TRANSACTIONAL LAND DEALS,
AGRARIAN CHANGE AND
LAND GOVERNANCE IN CENTRAL UGANDA

Joshua Maiyo
Transnational Land Deals, Agrarian Change and Land Governance in Central Uganda

Joshua K. Maiyo

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PhD Thesis, Vrije Universiteit Amsterdam, The Netherlands

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geboren te Maraba, Kenia
promotor: prof. dr. G.J. Abbink

copromotor: dr. S.J.T.M. Evers

Committee members: prof. dr. D. Dalakoglou – Vrije Universiteit Amsterdam (Chair)
dr. A.C.M. (Guus) van Westen – Utrecht University
prof. dr. A. Manji – Cardiff University
prof. dr. B. F. White – ISS - Erasmus University Rotterdam
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This dissertation examines how transnational land deals in central Uganda are embedded within long-term historical processes of social formation and state building, and contemporary patterns of decentralised land governance and agrarian modernisation in central Uganda. Using results from an empirical study of cases in Nakaseke district in central Uganda, I analyse the contextual factors, explore the discourses of legitimation and stakeholder relations, and assess the socio-environmental effects of transnational land deals at the local level. The rationale for the research was premised on the high level of public attention – since the food and financial crises starting from 2008 – on what was believed to be an exponential rise in foreign commercial interest in, and acquisitions of arable land in developing countries, particularly in Africa.

The trend was understood to be historically unprecedented. Due to the size of tracts of land acquired and the intensity of its perceived consequences, the phenomenon came to be known popularly as the ‘land rush’ or ‘global land grab’. This sparked new international debates. While some expressed concerns about potentially adverse socio-ecological consequences, others saw it as defining a new era of increased foreign direct investment (FDI) in Africa’s hitherto neglected agriculture sector, thus shaping new discourses about possibilities for agrarian change and development.

The proliferation of high-profile global debates and increased public attention initially drew on anecdotal media reports. However empirical evidence and detailed knowledge about the actual characteristics, processes, and effects of transnational land deals at remained scant. Some of the glaring gaps that persisted in the start of this research included questions as to whether the phenomenon was more hype than reality. Under what circumstances and in what ways did these land deals emerge? What were their characteristics and how did they unfold at the local level? Who were the principle actors involved and what were their roles? Ultimately, what were the effects of these land deals? In the intervening period, many studies have explored various dimensions of these questions and this book seeks to add to the growing body of knowledge on the multi-dimensional complexity of process and location-specific dynamics of transnational land deals. The knowledge generated is aimed at contributing to the sustained public debates and to inform broader conceptual and theoretical understanding of the phenomenon at a global level.

The book consists of nine chapters. In the introductory chapter one, I chart the contours of the research upon which this book is based, as a component of a larger Integrated Programme on foreign large-scale land acquisitions in Africa supported by a grant from the
Dutch Scientific Council NWO-WOTRO. I trace the changes that occurred in the mandate of the research and adjustments in the design from the originally intended case study of a Chinese Free Trade Zone (FTZ) in southern Uganda. I then provide a descriptive account of the process of identifying a new research site and case studies necessitated by altered realities in the field. I briefly introduce the first case study; the Chinese-owned Hanhe Farm, the first of four case studies of transnational land deals in Nakaseke District of central Uganda. I then situate the case-studies and overall research topic within the ontological and epistemological terrain of land-deals research as manifested in contending discourses and conceptual departures of transnational land deals. Here, I argue for and elaborate on the conceptualisation of land deals according to Jan Abbink as practices involving the acquisition by lease or outright transfer of large tracts of arable land, mostly in developing countries, to foreign entities for purposes of agricultural production (Abbink, 2011, p. 1). I conclude by introducing and discussing the main analytical approach used in this study: the Zones of intermediality approach developed by Sandra Evers, which facilitates the analysis of discursive processes of mediation and relational practices between individuals and groups claiming a stake (stakeholders) in land deals.

Chapter two outlines the research methodology including the process and rationale for the selection of research sites at the local government (district), the farms and adjacent villages. This is followed by a more detailed description of the main characteristics of the case-study farms and the research participants at the various sites and levels of analysis. Subsequently, I reflect on the process and strategies used in establishing contact and negotiating access at the various research sites, and the challenges that I encountered and how these influenced the conduct and outcome of the research. I conclude by reflecting on the ethical concerns of confidentiality and protecting the identity of research participants and interrogating my own positionality based on my upbringing immediate post-colonial rural Kenya in Rift-Valley, home of the former white-highlands occupied by colonial settler farmers. I also explore the strengths and deficits of my position as an African, but non-Ugandan researcher starkly deficient in the understanding of the customs and language of the local Baganda people.

