

# The Land Question in Central Uganda: Implications to the Universities

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## ABSTRACT

Universities, as centers of knowledge, are expected to foster research, share information, and engage with their communities. In Uganda, where land disputes often impact universities, these institutions have a role in addressing such issues. This qualitative study was conducted in Central Uganda, specifically at four universities located in different districts: Kampala International University in Kampala, Nkumba University in Wakiso, Ndejje University in Luweero, and Muteesa 1 Royal University in Masaka. The study focused on land disputes between 2000 and 2013, a period marked by a surge in university establishments and land conflicts in the region. Twenty individuals were interviewed for this study, including two top university administrators, fifteen lecturers, and three local residents living near the universities. The research aimed to understand the nature of land issues in Central Uganda and their implications for universities. The analysis identified four key themes: the nature of the land problem, land management, land title issues, and the role of university academics in addressing land disputes. The findings revealed widespread land disputes in Central Uganda, with respondents attributing the problems to government inaction, suggesting that the government seems indifferent to the plight of local farmers. Some universities, such as Makerere and Kyambogo, faced conflicts with tenants and land grabbers. Additionally, one public university's leasehold land had expired, and the concerned authorities were seemingly reluctant to renew the lease. The study highlighted several implications for universities, including the need for proper land titles, land fencing, and enhanced community engagement through educating local residents about land laws. It also recommended that the government, particularly the President, take decisive action against land grabbers, as respondents believed that the executive, judiciary, and legislature are all influenced by him.

**Keywords:** Land question; Central Uganda; Implications; Universities.

## INTRODUCTION

By the year 2024, Uganda was home to 52 universities, with 19 located in Central Uganda. These include prominent institutions such as Makerere University, Kyambogo University, Africa Renewal University, ISBAT University, Aga Khan University, Bugema University, Cavendish University Uganda, Clarke International University, International University of East Africa, Islamic University in Uganda, Kampala International University, Kampala University, Muteesa I Royal University, Ndejje University, Nexus International University, Nkumba University, King Ceaser University (formerly St. Augustine International University), St. Lawrence University, Stafford University Uganda, Uganda Christian University, Uganda Martyrs University, Victoria University, University of Kisubi, African Bible University, Metropolitan International University, Team University, and Royal Open University. Many universities outside Central Uganda also maintain liaison centers in the region for student and staff recruitment.

Central Uganda's significance to these institutions stems from its status as the location of the capital city, Kampala, and its relatively higher population and economic profile compared to other regions. Due to the high value of land in this area, educational institutions often encounter disputes with land grabbers. This study aims to explore how these land issues affect universities in Central Uganda.

The term "land question" encompasses various land-related issues, including conflicts between landlords and tenants, disputes among tenants, the eviction of long-term occupants, and the destruction of tenants' property by landlords. These problems prompt several questions: Why do these issues persist? Is there a flaw in the land laws? If so, why hasn't Parliament addressed it? Is the problem related to the implementation of land laws? Why are presidential orders to halt land evictions ignored? These questions lead to a complex cycle of further inquiries (Oxfam, 2011).

### **Problem Statement**

While some universities, particularly public and private religious institutions, own substantial land holdings, issues arise when this land is occupied by tenants (Bibanja holders) who assert their rights as legitimate occupants. For example, Makerere University's land in Katanga near Wandegeya faces such disputes. Additionally, some universities' lands are encroached upon by land grabbers, who are often protected or influential in Uganda. There are also accusations that certain private university founders, including influential businessmen, are involved in encroaching on land adjacent to their universities.

Kyambogo University's land has been at the center of disputes involving various stakeholders such as the Kampala District Land Board, the Ministry of Education, and Buganda Kingdom, representing the estate administrators of the late Christopher Kisosonkole, a relative of the Kabaka. Land grabbing has become a widespread issue, with recent complaints of large-scale evictions across the country. Examples include evictions in Kalangala District by palm oil companies like BIDCO, the displacement of 8,000 people in Bukaleba Forest Reserve by a Norwegian forestry group, and the eviction of 20,000 people in Luwunga Forest Reserve by the New Forest Company (The Independent, April 22, 2021).

These land issues pose significant risks to the future and stability of the local people, as well as the universities. Almost every day, social media report cases of violence accruing from land disputes. Given that primary and secondary schools have already faced arson related to land disputes, universities might also be vulnerable. This study aimed to evaluate the nature of the land problem in Central Uganda and the implications this has on the universities.

