forms the biggest land occupied by settlers in Kibaale District.

In 1926, the British colonial government acquired large areas of land totaling to 2470 square kilometers were from Bunyoro Kingdom given to the Baganda allies who helped them to defeat King Kabalega of Bunyoro. The said area constitutes 60% of Kibaale District¹⁰ In 1964, the Uganda Government organized a referendum and the population in the two counties was requested either to vote to remain in Buganda or to return to Bunyoro. The Banyoro overwhelming voted to return to Bunyoro hence the 'lost counties' were returned to Bunyoro. It was unfortunate that the terms of the 1964 referendum did not include the issue of land ownership.

⁶ Op.cit p.12

⁷ Op.cit p.111

⁸ Op.cit p.151

⁹ Karugire (1987) p.227 A Political History of Uganda.

¹⁰ New Vision May 3rd, 2002

Whereas the said counties were returned to Bunyoro, the mailo certificates of title remained with the Baganda, mostly absentee landlords.¹¹ In the circumstances, the 1964 referendum had partly solved the political question regarding the settlements but it did not adequately address the sophisticated legal technicalities that were manifest in the process.

As a result of the above process, the absentee landlords did and continue to hold under mailo titles most of the land affected by the settlement crisis. This has caused many Bakiga settled in the area to be referred to as squatters due to the fact that they lack security of tenure though few able ones have approached the landlords in person. It should be however noted that before Bakiga were settled in Kibaale, they were promised Land and told that the owners of the land would be compensated however the same has since taken so long.¹²

In the present era, politics has been and is a major driving force in the Bakiga land conflicts in Kibaale. As highlighted in the foregoing expositions, the said conflict centers on the fact that the Bakiga being the majority in-immigrants, saw a need to safeguard their future in the District and this has been consolidated in the recent changes in land tenure systems, management that were introduced by the Land Act of 1998.¹³

On the other hand, in addressing the question of the settlers, ethnicity has at all material times been at the root of the matter especially where the Banyoro in referring to the settlers, expressly state that they do not want "foreigners to rule them in their own land". The Bakiga in-immigrants however were and have been renown hard-working people an attribute that influenced their fast development especially in agriculture in contrast to the their counterparts the Banyoro who had a lazy attitude.

The above situation shows that there is need to carry out a systematic study of the socio-legal problems of Bakiga in Kibaale in regard to land.

¹¹ Op.cit p.110

¹² *New Vision* March 13th 2002

1.2 STATEMENT OF THE PROBLEM

The voluntary and involuntary resettlement process of the Bakiga in Kibaale have not had decisive and effective government legal and extra legal interventions geared towards forestalling, counteracting or subduing the socio-land frictions and clashes that arise and other appurtenant socio-economic, socio-political, socio-cultural antagonisms. Studies on the process and problems associated with resettlement have remained wanting. This study therefore is an attempt to examine the nature of these problems and explore the avenues of contending them.

1.3 OBJECTIVES OF THE STUDY

General objective.

To find out the socio-legal problems and impact of the voluntary and involuntary resettlements of the Bakiga in Kibaale.

Specific objectives.

1. To establish whether the rights of settlers in Kibaale District are abused.
2. To find out how the Land Act has been applicable in relation to settlers in Kibaale
3. To establish whether there is an effective government policy on how land is acquired by settlers.
4. To suggest recommendations for future action.

¹³ Cap 227 Laws Of Uganda.

1.4. RESEARCH QUESTIONS

- a. What have been the social and legal problems of the voluntary and involuntary resettlement of Bakiga?
- b. How has the provisions of the Land Act been implemented in relation to these settlers in Kibaale?
- c. How can government settle the problems of Bakiga in the resettlement areas in Kibaale?
- d. How can the settlers secure their security of tenure?
- e. How have the rights of the settlers been abused?
- f. To what extent have the rights of the settlers been observed?

1.5. RATIONALE OF THE STUDY /SIGNIFICANCE

A lot of research has been carried out on land issues in Kibaale as an interesting area for implementation of social and legal changes and as a study of general interest. On the other hand however, no comparative study has been carried out on the consequent social, economic, political and legal problems arising from the voluntary and involuntary resettlement of Bakiga in Kibaale District.

This research therefore is aimed at initiating further study to make findings to use to examine the implications and consequences of resettlement schemes. The ultimate goal is avail the findings from this study as a base for developing ideas on issues that may possibly stimulate active consideration pertinent to the aspects of Bakiga settlers in Kibaale. The study emphasizes that the fact that the issues that arise from the research reflect the need to urgently form sustainable policies in the process of land acquisition by immigrants.

This research is a broad based and objective study taking into account the interests of the Bakiga or non-Bakiga in Kibaale District based on observations and deductions from other related studies, the law and field visits.

1.6 SCOPE OF THE RESEARCH

The research will concentrate on knowledgeable people about the voluntary and involuntary resettlement the District officers that deal with resettlement in Kibaale. The study will focus on Kibaale District for the targeted respondents

1.7 METHODOLOGY

The research was based on qualitative methods of obtaining data including the following:

1. Sampling

The method that was used in selecting the sample size was snow- ball sampling where the researcher began with few respondents who are available and they subsequently recommend other people who met the criteria of the research.

2. Interviews

This study and research involved conducting interviews and in particular unstructured interviews so as to give the respondents opportunity to express their feelings in their own words about the subject. Interview guides were used depending on how informative the respondents were.

3. Questionnaires.

A set of inter-related questions were used to obtain information from respondents.

4. Library Research

Visiting libraries and research on Internet was used.

1.8. LITERATURE REVIEW

This presents a review of the related literature on the subject under study. There is some literature on the subject from researchers and textbooks that have been conducted and written respectively however; they have not tackled the issue in question.

Various research conducted has been focused mainly on political issues in Kibaale District. Such research has highlighted in essence, that the way forward for Kibaale, is to enable individuals and different groups to participate in political process on their own terms but within the universally accepted rules. Further, different findings have indicated that the movement government has proved that it cannot provide that political environment¹⁴. While a good political environment is necessary, it is important that the different groups have a policy and a law that stipulates how they coexist with the migrants to the area.

Kulumba points out further that ethnicity is a reality that cannot be wished away by legislation¹⁵ because Article 246 provided for restoration of traditional institutions as a cultural and not a political entity¹⁶. The cultural monarchy cannot enforce its rules and norms and yet the region has been opened up to ethnic migrants leading potentially to ethnic violence. This is because much as the Constitution provided for the traditional kingdoms that were regional in nature, there is a lacuna with regard to an appropriate legislation on how long standing immigrants will be treated in that land.

Comparative view points from different studies on land and resettlement schemes

Nyangabyaki Bazaara has identified issues like, a need to put a halt to the growing landlessness and ending the practice of absentee land ownership; provision of security of tenure to land, and avoiding uniform land tenure.¹⁷

¹⁴ Op cit p 149

¹⁵ Op cit p 155

¹⁶ The 1995 Constitution of Uganda.

¹⁷ Nyangabyaki Bazaara: "*Civil Society and The Struggle for Land Rights for Marginalized Groups*" at p11

The government has been instrumental in influencing rural-rural migration of Bakiga. However, as *Kabera J B* points out, a large number of Bakiga have moved out spontaneously than those assisted by government¹⁸ *Margaret Rudgdy* states that there is often a conflict created in trying to make sure that two interests are catered for, that is, increase of agricultural production and protection of vulnerable groups¹⁹ (these include immigrants)

Struggling to secure and defend the land rights of the poor, the Land Act²⁰ tried to cover the whole country in one swoop and it swept away existing institutions without replacing their significant regional differences especially between north and south, which were to a large degree ignored. *Robin Palmer* argues that since then, there has been an exceptionally difficult process of trying to find ways of moving forward with a law that cannot be implemented as it stands²¹.

Michael, M Cernae reasons that major actors in the resettlement process are the host communities²² who are often omitted from the pre-projected weighing of resettlement implications and many times this could arise at a very late stage of implementation. It is not common at all to find an area that is not occupied at all. Suddenly over crowding on area can be both disastrous to the environment and natural resources available and to the incomers and the hosts on a sustainable basis. The cost of resettlement may increase but in the long run handling these consequences before it is too late might help secure the desired results. An administrative decree or law cannot however enforce integration except by policy planning before moving people or even allowing them to move voluntarily by dealing with push factors.

Dr Leach explains the principle of "value owner"²³ as reacquiring to put the owner of land in the same position as if his land had not been taken from him. Compensation

¹⁸ Kabera J.B p199 Population Redistribution in Uganda Since 1900

¹⁹ Margaret Rudgdy p.2 Land Reform: *The Uganda Experience*.