In chapter three, I review the literature and recent research on transnational land deals and agriculture modernisation. Here, I interrogate the ways in which dominant and increasingly hegemonic discourses of legitimisation are constructed by various transnational actors that frame land deals as necessary components of agrarian modernisation upon which new pathways to economic growth, social transformation and development can be achieved. From a critical agrarian studies standpoint, I examine the role of the Ugandan state and governmental actors in drawing on the orthodoxy of modernist development discourses to structure policies and programmes in accordance with these ideologies. Relatedly, I explore the trajectory of land-deals scholarship that initially focused on exploratory fact-finding research grounded in associated scalar and causal conceptual
paradigms such as ‘drivers and motivations’, and the size of land-deals. The departure point for my research is informed by the epistemology of political ecology, which adopts a critical stance towards the developmental discourse deployed by various stakeholders. The focus thus shifts to questions of power as manifested in the discourses and practices in transnational land deals and the ways in which stakeholder interactions symbolise and reproduce power asymmetries in processes of land access and control.

Chapter four locates the analysis of transnational land deals in a wider social-historical context of land relations and agrarian change in central Uganda. I examine the socio-historical trajectories and how the *longue durée* effects shape contemporary characteristics of multi-level land governance and processes of transnational land deals in central Uganda. The chapter begins by locating the sociocultural origins, composition and identity of the peoples that inhabit Nakaseke district in the wider context of pre-colonial social formation of Buganda, colonial-era transformations of land tenure arrangements and their disruptive effects on land relations. I then analyse the history of land politics, agrarian changes, and land tenure reform in the post-colonial period epitomised by the Buganda agreement of 1900 and that created the feudal style *Mailo* tenure system of landlord-tenant relations. This analysis aims to trace elements of continuity and change in the structuring of contemporary land relations and the embeddedness of recent transnational land deals within trajectories of (commercial) land pressures and role of land in ethno-political identity formation, post-colonial state-building, and elite exercise of power and authority.

Chapter five analyses the institutional arrangements of multi-level land governance in the processes of decentralised land administration. Here, examine whether and how structural-institutional arrangements of land governance of and specifically land administration at the local level shape processes of land access. This analysis examines how asymmetrical power hierarchies influence land relations in the context of increasing commercial pressures on land. At the core of this investigation is the role of decentralised land governance institutions in the administration of land tenure. By focusing on the analysis of perceptions and experiences of autonomy, efficiency and effectiveness of land administration institutions, this chapter tests assumptions behind normative claims about the effects of decentralisation in democratising land governance and increasing land access and tenure security. Finally, I examine whether and how patterns of increased commercial pressures, including the entry of transnational land deals, result from the patterns of power in local-central relations. I conclude that structural approaches have limited explanatory scope for our understanding of processes and outcomes of transnational land deals.

Chapter six addresses the shortcomings of institutional approaches by undertaking an actor oriented social practice analysis. Here, I examine how stakeholders at the local government level perceive and exercise their roles in land administration and the management of commercial pressures on land in the context of transnational land deals. I ask whether and how local land governance actors exercise their room to manoeuvre in navigating
between increasing commercial pressures for arable land, while meeting the demands for, and protecting the rights of local residents. Since local land governance actors are also stakeholders in processes of transnational land deals, I examine whether and how stakeholder relations and the interests and motivations of individual actors influence their exercise of power and authority in governing land deals. Some salient questions arising include whether and how possibilities for elite capture of local institutions and alliances of power, might skew local land governance processes in favour of powerful interests.

Chapter seven draws on empirical results from studies of specific land deals to analyse the discourses of claim making and practices of land acquisition at the local level. Various actors seek to lay diverse and often competing claims of legitimacy, access and control of land, or respond to effects arising from changes in access. From a discursive and practice-oriented approach, I examine the discourses of legitimization, strategies of access and stakeholder relations in transnational land deals. Results show that global discourses and policy propositions of transnational actors are appropriated and deployed to legitimise practices of land control. Secondly, evidence shows the various ways in which diverse stakeholders mediate their claims through various media and discursive practices. Thirdly, I describe the process by which various individuals stake their claims through multiple and diverse interactions with other stakeholders in ways that (re)produce multiple and complex power configurations in pursuit or defense of motives and interests that promote or respond to specific land claims. I conclude that the complexity of stakeholder relations characterised by overlapping and competing interests and motivations, directly shape processes and social outcomes of transnational land deals.