### **LITERATURE REVIEW**

Before Uganda became a British protectorate in 1894, land tenure varied among independent kingdoms and chiefdoms, often based on customary practices. Documentary evidence of ownership was rare, and land rights were generally inherited through lineage. In Buganda Kingdom, land was considered the property of the Kabaka, who allowed individuals to own land in their areas, with ownership proven by lineage. In contrast, Acholi land was communally owned for the benefit of the entire community, with few conflicts.

The 1900 Buganda Agreement marked a significant shift, introducing individual land ownership and altering land management. This agreement divided land into Mailo land and Crown land. Mailo land was allocated to the kings, chiefs, and notable individuals, who then issued title certificates to the land. This system created a class of landless peasants who became tenants, paying rent (Busuulu and Envujjo) to landowners. Crown land was reserved for government use, vested in the Queen as custodian. The agreement outlined specific land allocations, leaving common people without land, subject to the authority of the landowners. The 1900 Buganda Agreement and similar agreements in Ankole and Tooro introduced a system where land ownership was concentrated among a few, leading to widespread tenantism and landlessness among the majority.

With the rise of the National Resistance Movement (NRM) government in 1986, Uganda sought to reform land laws to protect land rights. Initial recommendations included privatizing land and granting freehold rights to tenants. A draft law was debated, aiming to align with property rights practices in Central Uganda while other regions maintained customary systems.

The 1995 Constitution recognized four land tenure systems: customary, freehold, mailo, and leasehold. It guaranteed security for bona fide occupants and protection of individual property. However, despite legal protections, illegal and forceful evictions remain prevalent (Kalyango, 2015). A 2008 household survey by

Rugadya et al. for the Ministry of Justice identified land disputes as the most common form of conflict in 20 districts, often leading to other issues such as domestic violence, assaults, and murder. The survey concluded that these disputes highlight deficiencies in land tenure administration, particularly concerning boundaries, ownership, occupation, trespass, fraudulent transactions, and succession.

Some institutions like Kyambogo University are facing land wrangles. For example, the University land has been at the center of the dispute involving several interested parties including Kampala District Land Board, Ministry of Education, and Buganda Kingdom acting on behalf of the estate administrators of the late Christopher Kisosonkole, who was a grandfather to the Kabaka. The conflict reached its peak in February 2021 which prompted the then Minister for Lands, Beti Kamywa to call for a harmonization meeting which later suggested setting up a technical survey team to solve the matter. When the survey of the land was made, they found out that the land in question has two titles with the first one issued in 1962 and another one issued in 2007. Surprisingly, the 2007 title was sitting on two different land tenures (freehold and mailo). The land title issued in 2007 mutated off some land from plot M37 that was registered on the 1962 title and surrendered it to several education agencies but included land from the neighboring Kisosonkole Mailo estate. The report claims that the cadastral boundary of Kyambogo University land as described by plot M902 overlaps into the Kisosonkole Private Mailo Estate by 46.4 hectares. The 46.4 hectares in question currently host Kyambogo University farm, a portion of the University East-End playground, buildings housing the Department of Art and Design, Department of Agriculture, the University Guest House and staff quarters. Other institutions positioned within private mailo land include; Kyambogo College School, Kyambogo Primary School, National Curriculum Development Centre, and Education Standards Agency. Besides the said overlap, the report has also unearthed deviations between the area on the certificates of title and the actual areas on the ground. For instance, the current Kyambogo University certificate of title shows that the institution owns 137.512 hectares of land on plot M902. However, during the boundary opening exercise, it was revealed that 22.748 hectares of the land were not included in the title. The report also reveals that there are three leaseholds on Kyambogo University land along Kyambogo road that were suspiciously allocated to private individuals between 2011 and 2012. The land was allocated to Wanzela Mulebeka, Albino Ijum, and an un-mentioned individual, each was allocated five hectares. Furthermore, the report highlights that over 27 hectares of the university land fall under the gazetted upper Kinawataka wetland as claimed by the Kampala District Land Board. This parcel of land covers informal settlements, junior staff quarters, the university cricket ground, backyards of Kulubya, a portion of Pearl and North Halls of student's residence (The Independent, April 22, 2021). Kyambogo University was also in a fight to evict 300 families on her land measuring 137 acres.

## METHODOLOGY

This was a qualitative study and only twenty respondents were interviewed selected from four universities in Central Uganda. These universities were purposively selected from various districts of Central Uganda. Their selection was on the basis of owning much land in prime areas hence a possibility of the land being encroached on. It was also based on university foundation body or ownership. The assumption was that some university owners are very powerful people in Uganda who can have a stake in land issues in the country or with their neighbours due to the desire to expand the land of their universities. Also, the study purposively included universities teaching law course with an assumption that the law Faculty can be of use to the local Ugandans on land matters since universities are mandated to be involved in community engagement (NCHE, 2020). Only 20 respondents were interviewed. Two of these were university top administrators, 15 were lecturers and three were permanent residents in the neighbourhood of universities. Secondary data was got from newspapers and law reports. Thematic analysis of data was used.