²⁰ Charter 227 Laws of Uganda.

²¹ Robin Palmer p.2 "struggling to secure and defend the Land Rights of the Poor in Africa".

²² Michael, M Cernae's *Involuntary Resettlements in Development Projects* p 16

²³ W.A. Leach. *Disturbance on Compulsory Purchase* 3rd edition 1997 p 21

should be given to avoid depreciation in the value of land. Dr Leach's argument reacquires full compensation 100% but this not usually done in Uganda where people are given cash and besides the Bakiga who were evicted from Mpokya were just sent nearby nothing like an arranged system was made to restore and compensate them

1.9 CHAPTERISATION

The research paper is divided into four chapters outlined as follows:

Chapter one

This contains background to the problem, statement of the problem, objects of the study, research questions, significance of the study, scope of the research, methodology and literature review.

Chapter two

This contains review of legal Instruments both domestic and International, various other projects in Uganda where people have been evicted and resettled, comparison of land problem in Kibaale with Zimbabwe

Chapter three

This contains presentation findings of the research and analysis of the data in light of the objectives

Chapter four

This includes recommendations and final conclusions of this research

CHAPTER 2

LEGAL INSTRUMENTS AND CASE STUDIES

2.1 INTRODUCTION

This chapter reviews the relevant legislation pertaining to land in Uganda and other related components in other areas in the world as may be applicable in this study. There is however no specific legislation particularly enacted to deal with voluntary and involuntary resettlement in Uganda.

Resettlement of people is a serious matter with far reaching social, economic, political and legal consequences that may have never been taken into account in related matters in Uganda. It is therefore in principle, a complex process involving the displacement of people from current residential work sites, relocation to new areas that may already be occupied and rehabilitations of incomes and standards or still people sale all they have and move to another place to start a new life afresh. Some resettlements are due to development activities or as a result of conservation other are due to scarcity of land.

The purpose of this chapter is to highlight the pertinent issues that may be or are crucial in enhancing and re-invigorating the process of formulating legislative instruments that reflect a more realistic view towards achieving the social, political, economic, legal and cultural land rights that arise in resettlement matters and processes.

This study and research is aimed at doing a case review of the legislation in Uganda and elsewhere. It places greater emphasis on the legal aspects involved in the impact of involuntary and voluntary resettlement and the rights of affected people.

2.2 LEGISLATION

In Uganda over the past years, there have been fundamental developments and changes made in the legal system essentially in the aspects of land tenure and land administration. In light to those adjustments that have varied in different eras; different legislation has been passed, amended and repealed for example the land Reform Decree that was established to deal with land ownership. It is therefore against this background that this study shows the fundamental impact that the reformation of the law on land ownership and occupation has had on the case study of the Kibaale resettlement schemes. The situation is different since the promulgation of the 1995 Constitution of the Republic of Uganda and subsequently the Land Act of 1998 as the law now seeks to preserve and protect the aspects of rights and ownership of land in any part of the country in Uganda.

2.2.1 THE 1995 CONSTITUTION OF UGANDA

The 1995 Constitution restored all private land tenure systems which had previously been abolished under the Land Reform Decree²⁴. Under the Land Reform Decree land was divested in the State and the Uganda Land Commission accordingly held radical title to land. At the promulgation of the 1995 Constitution land was vested directly in the Citizens of Uganda in accordance with the land tenure systems and related interests in which the land may be held²⁵. Further still it guaranteed security of occupancy of bona-fide and lawful occupants through the land tenure systems²⁶.

The right to property and deprivation of property

Article 26(1)²⁷ preserves the people's property rights. This is a basic Constitutional provision for the inherent right of ownership of property. In the subsequent clauses, the Article legalizes the doctrine of compulsory acquisition to be in the interest of public

²⁴ 1975

²⁵ Article 237(1), 1995 Constitution.

²⁶ Article 237(3).

²⁷ 1995 Constitution.

purposes, made under a law that makes provision for adequate compensation to be done prior to taking possession or acquisition.

Basically, therefore, the Constitution has redefined land relations between the state, the titleholders, tenants and the public in general ²⁸ and with the current development rate, the government sometimes needs to acquire private property for their wider interests of the community. A simple assertion by the government that there is justification for acquiring land in public interest would not be satisfactory but such claim needs to be backed up by a policy or a legal framework designed for that purpose.

Compulsory acquisition of land by the Government

The Constitution provides under **Article 26(2)** for compulsory acquisition of land on the condition that it is acquired for public interest, order, safety, health and morality provided that the affected person is promptly and adequately compensated and or enabled to access a court of law to protect his or right to property.

The said acquisition must be pursuant to a law stipulating the process of compulsory acquisition and in the applicable law is the Land Acquisition Act²⁹ enacted to make provision for the compulsory acquisition of land for public purposes and for matters incidental thereto and connected therewith. There is however a lacuna given that under the Section 3 of the said law which stipulates that:

Section 3(1) “ Whenever the Minister is satisfied that any land is required by the Government for a public, he or she may, by statutory instrument, make a declaration to that effect.”

²⁸ P109 Niwagaba .A. Op cit

²⁹ Chapter 226.

The Minister is given wide discretion to declare land required by government under the provisions of the law and despite the fact that it stipulates circumstances where land may be so declared, the remains questions as to the backing policy and the process defining what qualifies any activity or an acquisition of property to be in public interest.

Public interest must be a condition precedent if property rights are to be interfered with and it is immaterial whether the depreciation is total or only partial. Depreciation is only possible if it has that authority of valid law³⁰. However, it still remains hard from a practical point of view, to assert the claim of public interest to persons having strong attachment to their property without adequately understanding the circumstances that qualify an activity as being in public interest.

It is a considered contention that despite the provisions in the Constitution, the land problems of voluntary and involuntary settlers in Kibaale have not been solved adequately. Reports on Kibaale have come to conclusion that,³¹ we do not despise the Constitutional guarantee that every Ugandan is free to acquire and settle on land only where in Uganda but the massive way in which non- Banyoro are brought to settle in Kibaale District indicates a plan by unknown people to wipe Banyoro off the land in Kibaale District and create a Kigezi-Rwanda in Kibaale District.

2.2.2 THE LAND ACT, CAP 227

The Land Act of 1998 basically provides for tenure systems, ownership and management of land. It further enhances and consolidates the law relating to land tenure systems, ownership and management of land and to provide for other related or incidental matters³². The Act reaffirms without elaboration, the statutory power of compulsory

³⁰ Michael M Cernac: *Involuntary Resettlement in Bank-financed projects*. P1

³¹ *New Vision* Wednesday March 13th 2002

³² Sections 46-54 of the Land Act.

acquisition conferred on the government under Article 26(2) and 237(2) of the Constitution.

The Constitution only requires acquisition being carried out under a law. It, however, does not address the component of persons who acquire land through resettlements schemes. In fact no law has been enacted for that particular purpose by parliament pursuant to related constitutional provisions and yet the Land Act is silent about it. To some extent this position raises some contentious issues especially where it is unclear on the practical remedies for scenarios as the kibaale land disputes. It against such examples among others that at all material times the said legislation providing on land matters was and still is received with suspicion, apathy, fear and outright rejection from some quarters of the public and that for those affected the wounds might not have healed.³³ For example, it did not objectively address the historical imbalances and injustices in the ownership and control of land.

The Land Act is at pains to create a series of land administration institutions. The Act has pursuant to the government policy of decentralization, decentralized land management and dispute settlement mechanisms. The legislation requires the creation of a very large number of new institutions for land management/administration and land dispute resolution. These have been designed to shift the focus of land management to the local level, and provide for effective community involvement in land management decisions.³⁴

These institutions are by and large autonomous of one another. They are entrusted with functions that range from the holding of land not subject to private ownership, the management of land as stipulated; the processing of applications, grants and registration of interests in land, issuance of certificates of title and performance of other functions as are connected to those specific activities³⁵

³³ Margret Rudagya P.5 Op cit

³⁴ P.7 Ibid

³⁵ Section 53 of the Land Act.

Land institutions in Uganda

The Uganda Land Commission³⁶- The Land Commission is an independent institution from government and carries on its duties and decisions accordingly. It takes up responsibility as the overall overseer of government activities in relation to land. It is vested with powers to hold all public land and deals with all individuals holding leaseholds on the same. It also accordingly reviews matters where it envisages that the affected people might be treated unfairly either in the surveys or valuation of their land in the event of compensation of settlers.

District Land Boards- These were created under Section 56(g) of the Land Act³⁷ this Section stipulates the functions of the District Land Board to distribute and hold land in the District that is not owned by any person or any authority³⁸.