Chapter eight examines whether and how enclosures and access restrictions, ensuing land-use changes, and environmental effects of transnational land deals shape the perceptions and lived realities of local land dwellers. The chapter analyses the discursive and embodied response strategies of various groups of stakeholders to practices of land control at the local level. Results show that land-use changes associated with transnational land deals raise concerns about potentially adverse socio-ecological effects and trigger discourses about ‘proper’ environmental governance. Furthermore, location-specific claims over communal access and usufruct rights are intertwined with environmental concerns, as ecological effects spill over the boundaries of enclosed spaces. However, variations in perceptions and lived experiences of access restrictions and rights violations as well as power configurations between stakeholders shape local-level responses in differentiated ways. Focusing on stakeholders’ exercise political power, critical dimensions of patterns and effects of socio-ecological distribution and inequality come to the fore. This demonstrates the political effects of transnational land deals in reconfiguring power relations, delineating winners and losers and transforming social cleavages and vulnerability at the local level.
Chapter nine concludes the study with a post-script that review progress of the land deals and traces their varying trajectories in relation to assumptions underlying popular discourses on foreign land acquisitions. First, these trajectories as examined based on discourses of legitimation that are largely rooted in the discursive construction of agrarian modernisation and neoliberal developmentalism. Secondly, I observe that land deals are embedded within a structural alliance between transnational capital and state elites in Uganda that constitutes a continuum of the process of state formation. Transnational land deals thus constitute zones of intermediality: conceptual fields in which complex state-society relations are shaped and contested. Third, diverse complexity in the discourses and practices of claim-making about transnational land deals reveals the heterogeneity in categories and dichotomies of land deals. While the notion of ‘transnationality’ demarcates the conceptual and empirical starting point of the research, I conclude that a stakeholder-oriented approach deconstructs binary distinctions between foreign and local, questions assumptions about emasculated ‘local communities’ and challenges generalisations about the role of predatory states in land deals. Transnational land deals are instead understood as manifestations of broader processes of social change in which various stakeholders, characterised by diverse origins, identities, networks and power positions, exercise their agency within complex structural contexts in the process of agrarian change and rural transformation.

In conclusion, this book argues for a deeper examination of contextually situated historical, social, political and economic factors in the analysis of transnational land deals. In central Uganda, historical trajectories of social formation, and legacies of political conflict, displacement and social vulnerability, alongside enduring reproduction of a predatory rentier state, constitute important factors that shape patterns and outcomes of land deals. The centrality of power in these dynamics accounts for the detailed interrogation of governance dimensions of land deals. Consequently, I argue that the distribution of social power — the ability of an actor to control their own interaction with the environment and the interaction of other actors with the environment (Bryant & Bailey, 1997, p. 37) — among and within various groups of stakeholders, is necessary for a deeper understanding of the nature and outcomes of transnational land deals and more generally processes of agrarian change land relations in central Uganda.
**ABBREVIATIONS**