## FINDINGS

### Nature of the land Problem in Central Uganda

A few people and organizations hold land titles for Mailo land, freehold and lease hold but the majority of the people do not have land titles; they are squatters (bibanja holders) on the land belonging to a few people and organizations. As a result, some of those with land titles use threats and intimidation to evict the tenants. Many land lords especially the new ones are rich and hence bribe courts of law to pass/make judgments in their favour

and hence evict tenants. Other landlords use the police and security agencies to intimidate and evict tenants. Land evictions have taken place and are continuing to take place in many districts of the Central, such as Wakiso, Masaka, Nakaseke, Luweero, Ssembabule, Masaka, Kalungu, Bukomansimbi etcetera.

Although the District Land Board and Buganda Land Board at times cause the eviction of tenants after allocating chunks of land to the investors, it is usually argued that it is done in good faith for developmental and employment purposes. Many new landlords evict people and turn the land into animal farms. They usually deliberately let the animals destroy tenants' plantations so that the tenants can be frustrated and hence vacate. Others forcefully take three quarters of the squatters' untitled land (bibanja) and hence the bibanja holders remain with a quarter or less of their original bibanjas so as to get land titles. Others are allegedly using land offices at the district headquarters to steal the aged or less 'connected' landlords land through forging signatures to transfer land ownership in their names without the knowledge of the original land owners.

Secondary sources also indicate that Makerere University owns land in four places of Kampala suburbs of Katalemwa, Kabanyolo, Makindye and Katanga. This land was bought purposely to expand the university activities and boost student's practical learning. The four places occupy 82, 551, 14, 38 acres of land respectively. The institution also owns land outside Kampala estimated to occupy more than 700 acres. Makerere University is also facing a challenge of land encroachment, which has resulted into several land disputes. The institution has been to court on several occasions to secure her land from the illegal claimants. There is a challenge with the illegal settlers; they come and occupy the institution's land, develop businesses on it and also construct permanent structures. When time goes by, they claim to own it (Tuhereze, 2015).

The respondents blamed land-related problems in Central Uganda to the historical 1900 Buganda agreement; to the greed of the people in the NRM government; overpopulation, as well as the acts of lawlessness exhibited by big people in government to take themselves untouchable since they have guns, they fought in the 1981-1986 bush war and are connected to the security organs in the country or have links to them. Although the researcher could not verify these claims, the respondents asserted that the core of the problem is that. Others even brought in tribal sentiments that the people behind land evictions in Central Uganda hail from the West and are strong supporters of NRM. Although they feared to mention names of those people, they claimed that their allegations were true. One respondent even said, *"Can a member of National Unity Platform (NUP) political party, Democratic Party (DP), Uganda Conservative Party (UPC) or Forum for Democratic Change (FDC) party evict people on several villages and the security operatives leave him to go like that? Impossible. He can even be charged of treason or intent to annoy the President...but see what is going on in the country, one man can evict thousands of families on several villages with the help of the police, the army and the government lets him walk freely. And the land from which he has chased people is usually guarded by the police and the soldiers, being paid by the Uganda tax payer's money...that is the Uganda we are in...but even the Obotes and Amin's who used to be oppressive are no more"*

Other respondents hinted on the recent 2024 evictions of people from Wetlands in Lubigi (Kampala and Wakiso districts). They wondered why among all regions it started in Central Uganda, and not in other parts of the country where wetlands are also found and have been occupied by people. Thus, another complicated land question. They also said that it is a common practice for people especially investors to acquire land from the poor in a fraudulent manner. This is usually in a way that the less advantaged are forced into transactions they do not fully understand and it is through such shady transactions that they are lured into passing on their property

The implication of this is that some Ugandans feel that those in power hardly care if the atrocities are committed by their supporters and friends. But should this go on and people keep quiet as if they are fools?

The qualitative analysis of the findings of this study was hinged on four themes namely: university land management; land title issues; as well as the role of university academics. The details are presented as follows.

### **University Land management**

Based on the ongoing wrangles on land belonging to some universities like Kyambogo and Makerere, these problems require the management of universities to manage the universities' land by for example fencing it.