District Land Tribunals³⁹- These were established for handling land disputes. The procedure for establishing the tribunals is complex as members are appointed by Chief Justice on the advice of the Judicial Service Commission and as result only a few tribunals are effectively in operation. Whereas the same are supposed to ease the burden of land disputes, the tribunals rarely sit or finalize matters before them and as a result there remains a serious vacuum in land dispute settlement⁴⁰.

The Land Act provides under Section 73(3) for prompt payment of compensation for any person having an interest in the land for any damage caused to crops or building and for land and the materials taken or used for the work or any dispute accruing there from is to

³⁶ Provided for in the Constitution Article 238 and Sections 46 to 54 of the Land Act

³⁷ Op cit Chapter 227

³⁸ Section 59 of the Land Act.

³⁹ Sections 74 to 87.

⁴⁰ Margret Rudagya P.8 Op cit.

be referred to the land tribunals⁴¹ This section does not involve any prospects of resettlements yet it is crucial due to the various resettlements that have been taking place in Uganda.

The law requires to the effect that infrastructural facilities be established at all levels of local government to ensure that all land disputes are initially handled by the established institutions before resorting to ordinary courts of judicature. However it is worth noting that at the time the Land Act came in to effect on July 2nd 1998, virtually all infrastructural facilities necessary for its operation were not yet in place, they are just developing.

In light of the above, this research highlights the fact that the other facilities to suit the functions of the activities in respect voluntary and involuntary resettlement and compensation; like rules and regulations, model instruments, application forms and other records are not yet in place a point that is well illustrated from the kibaale land problems.

The government is desirous of using the Land Fund to acquire land for persons displaced by government or displaced by natural calamities and restoring historical imbalances as the case is with Kibaale. The question that however stands resolves on the issue of what is to become of the Bakiga settlers directly affected by virtue of the fact that they are or may be occupants of the land in issue? Reports on the land frictions in Kibaale indicate that⁴²the government has set aside unspecified funds to compensate the Kibaale absentee landlords in a bid to bring an end to almost a century-long dispute between Banyoro squatters and Baganda landlords.

In conclusion, the above review exposes the lack of policy and legislation on resettlements and rehabilitation of persons displaced as a result of developments, scarcity

⁴¹ Sections 74 -84 of the Land Act.

⁴² *The New Vision* Friday May 3rd 2002

of land and conservation driven projects. For example, as it was in the “Mpokya incident” where Bakiga were displaced because government stated that they had occupied a forest reserve.

2.3 INTERNATIONAL INSTRUMENTS

2.3.0 THE UN CHARTER 1945

The Charter of the United Nations (herein referred to as UN Charter) pledges to promote high standards of living, full employment and conditions of economic and social progress and development⁴³, to promote solutions of International economic, social health and related problems and international cultural, educational cooperation and also to promote universal respect for and observation of human rights and fundamental freedoms for all⁴⁴.

Article 56 states that all members of the United Nations pledge themselves to the joint and separate action in cooperation with the organization to achieve the purposes laid down in Article 55. The UN Charter was established in 1945 among its principles is the preservation of human rights .It constitutes an authoritative guidance for action.

Voluntary and involuntary movement and related resettlements inevitably have considerable social, economic, cultural and political impacts. In such cases people are forced to forego or relinquish their rights to various immovable properties such as houses, and land including any improvements there on. On the wider perspective when referring to the economic, social and cultural rights the drafters of the UN Charter should have addressed the pertinent concern of access to economic opportunities that is a key component that determines movements and resettlements of people.

⁴³ Article 55(9) of the UN Charter.

⁴⁴ Ibid.

Resettlements bring with them risks such as impoverishment of the people, which results cultural, economic and social problems. The provisions of the Charter established the respect of fundamental human rights in international law and stipulate in its provisions a mandatory duty on ratifying states to observe the same within their jurisdictions. This however presents a relatively up hill task to enforce the same considering that most states have different social economic and political backgrounds and needless mention the legal frameworks.

2.3.1 WORLD BANK GUIDELINES ON INVOLUNTARY RESETTLEMENT

The World Bank formulated guidelines primarily to help developing countries access resources required to improve on their productive capacity. In its opinion, the Bank holds that the target people especially the poor, can best benefit if the opportunities for them to develop are improved and more avenues created to alleviate their problems and mitigate their needs. In light thereof, it would mean enabling the people to engage in immediate and present development programs within their abilities to sufficiently deal with their future concerns of survival and livelihood.

Comparative checklist from international policy on resettlement process in related cases

To improve the process of handling of the inevitable consequential operations of resettling people; the World Bank formulated an explicit social policy originally issued in 1980 as an internal statement to staff. It formulated a coherent policy for treating involuntary resettlement in bank financed projects⁴⁵

⁴⁵ Michael M Cernae. Op cit P.2

In the said policy statement, paragraph 4 provides for a resettlement plan. It stipulates that the plan should be built around development strategy aimed at improving and at least restoring the economic base of those relocated. But relocation should only be when improvement seems only impossible.

Paragraphs 7-10 provide for community participation and integration with the host communities. It is therefore emphasized that it is very important to involve the community in the resettlement process for example notifying the affected persons of their entitlements.

Paragraphs 12-13 provide for the local legal framework relevant to resettlement operations. It is stipulated that the said framework should be properly analyzed and should provide the scope of eminent domain power and regulations for the valuation of lost assets. There should be application of legal and administrative procedures, including giving access to those having grievances to review processes. Other aspects to be taken into account are land titling, registration procedures as well as existence of laws and regulations relating to the agencies responsible for implementing resettlements.

Paragraph 17 provides that, resettlement plans should review the main land tenure and transfer system including common property and non-titled land based on usufruct systems governed by locally recognized land allocation mechanisms. This process helps treat customary and formal rights to land as equally as possible in devising compensation rules and procedures.

Assessment of application of stipulated Policy guidelines in light of local case studies.

The World Bank policy guidelines present a considerably positive approach that may be used as a reference point for formulating laws and guidelines to adopt in resettlement schemes in Uganda. However, taking into account variable factors applying to different

jurisdictional settings, the implications of the bank's guidelines have very severe limitations; for example, the fact that the said policy guidelines recommend replacement of land for land. In Uganda, noting from several cases, it is crucial to note that once people are being displaced from their land, they would rather have cash compensations than alternative land.

In principle, all persons are entitled to peaceful enjoyment of their possessions. No one should be deprived of their property except in the public interest and subject to the conditions provided for by law. The general principles of International Law however give little emphasis to considerations of public interest in relation to the measure of compensation.⁴⁶

In light of the above, International legal instruments create obligations for states to create relevant laws for the incidence and consequence of illegal acts and particularly the payment for loss caused.⁴⁷ On the other hand, voluntary and involuntary resettlements are not specially provided for except in the said World Bank guidelines, which provide for involuntary resettlement. However, from a practical view point, people occasionally voluntarily migrate between places without reference to or application of the said guidelines whether nationally or internationally.

The instruments basically bestow upon party states the responsibility to respect, observe the fundamental human rights including economic, social and cultural rights that are normally inevitably and directly affected by resettlement schemes and incidental processes.

⁴⁶ Ian Brownlie, *Principles of Public International Law* P.25

2.4 CASE STUDIES

2.4 .0 A CASE STUDY OF ZIMBABWE WHITE SETTLERS

Conflicts over land and natural resources have been a common feature of Zimbabwe as a society. Such conflicts have led to several review process by both researchers and policy makers though there has been to conclusive remedy to reflect the related findings and recommendations. This position indicates that the stakeholders have failed to find adequate remedies for land related matters yet land conflicts continue to pose major threats to social, political, environmental and economic sustainability.

Generally, in Zimbabwe are combinations of political, social and economic factors are responsible for the escalation of land conflicts⁴⁸. The current situation in Zimbabwe is evidence and an example of inadequate policy resulting into lack of preparedness to contain the growing land-based conflicts. Another vital factor that is promotes or leads to persistent land conflicts is the absence of well-developed institutions that specialize in conflict management at both the national and local levels.

Uganda on the other hand, has many crucial lessons to learn from Zimbabwe's agrarian reform efforts aimed at redressing past land alienations by promoting equal access to land for the populations and creating acceptable a property rights regime. Such approach to land acquisition matters can be characterized as a state-centered market based approach. In related cases, land was purchased from willing sellers and redistributed to beneficiaries, but still the state could compulsorily acquire land deemed under utilized or derelict⁴⁹

⁴⁷ P.428 Ibid

⁴⁸ Marongwe; "Finding the place for restitution in Zimbabwe land reform".