<table>
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<th>Abbreviation</th>
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<tr>
<td>AAA</td>
<td>American Anthropological Association</td>
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<tr>
<td>AGRA</td>
<td>Alliance for a Green Revolution in Africa</td>
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<td>ALC</td>
<td>Area Land Committee</td>
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<td>AU</td>
<td>African Union</td>
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<td>CAADP</td>
<td>Common African Agriculture Development Programme</td>
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<tr>
<td>CAO</td>
<td>Chief Administrative Officer</td>
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<tr>
<td>DDT</td>
<td>Dichlorodiphenyltrichloroethane</td>
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<tr>
<td>DEC</td>
<td>District Executive Committee</td>
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<tr>
<td>DEO</td>
<td>District Environment Office(r)</td>
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<tr>
<td>DFI</td>
<td>Development Finance Institution</td>
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<tr>
<td>DLB</td>
<td>District Land Board</td>
</tr>
<tr>
<td>DLO</td>
<td>District Land Office(r)</td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<tr>
<td>FAO</td>
<td>Food and Agriculture Organisation</td>
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<tr>
<td>FDI</td>
<td>Foreign Direct Investment</td>
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<tr>
<td>FIAN</td>
<td>FoodFirst Information and Action Network</td>
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<tr>
<td>FTZ</td>
<td>Free Trade Zone</td>
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<tr>
<td>GIS</td>
<td>Geographic Information Systems</td>
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<tr>
<td>GLAD Farm</td>
<td>Great Lakes Africa Development Farm</td>
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<tr>
<td>GPS</td>
<td>Global Positioning System</td>
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<tr>
<td>IBC</td>
<td>Imperial British Company</td>
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<tr>
<td>IFAD</td>
<td>International Fund for Agriculture and Development</td>
</tr>
<tr>
<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
</tr>
<tr>
<td>IGG</td>
<td>Inspector General of Government</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>JASAR</td>
<td>Joint Agricultural Sector Annual Review</td>
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<tr>
<td>KCCA</td>
<td>Kampala Capital City Authority</td>
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<tr>
<td>KDLB</td>
<td>Kampala District Land Board</td>
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<tr>
<td>LC</td>
<td>Local Council</td>
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<tr>
<td>LEC</td>
<td>Local Environmental Committee</td>
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<tr>
<td>LGAF</td>
<td>Land Governance Assessment Framework</td>
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<tr>
<td>LPPU</td>
<td>Land Protection Police Unit</td>
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<tr>
<td>LIS</td>
<td>Land Information System</td>
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<td>LSLA</td>
<td>Large Scale Land Acquisition</td>
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<td>Abbreviation</td>
<td>Full Name</td>
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<td>--------------</td>
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<tr>
<td>LVFTZ</td>
<td>Lake Victoria Free Trade Zone</td>
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<tr>
<td>MAAIF</td>
<td>Ministry of Agriculture, Animal Industry and Fisheries</td>
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<tr>
<td>MISR</td>
<td>Makerere Institute of Social Research</td>
</tr>
<tr>
<td>MLHUD</td>
<td>Ministry of Lands, Housing &amp; Urban Development</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NEMA</td>
<td>National Environment Management Authority</td>
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<tr>
<td>NEPAD</td>
<td>New Partnership for African Development</td>
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<tr>
<td>NFA</td>
<td>National Forestry Authority</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>NRA</td>
<td>National Resistance Army</td>
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<td>NRC</td>
<td>National Resistance Council</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<tr>
<td>NWA</td>
<td>National Wildlife Authority</td>
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<tr>
<td>PEAP</td>
<td>Poverty Eradication Action Plan</td>
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<td>PMA</td>
<td>Plan for Modernization of Agriculture</td>
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<tr>
<td>PRSP</td>
<td>Poverty Reduction Strategy Programme</td>
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<tr>
<td>RC</td>
<td>Resistance Councils</td>
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<tr>
<td>RDC</td>
<td>Resident District Commissioner</td>
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<td>RoU</td>
<td>Republic of Uganda</td>
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<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
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<td>UIA</td>
<td>Uganda Investment Authority</td>
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<td>ULA</td>
<td>Uganda Land Alliance</td>
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<td>UN CST</td>
<td>Uganda National Council for Science and Technology</td>
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<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
</tr>
<tr>
<td>UNECA</td>
<td>United Nations Economic Commission for Africa</td>
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<td>UNFFE</td>
<td>Uganda National Farmers Federation</td>
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<tr>
<td>UPC</td>
<td>Uganda People’s Congress</td>
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<td>URN</td>
<td>Uganda Radio Network</td>
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CHAPTER 1

INTRODUCTION
1. A False Start: The search for a ghost Chinese land deal

In September 2011, I was offered a position at the department of social and cultural anthropology at the Vrije Universiteit Amsterdam, as part of a Netherlands Scientific Council (NWO-WOTRO) sponsored integrated research programme, to study the role of foreign large scale land acquisitions in shaping development, conservation and sustainability practices in Madagascar, Ethiopia, Kenya, Senegal and Uganda (Sandra Evers, 2010). Within this, my component of the research was initially designed to study the development of a Chinese-financed Free Trade Zone (FTZ); a partnership between a Chinese private company, the government of Uganda and local investors. The concept involved the development of a completely new Eco-City and a Free Trade Zone (FTZ) on Uganda’s western shores of Lake Victoria, close to the border with Tanzania and Rwanda. Sseesamirembe Eco-City, also known as the Lake Victoria Free Trade Zone (LVFTZ), would cover an estimated area of 200 square miles with the injection of up to US$ 1.5bn from Chinese investors (New Vision, 2008).