Although it requires a lot of money to fence land which is in tens of acres, atleast cheaper means of fencing can be used for very big acreages of land, such as using Olukoni. One lecturer said, *“Fencing land is very important to prevent illegal occupants or encroachers. It is an automatic sign that that is somebody’s land who does not need encroachers. Although some people are big-headed, it is hard for a person to destroy a fence, enter somebody’s land and start developing it”*. Another informant said, *“Mere fencing of land is not enough, university managers must go ahead and develop the land, such as planting eucalyptus trees, growing coffee and banana plantations on it, etcetera. The managers of universities need to put this in their respective universities’ budgets, afterall many universities with huge chunks of land are also rich. They have the capacity to develop their land, the only challenge is the priority issue. They seemingly don’t put priority on it since it does not fetch immediate returns to the institutions”*

Therefore, despite the economic challenges, the point remains that it is necessary to fence the land and develop it before the land is occupied by encroachers. Otherwise evicting them is hard after they have occupied. *Even the people of central Uganda have a saying that, “Kyazze, tekizzikayo” (a problem comes easily but solving it may prove so hard).*

Nevertheless, the researcher opines that this does not apply to the university land only. Even the neighbours of private universities have to be careful. Some of the founders of these universities are businessmen who, in Uganda’s case are actually untouchable. They have the capacity to encroach on the neighbours’ land if they develop interest in it. Therefore, there is need for the neighbours of private universities also to develop and fence their land to prevent the unscrupulous university owners from encroaching on it.

### **Land title issues**

The respondents noted that the founders and Managers of universities should ensure that the university land is titled. Let them get these land titles and keep them in safe custody and after getting them, it is also necessary to put caveat on them to prevent anybody from doing any transaction on them, such as land transfer. As one Professor contented, *“These days Uganda is full of conmen some of whom are employees of universities. It is not un-common for one’s land title to be transferred in another person’s name without his or her consent. As you are seated at home, you see people coming with a land title claiming to be the real owners of the land you are seated on and on which you have a land title...and remember, the mafias who do these things fear nobody since many times they have a hand in the top security organs of the country. So, one way of preventing this is by caveating the land”*

Relatedly, since universities exist because of parents, some of whom are now victims of land-wrangles, university managers need not sit in swinging chairs and relax. Let them be of help to these people either in their neighborhood or the parents of their students. They can use the Legal department of the university or the Legal Faculty to help these people get land titles for the pieces of land they are occupying. By doing this, the universities will be more relevant to society than they are now.

### **The role of the University academics**

The informants noted that university academics are respected in society and when they speak, people listen to them, so there is need for them not to keep quiet about what is going on in the country about land evictions. A certain neighbor of one university in Kampala said, *“These lecturers are wise men and women. Society listens to them when they talk. They are more far-seeing than ourselves. So, given the land evictions in the country, let them be heard openly condemning the practice. Their voices can be heard quicker than the voice of peasants. They can do this on Radio and Television stations, as well as on social media platforms. Although it is risky to openly condemn the government as one can be branded a rebel collaborator and hence be dragged in the Court Martial, being accused of treason, that must not make us fear, afterall, “Ensi egula mirambo” (fighting for peace involves paying a price).*

When lecturers were asked whether they are ready to pay the price for criticizing the NRM government over its failure to solve land-related wrangles, 58% of the respondents answered in the negative, an indicator that Ugandans are coward, they fear for their lives, are selfish and are easily satisfied. As long as somebody is ok

without challenges, he/she is less concerned about others. Relatedly, though land issues are a problem to many people, to some they are not. Others are renting their residential premises are therefore less concerned with the land evictions going on in the country. It is also an indicator that they are aware of the very cruel way the African Governments (Uganda inclusive) usually react if challenged.

University academics are generally intelligent people who know what happens or happened outside Uganda as far as land issues are concerned, how they were solved and then advise the government of Uganda accordingly. One respondent in a university located in Luweero district said, *“Land wrangles are not new. Even in the developed countries they were there but it is legislation and implementation of the law which helped. I think it is our duty as university academics to inform the government of what was for instance done in Europe to solve this land problem. The academics can even prepare a document and table it in parliament to that effect. The only challenge is that this parliament has majority of the members belonging to the NRM ruling party. They usually pass what their boss wants (The President)”*.

This submission, in the researcher’s view, holds water but the oral respondent’s utterances imply that the President of Uganda is aware of how land-related conflicts have been solved in other continents like Europe but he seemingly benefits from these wrangles. As wrangles continue, the victims call upon his intervention, and when he intervenes, he is seen as a Ugandan savior who should therefore rule until death. That is the nature of Ugandan politics.