⁴⁹ Tom Lebert "An introduction to land and agrarian reform in Zimbabwe "p.4

Zimbabwe represents a land reform experiment where for almost two decades the market approach has been used as a sole mechanism for land redistribution. In addition, there has been minimal international support for this initiative. This is in contrast to other parts of the world where market assisted reforms have been attempted involving major external interventions and input of resources, for example in Brazil and Colombia.

Lebert states that the recent shift towards a more compulsory land acquisition framework in Zimbabwe is in response to the failures or weaknesses of the market mechanism⁵⁰. However the said shift has been highly influenced by politics.

Reports in Uganda clearly reveal that a situation similar to that of Zimbabwe, save for white settlers, is unfolding in Kibaale District. The indigenous Banyoro are up in arms against Bakiga settlers.⁵¹ This indicates that in order to settle these various issues, vital lessons are to be borrowed on how the conflict between the settlers and the Zimbabweans was settled especially the contribution of the settlers to the economy in terms of trade and agriculture should not be ignored.

2.4.1. THE CASE OF LAKE MBURO RESETTLEMENT SCHEME

It is important to look at other resettlement schemes that have been handled and their socio-legal impact. The area around Lake Mburo was declared a game reserve in 1964 at the request of Ankole local government.⁵² By 1981, the game reserve settings and resources were under pressure from the occupying farmers and herdsmen who were encroaching on the good pasture and water holes.

⁵⁰ Ibid P.9

⁵¹ *The Monitor* March 20th 2002

⁵² Mark A Marquardt, *Settlement and Resettlement "Experiences from Uganda's National Parks and Reserves* P153

Consequently in 1982, the said area was declared a national park by virtue of section 17(1)⁵³ which stipulated that an area proposed to be a wildlife conservation area would after consultations between the Minister and the area local government council and the approval of parliament be declared a wildlife conservation area. As a result of this development, more than 6000 farmers who had developed extensive farms averaging over two hectares each with more than 40,000 cattle, were forcibly removed from the said area. They received no compensation due to the fact they were deemed to have illegally occupied the said area and thus were forced to settle elsewhere.

In 1986 a task force was established which recommended that 60% of the park be de-gazetted. The people who had settled in the area prior to the declaration of a national park were forcibly evicted and forced to give up their claims or interest in the said area and prompted to move elsewhere.⁵⁴ This resulted into landlessness, joblessness, marginalization, food insecurity and dismantled patterns of social organization. In effect it is evident that eviction from land result into difficulties in mobilizing people affected by the said process and from the Mburo resettlement as a case in point, it shows that the development of the area is also affected in due course.

2.4.2 THE CASE OF QUEEN ELIZABETH NATIONAL PARK

Queen Elizabeth National Park is found on lakes Edward and George connected by the 32 kilometer Kazinga channel⁵⁵. The lakes contain the highest fish biomass in the world⁵⁶. It was declared a National Park by virtue of section 17(1) of the Uganda Wildlife Act⁵⁷.

⁵³ Uganda Wild Life Act, Chapter 2000 Laws of Uganda.

⁵⁴ No details are given of their resettled into a particular area or whether they were compensated or offered land.

⁵⁵ Op cit P150

⁵⁶ Op cit P151

⁵⁷ op cit P149

The fishing industry was the major source of income for the people in the area and revenue for local authorities. Village members were allowed to fish in the waters and only had to collect dead wood from the park to meet their fuel requirements. Park demarcations were made as the population grew but were not maintained⁵⁸. There was never any attempt to formalize the tenure rights of the people in the fishing villages and the people continued to live on park land with no security of tenure other than understanding of land rights prior to the gazetting of the park. The fishing villages as demarcated were surrounded by the park land.

There is evidence to suggest that some of the people fishing in the lake came from great distances, to fish for a number of years to make money and then return in their home areas.⁵⁹ Village members eventually had to be relocated and this meant finding alternative income generating opportunities, wage employment, or agricultural land and yet resettling fishermen would imply that such land be secured elsewhere.

The Queen Elizabeth National Park case highlights joblessness as a key impact of relocation. At the time of its gazetting, the park was surrounded by fishing villages whose major source of income for the people was fishing. Due to relocation therefore, alternative land had to be found and that meant finding alternative income generating opportunities.⁶⁰ On the other hand other people operating small enterprises affording some source of income; like food or market stalls, lose their place of trade and their customers in the course of relocation. Such factors compound the incidence of permanent or temporary joblessness among the displaced population whereas if all factors remained constant, there would be high incentive for new projects and inevitably an employment boom. It needless be stated therefore that jobs created by the new projects temporarily absorb some people but severely drop if the project comes to an end.

⁵⁸ Op cit P 152

⁵⁹ Op cit P 154.

⁶⁰ Ibid P 160

In this study it may be noted that for the several categories of people for example landless laborers in reserve areas, employees of community based services, shopkeepers, shop-workers and small businessmen in both urban and rural areas, whose existence depends on jobs, displacement effects are stronger through the loss of jobs than loss of the home. The affected persons are directly and indirectly affected where for example; they lose access to land owned by others and leased or share-cropped, job opportunities, primarily in urban areas; and foregone assets under common property regimes.

CHAPTER 3

PRESENTATIONS AND ANALYSIS OF THE DATA

3.1 INTRODUCTION

This chapter deals with the presentations of the findings of the research under this study and the analysis of the data accessed through the research questions pursuant to the objectives of this study on resettlement. The methods used involved use of questionnaires and interviews with the focus group.

The presentations under this chapter are mainly of a descriptive approach and accordingly this chapter is intended to consolidate the findings under this research with the previous chapters. The conclusions derived from this chapter may however not be absolute but are intended to highlight a critical assessment and presentation of findings that may be used as a reference study and a focal point for data resource for information that may be used for policy formation, legislative review processes and for comparison with future research.

3.2 PLACES VISITED AND THE TYPE OF RESPONDENTS

(a) Places visited

The research study was undertaken based on the land tenure system of Kibaale District and the under-mentioned places in the said district where the places selected and visited as focal study areas in the case study for the whole District.

- I. Kibaale Town
- II. Kakumiro Trading Center.

III. Kisiita Sub County

(b) Type of respondents

There were several individuals that were approached as respondents. These included informed persons, particularly leaders in various capacities were used to provide information in representative capacities and these included the following:

- I. District council leaders
- II. Officers in the land office in Kibaale District
- III. Bakiiga leaders in Kisiita resettlement area.
- IV. Elders in Kakumiro Trading Center.

However taking into consideration the nature of the subject under this study, the field visit showed that the matter in issue was of a far and wide reaching effect in the District and given the fact that some of the key category of respondents were living and working in different areas in the District, then inevitably accessibility to several areas, the aspect of insufficient time and limited financial resources were some of the determining and hindering factors that made it impractical to contact a reasonable number of the said different categories of respondents including other occupants as stakeholders for information.

3.3 NATURE AND FORMS OF ABUSES OF THE RIGHTS OF SETTLERS

The leaders of the Bakiiga people stated that the Bakiga settlers had originally lived in Mpokya for over thirty years before they resettled in Kibaale District. While in Mpokya which was in itself a Gombolola with government officials running it, the Bakiga also held administrative offices and owned land which was given to them lawfully many years

ago by the King of Tooro through agreements with the leadership of Kigezi (presently Kabale, Kisoro and Rukungiri).

In 1992 however, the Bakiga settlers were suddenly told to leave the Mpokya area on the grounds that it was a forest reserve. The settlers disputed the claim that the area was a forest reserve and ignored the directives that they were expected to vacate the area and more especially the threats that they should leave and go back to where they came from. The Bakiga construed the aforestated as a move by Batooro, particularly within and through the Kabalore District Administration, who did not want the Bakiga on their land anymore. As a result, the Bakiga settlers in the said area were later ruthlessly evicted without adequate notice. The District police and other men in khaki uniform carried out the evictions.

According to the settlers, the said evictions had far reaching and unfortunate lasting effects and impact on their lives. During the process of the said evictions, the settlers lost their land, houses were burnt, plantations cut down, gardens destroyed and women and young girls were raped and several other people assaulted. As a result, they became homeless and had to organize themselves in camps. Some of them were sleeping in classrooms of schools like Rwimi primary school for one month. They were inevitably forced to resettle in a place called Kisiita and the means of earning a living are through planting crops for sale and saving some to eat.

The right to fair treatment.

On a more serious and sad note, some of the homeless people used to sleep in bushes and as a result, many died from infectious diseases and exposure to cold and related hostile conditions. The majority of the victims were women, children and the elderly. Education was at a stand still as schools were destroyed as well as health centers, which inevitably led to a lack of medical attention. In order to make ends meet, the people worked for others so as to get food.