The selection of this case was based on emerging reports that in 2008, the Chinese company, Paradise International Investment (PIL), had signed an agreement with the Ugandan company, Kagera Eco-Cities in cooperation with the Ugandan Government, leading to the joint acquisition and management of 32,000 hectares in the Lake Victoria Free Trade Zone (LVFTZ) (Habaa 2008; Tradelnvest Africa 2008). Under the terms of the deal, Kagera Eco-Cities was awarded a 99-year lease, allowing for its partner PIL to autonomously invest in the construction of the LVFTZ, that the developers promoted as a tax free ‘sustainable flagship of post-industrial development’ (see Sseesamirembe Eco-City website). At the time of its conception, the project appeared to be a prime example of what Pál Nyiri has described an emerging trend of extraterritorial Chinese ‘enclaves of development’ and ‘modernity’ in Africa and elsewhere (Nyiri 2009; 2006: 84). The Chinese registered company was allegedly associated with Chinese national Liu Jianjun, who was also reportedly engaged in other investment ventures in Uganda (The Independent, 2008). Other researchers have however claimed that there was no indication that the Chinese government was involved in, or had endorsed the project (Cowalosur, 2015, p. 262).

The concept behind the proposed eco-city project was of great interest as it appeared to represent a crucial case with which to examine the confluence of new ideas about development, the advance of Chinese transnational interests in a global context, and their implementation in the African countryside. The research was thus designed to understand transnational drivers underlying the phenomenon of Chinese Free Trade Zones, and to examine the local-level dynamics of interaction between Chinese workers and officials, and local communities in Uganda (Sandra Evers, 2010, p. 11). The study also sought to analyse processes such as land access strategies employed by Chinese businesses in developing the Free Trade Zone.
The LVFTZ project received positive reviews in the media, which presented it as a model designer Eco-City where the objectives of rapid and sustainable socio-economic growth would be achieved in an ecologically friendly manner by integrating urban developments, sustainable agricultural land and forests, green belts and nature reserves. This new city was promoted as an international showcase of integrated socio-economic-ecological development that could be replicated across the rest of the continent of Africa (Sustainable Community Action, 2010). On the flip-side, concerns arose that such large-scale land-based Chinese investments could precipitate social-environmental impacts as have been observed elsewhere in Africa (Gordon, 2012; Hofman & Ho, 2012). Consequently, the LVFTZ project exhibited all the hallmarks of the hype associated with the narrative of grand Chinese engagement in Africa. The emerging public discourse raised pertinent questions regarding the role, motives and effects of Chinese interests, including the potential for neo-colonisation of the African continent (Alden, 2005).

Furthermore, the expansion of Chinese Free Trade Zones in Africa had been gaining much attention in research on China-Africa relations (Bräutigam & Xiaoyang, 2011; Farole & Akinci, 2011). This case study would thus provide more empirical evidence to expand knowledge about processes underlying this phenomenon through comparative analysis with other Chinese FTZs in Africa. The research proposed, for instance, to explore how various Chinese actors – managers, workers and entrepreneurs – attempted to implement familiar economic strategies and instil labour disciplines as they deal with local officials and workers (Sandra Evers, 2010, p. 19). It also sought to study the social transformations occasioned by these global movements by examining culturally informed labour relations and detail local smallholders’ responses to development initiatives brought forth by Chinese FTZs (ibid). The comprehensive scope of this research project reflected the magnitude of the LVFTZ project, which was considered one of the largest Chinese investments in Africa among other FTZs that were seen as signature flagship projects of Chinese development assistance to Africa (Bräutigam & Xiaoyang, 2011).

2. A tale of zombie Chinese projects in Africa

The optimism in Uganda surrounding the Sseasmirembe LVFTZ investment dissipated gradually and with it, the viability of the project as a case study for my PhD research. Within six months of starting my PhD programme and about four years since news of the project hit international headlines, it became apparent that the LVFTZ project had not taken off. Online sources during this period yielded no evidence of progress or new developments in the project since 2008. Instead, media reports indicated that the consortium’s local partner, Kagera Eco-cities company, was under investigation by a presidential commission of inquiry set up by the Ugandan government (Daily Monitor, 2008). Although
the findings were never made public, media reports indicate that the activities of the local investor were halted and progress on the entire project ceased (URN, 2009).