Another respondent highlighted the need for University academics to organize seminars for the local people to know their rights on land, as well as the laws related to land. He said, *“Parliament made land-related laws and these laws can really protect the tenants (Bibanja holders) on their land but the problem is that some of these people don’t know their rights and the law. Some unscrupulous land lords for example hide from their tenants and in that way the tenants fail to pay nominal rent for the land they are occupying. The law says that if one fails to pay that tax for three consecutive years, the landlord can evict that tenant. Actually, many landlords evict tenants with orders from courts of the law. Therefore, the local people need to be educated by the university academics on where they can pay that money in case the landlord deliberately disappears so that they can remain being protected by the law. The local people can also be educated on distinguishing between genuine court documents and the fake ones. This is because sometimes people are chased from their land using fake documents from Nasser road”*.

## DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

Firstly, the respondents said that land wrangles in Central Uganda are many and they attributed this to the historical 1900 Buganda Agreement. Truly, this agreement distributed Buganda’s land among a few people like the Kabaka (King), the royal family, the chiefs, the religious groups, as well as the Crown government. This has a bearing on the land-related problems in Central Uganda today because, some of the land is of Mailo type (permanent possession of some individuals and the Kabaka) yet other pieces of land are under the government (District land Board). As this land is sold to the rich, they usually evict the tenants on that land. Whereas this is the case, we need not heap the blame to this agreement; instead the blame should be heaped on parliament. If the agreement was made in 1900 and now it is 2024, is there any provision in the Supreme law of Uganda which states that an agreement of national significance cannot be rectified? If there is a perceived problem in this agreement, why not to amend it? Therefore, the 1900 agreement is just used as a scapegoat. Afterall, even though a few people were given land in this agreement, the grand children of those original landlords are selling to the willing and capable purchasers.

Actually, the 1985 constitution which is Uganda’s supreme law made it illegal to evict bonafide occupants of land from their land. If the evictions are going on, then the problem is with the government and the judiciary. Since African politics is, on average, run by unscrupulous people, it is not surprising that the politicians want these evictions to go on so that they may be seen as saviours when the evicted people cry for their help and the government sends them a Minister pretending to be on the side of the evicted people. The Judiciary, because of corruption, usually make judgements in favour of the rich, thus causing them to evict tenants. This is a disaster.

The issue of tribal sentiments raised by the respondents need not be taken lightly. Although uttering statements

which can create hatred to a certain section of people in Uganda based on their religion or ethnicity is an offence termed sectarianism, and although many people have been arrested and tried in courts of law over that, the solution to the problem does not lie in the island of intimidating those who express their dissatisfaction. Are the leaders blind to see what is going on in the country? Don't they see the people who carry out these evictions? Are they Sudanese or are they Kenyans? How many Okellos have been alleged to evict people from their land? That is like what the people of the Central call, "Okubuzaabuza ng'afuka anaaba" (it is bad to know the truth and pretend that you don't know it). This land grabbing issue is a global problem that has been criticized by several parties and on many occasions. For instance, in the Tirana Declaration 2011 which denounces all forms of land grabbing whether international or national. It also denounces all the local land grabs particularly by powerful local elites within in communities or among family members. Therefore, let the untouchables become touchable.

Tribal sentiments, like religious sentiments can be dangerous. The 1994 Rwandan genocide between the Hutus and Tutsis had its links in the long standing sentiments between the two ethnic groups. In 1992, 5,000 people were killed and another 75,000 displaced in the Rift Valley Province, with the town of Molo being an epicenter of the violence. The conflict was primarily between the Kalenjin and Kikuyu communities with Land ownership cited as one of key reasons for the conflict. In the same country, In 2012, clashes over cattle between the ethnic groups in Samburu District resulted in the deaths of over 40 people including police officers sent to quell the violence. In 2012–2013, there was ethnic violence among the Orma and Pokomo group in the Tana River District who have historically fought over grazing, farmland and water. The suggestion is therefore that the so-called untouchable owners of Uganda should become touchable. Let their boss act instead of just barking. Courts of law despite being claimed to be independent, have some untouchables they may not handle unless they get permission from the boss. Practically, that is what it is although theoretically, nobody is above the law. Universities should prove their relevance to communities by educating the masses on land laws and if possible, the Legal departments of these universities should help the local people who are battling the land-related cases. A leaf should be borrowed from Bill Gates Junior School at Nsangi Trading Centre Opposite Nsangi Police Station (Tel +256 788 362117), ten miles from Kampala on Masaka road which freely offers entrepreneur skills to her neighbors. If a Junior school can do this, what of universities?

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