Having suffered greatly for a period of about six (6) months, the settlers made an appeal for help to the Government and consequently they were resettled in Kisiita. The new place had to be cleared of Bush so as to plant crops and set up infrastructure. The Government made several attempts to facilitate the settlement in Kisiita and accordingly promised to make provision for access to water. This was eventually done though the water was not enough for all the settlers. Over time, a number of schools and other infrastructure such as roads have been constructed though most of them are presently in very poor condition.

Subsequently after being resettled, a few of the affected individuals organized themselves and successfully sued the government for compensation in the case of **Benon Turyamureeba and others versus Attorney General**.⁶¹ This suit was not instituted severally and jointly as representative of the whole group evicted from Mpokya because other people were afraid of instituting a case against government on the assumption that the government cannot be sued. The successful litigants state that though they were compensated, Government had not taken the initiative but had been compelled to do so by court order.

They further elaborated that despite the foregoing; the Banyoro had at all material times never welcomed the presence of the Bakiga when they first arrived. Somehow the two groups of people had managed to live in harmony until the 2002 Local Council Elections when one Mr. Ahabwe Ruremera, a Mukiga, contested for the position of District Chairman and emerged as winner. The Banyoro disputed the results, which disgruntlement culminated in clashes and needless to state, the pertinent issue resolved around why the Bakiga were brought to Kibaale in the first place. It was against this background that the Banyoro were adamant on the fact that the settlers could not be allowed to have land and in addition to the said courtesy, acquire political power.

⁶¹Civil suit NO 207 of 1993

In this study, the testimony of the Banyoro respondents was that they had suffered a lot under Baganda chiefs who actually took most of their land. They have since then been trying to retrieve the said land. It is this factor that the Banyoro resolved that they could under no circumstances give their land to the Bakiiga; after all, the government did not consult them when they were coming in. The Banyoro however stated that they had no problem with Bakiiga especially those staying in Kagadi since these had settled in the area many years ago. They were therefore concerned that save for the fact that the Bakiiga had and were pursuing and competing for posts in the local councils including LC 1, LC2 and LC3, what they found unacceptable was for the Bakiga to contest and take the chairmanship of the District.

The Banyoros' reservations and opinions against the Bakiga were based on the fact that they had given the Bakiiga land for cultivation and subsequently the Bakiga had made bountiful harvests from which they got lots of money. It is on this basis that the Banyoro concluded that the Bakiga were empowered out of courtesy but developed an ambition for political power. However, despite the fact that the general conflict was based on political issues, the Bakiga had not been primarily interested in political power but in acquisition and occupation of land in Kibaale for settlement. The Banyoro however were greatly concerned that by a Mukiga becoming a District chairperson, they would lose their District. In their opinion, the Banyoro stated that their reservations and concerns were not based on tribalistic stigma but they were and are just avoiding another 'Buganda administration' in form of the Bakiiga.

From the respondents' views, various issues in relation to the rights of settlers have been raised in relation to involuntary and voluntary settlements. In the discussions with the respondents, it was noted that various rights have been abused.

The right not to be discriminated against.

Article 21 of the Constitution states that all persons are equal and that no person shall be discriminated against on grounds of race, ethnic origin, tribe, or social or economic standing, political opinion or disability. However according to the findings of this research the aforementioned provision has been abused especially where the issues affecting the people of Kibaale have been predominately in respect to discrimination on grounds of tribe and ethnic origin.

Further as a case in point, in preparation of the eviction by the local government of Kabalore District and throughout the process of eviction, the Banyoro effected it in a rush and ruthless manner that exposed some elements of discrimination since they were predominantly Batooro against the Bakiiga. In the case of **Benon Turyamureeba and others versus the Attorney General and another**,⁶² Justice Mukanza stated that '*the committee blamed the District administration of Kabalore and the Chairman (local council 5), Mr. Nyakazongo, that the eviction was motivated by malice and sectarianism, even though the exercise of eviction was a policy of the government*'. (Emphasis mine)

The foregoing position is clearly highlighted in the fact that the Banyoro were adamant that the Bakiiga were not eligible to hold political offices in the District. As a result, this caused serious tension that culminated in the clashes between the two groups of people and consequently the loss of land by some people. The Bakiiga have been, in the circumstances, referred to as the *Bafirukyi* (settlers) and therefore not recognized as part of Kibaale District. The component of discrimination seen here is evidence that 'ethnicity is a reality in Uganda⁶³'. Whereas the Constitution clearly provides against discrimination, it does not address the practical aspect of how people can fight it or make amends of its outcomes. This position has been obviously left to Parliament. Discrimination therefore is an inevitable outcome especially in situations involving

⁶² Ibid

immigrants into a community. Any given group of people in Uganda and the world over who migrate or resettle in other areas are likely to face discrimination and this research's key conclusion is that it should be treated as a predetermining factor before any resettlement of people is undertaken.

The right to life

Article 22(1) of the Constitution of the Republic of Uganda provides for the respect and preservation of life. It states that no person should be deprived of life intentionally. However as revealed in this study, the methods and the process of resettlement of the Bakiga in Kibaale showed that the Bakiga settlers' right to life was accordingly infringed. The clashes between the divergent groups resulted in death in some cases as evidenced in the Mpokya incidents in 1992.

Other economic and social rights

Education

The right to life has been interpreted to include other economic and social rights that are necessary for one's well being. These include the right to education under Article 30 of the Constitution of Uganda, to the effect that all persons have a right to education. Education in effect improves dignity, quality and qualifications of individuals which comes in as advantageous where persons are to be employed with reasonable jobs that afford sustainable income.

Healthy and clean environment

Article 39 of the Constitution provides for a healthy and clean environment. In principle the law stipulates that a person cannot survive in an unhealthy environment since the same, more often than not, fosters diseases and most times death. In the Kibaale incident when the Bakiga were evicted, they were forced to dwell under unfavourable conditions

⁶³ Supra p 15

for about six months until they got relief from the Government. Such evictions meant that in most cases the affected persons would have no shelter, lack food and medical facilities and eventually die.

As aforementioned, during the said eviction it is evident that the rights of the affected settlers were violated. The evictions lead to public out cry in Uganda and from an international perspective, were viewed as contrary to international instruments such as the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** of which Uganda is a signatory. Despite the provisions in the international instruments stipulating for human rights advocacy by member states, enforcement of the same has not been easy.

The right to own property and protection of personal property

Article 26 of the Constitution states that ‘no person shall be compulsorily deprived of property or any interest in or right over property except under conditions requiring possession or acquisition of land for public use. The Constitution stipulates that compulsory acquisition of property must be done pursuant to prescribed law and should have provision for prompt payment of fair and adequate compensation. It further stipulates that any affected persons should by right have access to a court of law to protect their interests.

In this case study, the findings indicate that the property of the Bakiiga in Mpokya was destroyed in pursuit of “public interest”. The Government stated that the evictions from the areas in issue were done to conserve the environment for the general good of the whole public.

In consideration of the aforementioned, it is a considered opinion that since the land was being taken in public interest, the affected persons should have been compensated in accordance with the law since they were not encroachers but people legally and properly

in occupation of the said area. However, this was not done, only about 132 persons were compensated. The said compensation was as a result of the previously mentioned civil suit, **Benon Turyamureeba and others versus Attorney General and another**⁶⁴ wherein Justice Mukanza held that the 132 plaintiffs have proved their case on a balance of probabilities. The trial Judge entered judgment in their favor having agreed with the learned counsels that compensation of shillings 10 million to each plaintiff was adequate in general damages.

The above case showed the extent to which individuals had to fight to have the Government recognize their right to property. It was evident that the Government did little or nothing to respect, uphold and promote rights and freedoms as stipulated under Chapter 4 of the Constitution and more particularly, as required by Article 20(2) therein.

Right to political association and participation

Article 1(4) of the Constitution provides that the people shall express their will and consent on who shall govern them and how they should be governed through regular free and fair elections of their representatives or through a referendum.

Kibaale District held free and fair elections in 2002 where Mr. Ahabwe Ruremeera, a Mukiga, emerged as winner in the LC'S Chairmanship elections against the incumbent who was a Munyoro. The election results caused a lot of violence and opposition from the Banyoro and subsequently the situation degenerated into anarchy with people violently attacking each other until the President of the Republic of Uganda intervened and a compromise candidate was chosen. The President's intervention was absolutely necessary and timely because it was a stopgap measure although it did not provide a permanent solution because it was in principle unconstitutional.