At the time of commencing the PhD project in September 2011, the most up to date media reports on the LVFTZ claimed that up to 8000 local farmers were agitating to be granted access to the land measuring up to 10 square kilometres that they alleged was lying idle so that they could use it for grazing and cultivation (URN, 2011a). It was during this period that I commissioned a Ugandan journalist and researcher to travel to location in Rakai District in South-western Uganda to verify the status of the project before a final decision could be made on how to proceed. His field report, supported by photographic evidence (see figure 1 below), showed that there was indeed not much progress on the ground. The proposed project site was overgrown with bush while a few red-brick structures that had been set up by local partners had been abandoned.

![Figure 1: Site of the proposed Lake Victoria Free Trade Zone in Rakai District, Uganda. © Josh Maiyo, November 21, 2011](image)

At the same time, negative perceptions about the project, and specifically regarding Chinese involvement, were taking root among local residents. An elected local government councillor was quoted in an interview with a local radio station suggesting that China's interest in the land was to use it to settle some of its citizens under the guise of establishing a free trade zone (ibid).

While the LVFTZ symbolised the hallmarks of growing Chinese investments across the African continent, its failure was also symptomatic of similar Chinese ventures that, beyond the eye-catching headlines, did not materialise on the ground. Such failed projects have been characterised by professor Debora Brautigam, a leading China-Africa researcher, as zombie Chinese land grabs (Brautigam & Zhang, 2013). According to Brautigam and Zhang, such failures often go unreported and do not capture public attention. The pattern of silences and gaps in failed transnational land-based investment is not limited to Chinese investments only. In his critical analysis of the methodological implications of reliance on media accounts of transnational land deals in Africa, Carlos Oya (2013) found that some of them never actually go beyond the announcement of prospective agreements. He further
observes that relying on such media reporting presents fundamental methodological problems, including the lack of fact-checking, reliance on inaccurate data, and amplification of single reports by multiple outlets hence giving the impression of certainty (Oya, 2013). I will revisit these methodological challenges in more detail in chapter three.

That the LVFTZ project still features in some online portals and research documents cited above, underlines the salience of the question of data accuracy underlying conceptual and methodological challenges in the study of transnational land deals in Africa. Some of the conceptual questions that remain central to such studies include: the nature of perceived ‘drivers’ or motivations behind transnational land deals; the identity of actor networks and relations between stakeholders involved; the governance frameworks including policies, legal provisions and institutions that regulate such investments; and finally, the socio-economic and environmental effects of transnational land acquisitions. These issues therefore inform the foundations of this research.

The failure of the LVFTZ had implications for my fieldwork preparations as I made final plans to travel to Uganda in the summer of 2012. The first consideration was the urgency to identify and select alternative case studies and making preliminary contacts ahead of departure to the field. The second concern was to ensure that shifting the focus of the research away from Chinese FTZs, to other forms of transnational land deals would not significantly alter the research design away from the broader concept and objective of the Integrated Programme. Having spent considerable time reviewing literature on China-Africa relations, I was deeply fascinated by what appeared to be the emergence of a significantly transformational process of Chinese engagement on the African continent, as well as the potential impacts on everyday lives of African populations. I was therefore determined to explore this phenomenon further by conducting a fresh survey of potential Chinese land-based investments in Uganda. While it was motivated by prior literature review, this case-selection process would be guided by the principal research objectives of the Integrated Programme, namely to develop a deeper understanding of processes underlying large-scale transnational land deals in Africa. This iterative approach, that Bruce Berg and Howard Lune (2013) have termed as constituting theory-before-research and research-before-theory model (pp. 24–25), characterised my subsequent research design. In the following section, I explain the initial steps in the process that eventually guided my case selection.

3. Arrival in Uganda and the search for Chinese projects

My quest to find a suitable alternative case study started in Kampala with a visit to several key government institutions that I presumed, would have records on Chinese agriculture investments in Uganda. The first port of call was the Uganda Investment Authority (UIA),
the government agency tasked with the promotion of both domestic and especially foreign investment. However, after several weeks of repeated visits and interminable delays, the public relations desk informed me that data on the identity, location, and other details on foreign investments were confidential and could not be released to the public. Similarly, inquiries at the Ministry of Agriculture were unsuccessful as the senior official that I interviewed stated that the Ministry did not monitor nor keep any records of foreign agriculture investments in the country. The last resort was the Chinese economic chancellor’s office which, after numerous visits and polite conversations followed by promises to provide information, was similarly not forthcoming.

These initial experiences raised serious doubts as to whether such information existed, since no institution seemed to be keeping track of, nor recording these developments. This local reality was in stark contrast with the vast amount of academic literature, media reports, research initiatives, and NGO campaigns that portrayed a consensus among international observers about the growing socio-economic significance of transnational land deals in the global south. This observation raised interesting questions as to whether the local unavailability of data was due to systemic short-comings in data collection and record keeping, or it was a result of deliberate secrecy and lack of transparency as some of the literature on transnational land deals already warned (Cuffaro & Hallam, 2011; R. Hall, 2011).

An alternative approach was to conduct a review of local newspapers as a potential source of preliminary reporting on Chinese projects in the country. My choice of this approach was informed by the observation that topics regarding Chinese engagement in the country were often sensationalised covered in the local press and my assumption was that inevitably, business deals involving Chinese companies and either government or local private sector actors would receive media coverage. This is how I came across information about a Chinese owned farm located in central Uganda, not too far from Kampala, that specialised in growing mushrooms for the local market (URN, 2011b).

Having previously conducted research in Uganda in 2007 and understood the political economy of elite patronage, I was aware that foreign investments of such magnitude any part of the country would not bypass the attention of local politicians. I therefore decided to begin my verification process with the local Member of Parliament (MP) for the constituency in Nakaseke District where the alleged farm was located. The MP was happy to meet me at the offices of his accounting firm in downtown Kampala. Although he had been cited in the news report as having facilitated the entry of the Chinese investment in his constituency, the MP seemed not to be well conversant with the detailed aspects of the investment. He instead referred me to two key persons: a local council politician in Nakaseke District, and a broker in Kampala whom the newspapers cited as the public relations officer and spokesperson for Hanhe (Uganda) Farm Company, which owned the Chinese farm. Armed with this information, I set off in early October 2012 to Nakaseke District to find the Chinese.
Hanhe Farm: At First Sight

Hanhe Farm is located approximately 80 Kilometres north of Kampala, Uganda’s capital city, and about 10 Kilometres due east of Luweero town on the Kampala-Gulu-Juba highway. Luweero town is the largest commercial centre in the upper central region of Uganda and serves as the headquarters of Luweero District, the geographical centre of the ethno-political region of central Uganda. The town, straddling both sides of the highway, is a bustling farmers’ trading centre with open air market stalls crammed with fresh agricultural produce including vegetables, cereals, and fruits such as watermelon, mango, and pineapples sourced from the region’s agrarian hinterlands. This is where I met Godfrey, the area councillor representing the Sub-County in which the Chinese farm was located.

Over a hearty midday meal of Matoke (boiled plantain) - the local staple food- and boiled tilapia fish, the councillor granted me an extensive interview, largely praising the Chinese investment and his involvement in facilitating access and initial operational set-up of the farm. He also explained the route directions to the farm and encouraged me to visit and speak with the farm manager. I exited Luweero town through a nondescript sandy alley that runs between an open-air auto-garage to the right and an abandoned commercial building (now reconstructed into a spanking new bank) to the left. Threading through a residential neighbourhood, the path led down a dry sandy valley, leading through what appeared to be a seasonal swampy river. Within a kilometre, I entered the lush green central Ugandan countryside, a sight that always strikes me in sharp contrast to the largely dry savannah plains of my rural childhood origins in Kenya’s Rift Valley. Riding on a motorcycle taxi (known locally as Boda Boda) on an unpaved dusty winding road, my translator and I were immediately covered in red dust and became teary eyed from the dust and wind as we zipped past numerous red-brick and tin-roofed houses on either side of the road. Interspersed between these houses were small garden-size farms crammed with cassava, maize, banana, sweet potatoes and coffee shrubs under the canopies of towering mango and jackfruit trees. The view further into the interior was almost obscured by what appeared to be dense woodland, tall green grass and reeds stretching for miles. Along the road, we occasionally passed by bare-chested men, profusely sweating under the intense heat as they pushed rusty bicycles laden with heavy bunches of green banana plantains, on their way to the market in Luweero town.

At first sight, I got the impression that this must be a rich and fertile farmland that might sustain prosperous farming livelihoods, owing to the seemingly well-endowed fertile soils, plentiful rainfall, relatively easy access to markets and perhaps a vibrant forest-product based economy. Curiously, this picture seemed to me incongruous with the sight of half-dressed, bare-footed children playing by the roadside homesteads, tending a single goat or pair of pigs, a not so well-fed cow tied to a tree stump, and young men idly playing board games at small trading centres along the way. This illusion of an idyllic village life would be later shattered as I subsequently gained intimate knowledge of why and how such an apparently naturally endowed environment could be home to one of the more
impoverished societies in central Uganda. A hint of the complex underlying socio-cultural factors emerged from an impromptu interview that I had along the way with Reverend Wilson Mulindwa (RIP), a retired evangelical pastor and local elder, who told me that fear of witchcraft, allegedly directed at successful village residents, discouraged many locals from seeking an overtly prosperous lifestyle. The persistence of superstitious belief systems was sustained five years later when I visited Hanhe farm in April 2017, only to find that the farm manager along with the head of the local police post among other local leaders, had travelled to the next village to attend a large public meeting, known locally as a Baraza, to resolve a serious conflict associated with alleged deaths arising from witchcraft.