⁶⁴ Op cit

The intervention undertaken to diffuse the above problems should have been an opportunity to enforce the Constitutional provisions. The Government should have resorted to the enforcement and upholding of the constitutional provisions.

The Ruremeera saga has since had tremendous impact on the Bakiiga status in Kibaale who despite living many years in Kibaale District, they are still viewed as foreigners yet they no longer belong to Kabale. A lacuna has therefore been created in the politics of Kibaale as was evidenced by the denial of the Bakiiga of their right to freely participate in the politics of Kibaale. The basis of these events is seen in the placement of a compromise candidate without serious consideration of a clear legal and political framework defining and providing for a practical plan for the Bakiiga to be able to participate in the future politics of Kibaale. In the present scenario, there is pending fear among the settlers especially that the Country is about to enter another election period in 2006. It can be stated that it will be very easy to deny them rights to stand and take up political offices even in the future.

Notwithstanding the above position, the Banyoro feel that the government did the right thing. As a result, the Bakiiga are full of fear and anxiety in respect to their future permanent stay in Kibaale. It is therefore a matter of concern that the highlighted discriminatory tendencies will end. It is important that in addressing this issue the relevant authorities give due consideration to the rights of the Bakiiga and by recognizing them as part of Kibaale. It is worth noting that as long as Government takes sides without fairness and justice, it will be difficult to avoid the conflicts between the two ethnic groups. The said tendencies are normally as a result of problematic internal relationships between the state and individual citizens and inevitably fuel the neglect and abuse of human rights. Despite those violations, government with the aid of non-governmental organizations (NGOs) has come in to help build primary schools in resettlement areas, water was given through building bore holes, though it is still a problem since the water is not enough. Oxfam, a non-governmental organization gave them relief for two years providing food and seeds for planting immediately after resettlement.

***3.4 NATURE OF LAND IN KIBAALE AND THE IMPLIMENTATION OF THE LAND ACT, CAP 277**

(a) Nature of land Holding in Kibaale

All respondents gave views that the issue of land in Kibaale is complex and it should be treated as a special case from other parts of the country when attempting to solve the problems of land and resettlement in Kibaale District. According to the respondents from the District head offices, they stated that the Banyoro's land was taken under the 1900 Buganda Agreement. Subsequently, the land was given back to them in 1965 after a referendum but the titles remained with Baganda who were later referred to as absentee landlords. This created a lot of vacant and unutilized land in Kibaale. Later, government brought people to settle in Kibaale under resettlement schemes, especially the Bakiiga who were at first seen as a blessing because they were clearing bushes that were a problem because they were harboring diseases and wild animals. As a result, Kibaale people can be described as Lawful or bonafide occupants but the majorities are squatters on the land because they do not have land titles for their land.

The problem is has become more complex in situations where settlers who legally do not own land pass on land to their relatives. Selling land is going on normally, despite the controversies of land ownership in Kibaale, people move in Kibaale illegitimately without introduction letters from the local councils in Kabale and neither do they report to the authorities in Kibaale that they have arrived. This is because there is no enforcement mechanism in operation to curtail their actions as to settlement anywhere in Uganda neither is there any guidance or policy on how this should be done for purposes of planning and development of the area in preparation of the District budget and goals.

It is stated that there is a problem of willing buyer and seller that goes on unregulated, which has encouraged more people to come and settle in Kibaale. The exchange cannot

be stopped especially among peasants who depend on land because of problems like poverty. These people have no option but to sell their land to be able to survive and meet day-to-day needs like paying school fees. Further, land in Kabale is very expensive and scarce due to the system of hereditary means of acquiring land, yet in Kibaale, the land is in abundance and cheap. Despite the promises made by the government to provide the settlers with the land titles within two years, it is now over 12 years and even an appeal for a general land title was rejected. This however does not stop them from selling their land, each family head was given 12 acres of land and they state that they have sold part of their land to willing buyers.

The presence of politics has affected land in Kibaale since the land of the Banyoro was taken and given to Buganda as retribution in response to King Kabalega's resistance to colonial rule. This is because land was a political asset. Since then division of land in Kibaale has been, to an extent, influenced by politics. This has been persistent due to the absence of a sufficient national land policy that would be used to regulate individual and politically driven interests in movements of people and the later buying or acquiring land in that place.

(b) The Land Act 1998 as Amended by the Land (Amendment) Act 2004

From the field study conducted in June 2005, the respondents from Kibaale district land office in were of the view that considerably attention has been given by the law to land problems generally. Pursuant to the provisions of the Act, a land tribunal was established in Kibaale in 2001.

The said land tribunal has over the years during its existence handled matters relating to boundary conflicts as well as tenant and landlord issues on the land. They state that they have not handled a conflict between a Mukiiga and a Munyoro in relation to land. Though those conflicts are there, such people prefer going to the District Chairman or the Resident District Commissioner. The said process has afforded an alternative to conflict

resolution regarding land matters and consequently this has reduced most of the conflicts since the same are handled and advice is accordingly given to the concerned parties.

However while the land Act as amended provides under section 74(7) that the Chairperson of a District Land Tribunal shall be appointed on a full time basis, in the field in Kibaale for example, the position is that presently the chairperson of the Kibaale land tribunal rotates in the three Districts of Kibaale, Masindi and Hoima. The lack of a full time chairperson creates delays in handling of land disputes and therefore emphasizes the need to have a permanent chairperson to expeditiously and effectively handle any land matters. On the whole however, another crucial factor hindering progress in land matters is a result of inadequate funding and allowances hence need for improvement in salaries and related job benefits.

Further pursuant to the provisions of the law the administration of Kibaale has established land committees at sub county level. Kibaale district has nineteen sub counties and sixteen of them have land committees and despite the fact that the said committees have not been fully set up yet, work is in progress. In practice the sub county land committees and the National Land Task Force expected to visit the land, demarcate it and give certificates of occupancy and later after the land has been surveyed a certificate of land title may be issued.

Presently in Kibaale the land committees are handling public land matters and distribution of land for example in Nkooko subcounty. On a wider perspective, the local people are involved in the distribution whereby they are encouraged to apply for any vacant plots of land and pursuant thereto the majority of applicants have come from Bunyoro. The land committees are also advising the public to formally apply for the land they are already occupying, for example a person owning customary land is advised to apply for a customary certificate. All applications are submitted to and through the land committee that accordingly forwards them to the land board at the district level. However

the locals have made reports to the land committees regarding a concern that people apply for land as settlers with the intention of bringing in relatives to occupy that land. This is being discouraged because they want to give the land to the people who have lived in Kibaale for many years.

There is further the District Land Board in Kibaale that has been in charge of distribution of public land and has in execution of its duties been involved in distribution of land in Nkooko Sub County. The Board allocates land on advice of the land committees taking into account whether the land has been allocated or not. In the process lawful and bonafide occupants are given due consideration save for voluntary migrants, most of whom are squatters, who are not to be considered. They state that the District Land Board is not handling Mailo Land that is part of Kibaale because it is in the hands of the government due to the fact that land is being bought from absentee landlords by the government. The Baganda, who have land titles sign transfers to the government of Uganda, which land is vested in the Uganda Land Commission.

The Uganda Land Commission in dealing with land matters in Kibaale intends acquire the land and establish lease interests on the land. Presently the land is occupied by squatters the squatter will have a lease interest in the land. This is not yet in place but will follow after the handling of public land. In light of the foregoing, it is intended that land acquired by government in Kibaale will accordingly be distributed to proven and proper bonafide occupants.

On the other hand, taking into account the nature and historical events of land in Kibaale, the pertinent question is who is a bonafide occupant? The Land Act under section 29(2) describes a bonafide occupant as one who has before the coming in force of the constitution been settled on the land for twelve years without being challenged or has been settled on the land by the government. In light of that provision, persons especially

relatives of the settlers who have continued to settle in the area and have spent only six or ten years, may not necessarily be considered.

The land committee in Kibaale has made several attempts to implement the provisions of the Land Act and has handled all matters relating to the rights of occupancy of the settlers provided that concerned parties have lodged a complaint. Despite the variable considerations required in matters as in Kibaale, the committee has handled what they can and other relevant duties under the law are gradually being accommodated. The most determining factor affecting the ease in application of the law is due to the fact that matters pertaining to resettlements are not expressly provided for in the Act.

The Land Act was initially received with great anticipation though it appeared as though it did not afford tangible reform in the land systems of Uganda in light of the historical background of the said systems and tenures since it did not lead to redistribution of rights in the land amongst the landless and poor which group comprises the settlers.

3.5 GOVERNMENT INTERVENTION IN RESETTLEMENT

Throughout the question of settlers in kibaale, government was blamed by all the respondents in one way or another that their actions were wrong or did not take action in particular instances. There was confusion over the eviction policy. The forest department insisted that the people in Mpokya were encroachers while government was not taking this seriously, after all the people of Mpokya were encouraged to be in that place by the government by providing services like schools, health centers and they were paying taxes.

Later on the government approved the eviction of the encroachers and there was an outcry about the accruing large numbers of homeless people. Government has set up a

cabinet committee to look into the eviction process. Mr. Samuel Mugerwa who was then the Minister of Luwero Triangle headed this committee. The committee comprised of other ministers and they were to inquire into allegations that the people were mistreated and properties burnt. The forest and game department guided them. The committees concluded that the means of eviction were lawful and the use of force was necessary in the circumstances. Government did not allocate suitable land for the evicted people; one can state that maybe the government did not intend to evict the settlers, eventually the eviction was carried out ruthlessly, under no statutory instrument and it led to people being settled on private land and thus making it more complicated because government had to compensate the owners of this land.

The eviction policy was regarded as uniform for all game parks and reserves in Uganda where people had encroached on them. There was however a need of having a flexible policy towards eviction given in special circumstances of some areas. In particular, there was uncertainty over the boundaries of the Kibaale game reserve and the forest reserve. Over the years the boundaries would be defined and by the time they evicted the encroachers, they had two boundaries, which put the forest department in confusion. One of the leaders of the Mpokya residents is quoted in the Cabinet Committee Report as saying that 'the peasants knew and respected the forest boundary and there was no family living in the forest.'⁶⁵ Thus the eviction took place without recognition of any boundary and that affected everybody in that place.

The government stated that if their actions were due to the fact that people were settling in the game corridor thus attention was given to the game corridor other than the human beings in the area. The actions showed that people in Mpokya were illegally there which was not true according to Justice Mukanza in the case of **Turyamureeba and others versus Attorney General and another**, in the judgment stated that 'I do not agree with the fact that the encroachers were settled without the knowledge of the government because they had settled in the area with the understanding of the government, that they

should have been treated differently from other encroachers/ evictees who were sent away from the rest of the country'. This shows that the exercise of evicting and resettling people was done in haste. It is still uncompleted due to that; government is still compensating some absentee landlords, which is a setback in development.

The absence of a national land policy and policy on resettlement has contributed to the land conflicts, when people move from one area to another they have an effect on the land of the place of settlement. These movements are due to increase in population yet government does not have strong policies on population control in relation to land. This is also regardless of the fact that population has a direct effect on why land changes hands. This leads to uncertainty in planning for the District because they are not only aware of how many people joined their District in a particular time, but also how their important resource of land is being exchanged for utilization.

3.6 SOCIAL PROBLEMS

Resettlement gives rise to legal, economic, social and environmental problems. Socially the production systems were destroyed and income resources lost and people relocated to environments where their social and reproductive skills were less applicable. There is competition of resources in the new location since they are not enough, for example there are a few water points, schools and hardly any fully facilitated health center. When government is responsible for resettling it should in turn cater for their social well being for example there was clear manifestation of food insecurity during the process of eviction and the immediate aftermath of resettlement thus the sudden drop in food production and loss of harvest caused severe long term hardships. This is because rebuilding the production capacity at a new place took very many years and this led to poverty and retarded development. Unless appropriate measures are carefully planned and carried out to cater for the social needs of the people before resettlement, which was not done in the case of the Bakiiga in Kibaale, it may lead to serious social problems that hamper development of the area.

⁶⁵ Cabinet Committee Report 1994 P14

CHAPTER 4

RECOMMENDATIONS AND CONCLUSIONS

4.1 INTRODUCTION

In this chapter, recommendations and conclusions are presented in relation to the objectives of the study. In view of the identified problems, a number of recommendations are hereby presented.

4.2 RECOMMENDATIONS

4.1 .1 Sensitization of the public

There is need to sensitize the settlers on their rights to property, the dangers of land fragmentation that hampers investment in land practices of subdivision of land which eventually leads to landlessness in highly densely populated areas that lead to the movement of people should be avoided. The government with the help of non-governmental organizations (NGOs) should do sensitization. Education campaigns should be used. This should target mainly local councils, cultural leaders, district leaders and these in turn will mobilize and educate the people at the grass roots.

Programs should be conducted through mass media, radios, seminars and visiting the affected areas and take appropriate action.

4.1.2 A Complaint desk should be made

A complaint desk is vital in observing the rights of settlers. People at the desk should attend to all complaints. Effective legal action that requires mechanisms that allow

individual complaints should be set up. This in turn creates pressure to ensure respect for basic rights. A complaint desk will help people whose rights have been violated especially by the government and think that it is an insurmountable defendant and therefore makes no effort to pursue their rights. These people in most cases stand a chance of being awarded damages.

A case in point is when people were evicted and were required to organize themselves to sue the government, though some of them were unwilling to do so. When the general public is aware of their rights, they can easily demand for their enforcement and this also acts as deterrence to people who intend to violate their rights.

4.1.3 Strengthening the land offices

The district land office of Kibaale is not well furnished. Thus there is need to increase the funding for the officers and increase the number of officers so as to boost their work incentive. There is need to have a permanent chairperson for the land tribunal in Kibaale since he rotates in other Districts. This will lead to effective handling of the cases since justice delayed is justice denied. The administration of land in Kibaale District is still under Kabalore District. There is need to transfer it to Kibaale so that the problem of land titles is solved.

4.1.4 Land management

The government should improve generally the land management by encouraging reforms in management especially in densely populated areas like Kabale by avoiding poor land management practices, for example hereditary means of passing on land and selling or owning of small-scattered plots that later lead to a class of landless people that will definitely need to migrate. Bakiiga are mainly cultivators on subsistence level thus they

depend totally on what is produced on land. There is need to improve land output for example encouraging production for commercial purposes that will increase the economic status of the rural people instead of giving them an option to move.

The emigration of people from densely populated areas to Kibaale does not provide a lasting solution. On the contrary, attempts should be made to improve the people's management of their land in their respective places to avoid the problems associated with migration.

4.1.5 Government participation

International law through international instruments emphasizes interdependence of states in the struggle to achieve social, economic, and cultural rights. The states are called on to co-operate and this is an obligation to every state that ratifies the instruments. Since Uganda is a signatory to various instruments, the government should endeavor to promote rights of its citizens enshrined in the Constitution. Emphasis should be put on enforcement and implementation because the problem has been in this area.

In carrying out eviction, the government should give adequate notice to the people to vacate the place and be given such a period so as to organize themselves and dispose off what they want to dispose off without having to do it in a hurry. If such people do not adhere to the promise they should be taken to court to await their fate.

4.1.6 Strengthening and amending the existing legislation

The fact that there is no law in Uganda that clearly defines remedies for resettlement that arise out of government projects like conservation of wild life, there should be a policy that seeks to amend the existing legislation to ensure that conservation projects do not

leave impacts different from what it was meant to be. There is need to strengthen the existing legal framework especially in areas affected by resettlement like Kibaale. The law should be strictly followed to ensure that resettlement schemes are not worse off than they were before inception of the projects that resulted into resettlement.

Legislation should strictly address compensation, resettlement, and rehabilitation of the settlers. The main objective of the law and other authoritative guidelines ought to be that of coming up with reasonable, acceptable, legal and institutional guidelines both at international and national level in search of a fair and cautious approach to a problem as complex as resettlement and associated requirements like construction of roads in the new location.

4.1.7 Need for planning and national policies

There is need for a national land policy due to the direct consequences experienced in implementing a comprehensive land law without a national policy framework to compliment it. A national land policy would be divided in that each District will have its own policy. Special emphasis should be put on Kibaale since it has had carious land conflicts that are unique and different from other parts of the country. Kibaale and Uganda in general, needs a national resettlement policy to complement other policies. This is because matters concerning resettlement have become complicated and immediate interventions together with uncoordinated responses to resettlement as it arises can no longer work because much of the information is known but acting on it has been the problem. The policies should articulate clearly the procedures to be used in the eviction process on the people known as encroachers and mark out clearly the process of resettlement. In particular, people without any other any form of livelihood should not be chased off land without a plan of how they will start again.

The policy should emphasize transparent resettlement both for voluntary and involuntary. In Kibaale, resettlement needs attention because it has not yet been fully resolved to the extent that up to now people do not have land titles and feel insecure that since they do not have conclusive evidence that they own the land, what happened to them in Mpokya might happen to them again.

It is important to draft a plan that includes details of proposed actions, schedules, budgets and proofs that people will be able to return back to their former standards of living and income earning occupations on clearly defined principles. The plan should respect human rights especially the right to property to ensure sustainable live hood in the new location. Resettlement parse should not be an after thought to a project but should be part of the project design. Proper planning in the areas of immigration is needed in order to promote economic development and the plans that are formulated

Strategic plans should be made, for example, mapping out areas for future immigration to avoid conflicts of people settling on vacant land that they come across without government's awareness. During planning and policy making all alternatives to eviction of people and subsequent resettlement should be exhausted first to minimize population movements and the costs that are associated with. It is therefore necessary to have a good policy and planning guidelines and organizations with adequate resources to handle land and resettlement issues with an appropriate legal framework. These policies should not be static, they should be made or amended from time to time as need arises.

4.1.8 There should be peaceful co-existence

Government should encourage people to live in peace together as Ugandans and avoid ethnic tendencies. The spirit of the Constitution should be emphasized that Ugandans can settle in any place in Uganda (Article 29(2)). Problems encountered should be handled objectively.

4.1.9 There should be public participation

The principle of public participation in areas of resettlement is important much as it is in environment fields and development. Local communities, both settler and host communities, have a vital role to play in resettlement programmes.

A. Settler Community

Resettlement planning implies critical decisions regarding the future of the settler population and it is therefore incumbent upon the implementing agencies to seek their participation. The World Bank Guidelines provide for consultation directly or indirectly through their informal or formal leader that in turn helps to improve the understanding of their needs, resources, and preferences and prevent costly mistakes. Dissemination of information about impending relocation, settler's rights and compensation procedures and views should be obtained. Public participation is an indispensable aspect of resettlement planning because including them in the location process can enhance their understanding of the process and helps get their cooperation on the whole process. It is necessary to hold negotiations with them so as to bring out the whole exercise as a democratic one. The rationale is to make the settlers feel in control of their situation this should be done early in the planning process and they should be well informed of the process of resettlement so that they make informed decisions.

b. Host community

When planning for resettlement, so much is involved but it is important to take into account the host community. It makes available land resources and share their infrastructure. The host community welcome the settlers under the impression that they will share in development benefits with them and may go either and yet still they have to compete for the other services that are there. Thus the government in the planning process should ensure that the host population is represented. This provides for

opportunities to learn about the needs and aspirations of those groups and is a forum to discuss resettlement proposals and help in reaching basic agreements.

4.3CONCLUSION

Since land is the greatest asset the government has, they should be concerned on how it is being divided and subdivided. The government has the responsibility to protect people in resettlement areas to eliminate the risks of impoverishment. This should be done in accordance with the law. Implementation of the recommendations given will be successful when the government unites Banyoro and Bakiga for the development of Kibaale Thus there is need of combined efforts of the people of Kibaale and the government.

The research has obtained results indicating that the Land Act has been implemented in Kibaale however in relation to the settlers it has not been directly applicable to them especially in the process of resettlement. The rights of the settlers have been grossly violated and there is no policy on resettlement. Despite that, government has been instrumental in involuntary resettlement whereas voluntary resettlement is going on even now with no regulation.

REFERENCES

1. **Nyangabyaki Bazaara** "Civil Society and the Struggle for Land Rights for Marginalized Groups." *The contribution of the Uganda land Alliance to the Land Act 1998*.
2. **Karugire, S R** (1987) *A Political History of Uganda*, Nairobi, London, Heinemann Educational Books.
3. **Mohammed Kulumba** (2002) *Ethno-Centralism and Movement Politics in Uganda: An Analysis of Ethnic Conflict in Kibaale*.
4. **Robin Palmer** (2003) "Struggling to Secure and Defend the Rights of the Poor in Africa": *The Case of Uganda*.
5. **Augustus Nuwagaba** (2002) *Land Tenure and ethnic Conflict in Uganda; The Kibaale Question*.
6. **Margaret Rudadya** (1999) *Land Reform: The Ugandan Experience*.
7. **Kabera L.J** (1982) Rural Population Redistribution in Uganda since 1900.
8. **Mark A. Marquardt**, "Settlement and Resettlement Experiences from Uganda's National Parks and Reserves"
9. **W A Leach** (1997) *Disturbance On Compulsory Purchase* 3rd Edition.
10. **Michael M Cernae**: *Involuntary Resettlement in Bank Financed Projects*.
12. **Ian Brownlie**: *Principles of Public International Law* 3rd Edition. English Language Book Society Oxford
13. **N Morongwe**, "Finding the place for Restitution in Zimbabwe's land Reforms".
14. **Tom Lebert** "An Introduction to land and Agrarian Reform in Zimbabwe".
15. **Cynthia C Cook**: *Involuntary Resettlement in Africa*
16. **Aaron K.Kabweru Mukwaya** Uganda Riding the Political Tiger. *Security and Wars in the Great Lakes Region* Kampala 2004
17. **Aaron K Kabweru Mukwaya**: Ugandas Fundamental Change, *Domestic and External Dynamics of Conflicts and Development* Makerere University Printery Kampala 2005
18. **Prof. F.E.Byarugaba** A Report on Kibaale District (2002)
19. Cabinet Committee Report 1994

MAKERERE

P.O. Box 7062 Kampala Uganda
Fax: 256-41-543110/532956
E-mail: lawdean@makulaw.ac.ug



UNIVERSITY

Tel: 532971 • Direct: 542264
Assoc. Dean: 530060
Fac. Administrator: 543508

FACULTY OF LAW
Office of the Dean

April 08th, 2005

TO WHOM IT MAY CONCERN

RE: REQUEST FOR PERMISSION TO HAVE ACCESS TO INFORMATION

This is to introduce Ms. KATUSHABE Prossy, Registration Number 01/U/5650/Eve, a fourth year student in the Faculty of Law, Makerere University. She would like to have access to information to be used in research work for her Thesis, titled: *A Social Legal Analysis of the Voluntary and involuntary Migration of Bakiga in Kibaale District*

I would be grateful for any assistance rendered to her.

Sincerely,

Sylvia Tamale Ph.D,
Dean of Law.



APPENDIX 2

QUESTIONNAIRE/INTERVIEW.

Name.....

Age.....

Dear respondent, you have been randomly selected to participate in an inquiry on the socio-legal analysis of the voluntary and involuntary resettlement of Bakiga in Kibaale District, Results will not be used for any other purpose other than the fulfillment of Bachelor's Degree in law.

How did u come to kibaale?

.....
.....

Who brought you to Kibaale government or self-initiative?

.....

For how long have u stayed in Kibaale District?

.....

Why did they bring you to Kibaale or why did you choose it?

.....
.....

How did the locals treat Bakiga, are they friendly or treat you as foreigners on their land?

.....
.....

Briefly state what you know about the resettlement of Bakiga in Kibaale District?

.....

.....

What problems did the Bakiga face during and after resettlement in this land?

.....

.....

What programs has the government set up to help you solve problems of Bakiga in Kibaale?.....

.....

.....

How effective has it been done?

.....

.....

What do you think should be done to overcome these problems?

.....

.....

.....

What do you think is the future of Bakiga in Kibaale do u see yourselves settling on this land for good or eventually you may not stand the pressure and you decide to go elsewhere?

THANK YOU

APPENDIX 3

QUESTIONNAIRE/INTERVIEW

Name

Age

Profession/Occupation

Dear respondent, you have been randomly selected to participate in an inquiry on the socio-legal analysis of the voluntary and involuntary resettlement of Bakiga in Kibaale District. Results will not be used for any other purpose other than fulfillment of Bachelor's Degree in law.

How long have u stayed in Kibaale?

.....

Briefly state what you know about the resettlement of the Bakiga both involuntary and voluntary?.....

.....

What policies are in place on enabling the settlers to acquire land?

.....

.....

How effective have they been?

.....

.....

Do you think the Land Act been effective in solving the land problems in Kibaale?

.....

.....

If yes, how?

.....

.....

If no, what are the loopholes in the Act and what do you think should be done?

.....

When problems of land arise which bodies have addressed them? Have for instance the land tribunals or land committee intervened?

.....

.....

If they have intervened, then how?

.....

.....

If no, why have they failed?

.....

.....

Do you think there should be another law or policy specifically addressing the problems the settlers are facing and what do think should be included?

.....

.....

Have settlers enjoyed any rights, powers or privileges during and after resettlement in this land?.....

How have these rights been abused or promoted?

Do you think the settlers feel safe living in Kibaale or they live in constant fear of loosing their land?

If yes, state briefly why you think so.

If no, why do you think so and what do you think should be done?

Suggest some recommendations

THANK YOU.