After crossing two smaller swamps with treacherously slippery roads, we came upon the third and largest swamp on the winding Lugogo River, a tributary of the Nile. The swamp was the landmark to Hanhe, the Chinese owned farm widely known throughout the countryside. On this first trip, I made a point of stopping at every trading centre along the 10 km stretch of road to ask for directions, but more importantly to gauge the villagers’ perceptions of the Chinese farm. This resulted in incredibly varied opinions, ranging from suggestions that it could be a covert military training ground, a spy listening post, exploratory mining of underground resources, possibly oil, or a home for exiled Chinese prisoners. Many of those interviewed claimed to have never set foot on the farm nor exchanged any pleasantries with the Chinese farm workers and managers who were understood to keep largely to themselves, only to be seen driving by in their four-wheel drive jeep in a cloud of dust to and from Kampala.

At the entrance to Hanhe Farm was an imposing wooden gate constructed in what appeared like Chinese architectural style, complete with a characteristic tile roof above the high gate (see figure 2 on next page). The name of the farm was boldly displayed in both Chinese and English characters. The poles supporting the roof were painted red and so was a barrier across the gate. Two barking dogs tied to a tree further inside completed a forbidding barricade. Furthermore, just outside the gate was a police post: a sign—a plank of wood nailed to a stick on the side of the road—read ‘Uganda Police’ in white letters on a faded black background. The police post was a modest affair: three wooden structures with a thatched-roof made of reeds. The first and larger structure, served as the office, but within it, an inner room was the sleeping quarters for the head of the post. The other two structures housed other officers. The structures were raised from the ground with heaps of soil to keep the floors dry from the seasonal swamp that often flooded the area. Inquiries with area residents indicated that the police post was meant to be located at the local government Sub-County offices to provide security against increased incidences of petty crime and theft, but was instead placed at the entrance of the farm to guard the Chinese and their investment.

On this first visit, the two emaciated looking dogs barked loudly, pulling frantically on the leash with which they were tied to one of the Eucalyptus trees that lined the short
driveway into the dusty red courtyard that separated the office block from residential quarters on the farm\(^1\). To the right were about 5 cottages made of wood and thatched with reeds, constructed in what I later learnt to be typical of Chinese peasant architectural style. In the hazy afternoon heat and high humidity, a topless Chinese man, the farm foreman, wandered towards me and my Ugandan translator. From his inscrutable face, I could not determine whether he was displeased at being woken from his customary afternoon siesta. Nonetheless, from his hardly comprehensible English, I managed to gather that I should go back to Kampala and look for the Hanhe Uganda Company country representative who also served as the farm manager. I was informed that only he would authorise access to the farm and provide further information on its operations.

![Figure 2: Entrance to Hanhe Farm. © Josh Maiyo, September 29, 2012](image)

Having determined that the farm offered an interesting opportunity for a potential case study, I scribbled down the manager’s phone number with the aid of a Chinese translator who lived on the farm, and it was time to make the half-day journey back to Kampala to reformulate my research design and conduct more background research.

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\(^1\) The use and significance of the two dogs is of great symbolism to the life-story of the farm as I revisit their shifting roles alongside the changing fortunes of the farm in the concluding chapter of this book.
4. Expanding the scope: Adopting a comparative approach

My exploratory field visit to Hanhe Farm was followed by additional literature review at the Makerere University library. This provided a rich source of historical and locally published material that was unavailable online nor in University libraries in the Netherlands. Together with a review of policy and legal documents on land law and agriculture practices in Uganda, this body of knowledge opened opportunities for new pathways of inquiry that would situate my research within the context of local social-historical trajectories as well as the contemporary political-economy of land relations and agrarian change in Uganda. It for instance became apparent that Uganda’s decentralised local government system played a significant role in land governance, meaning that a multi-level analytical approach would be crucial to understanding the role and impact of central-local politics and power relations in land governance.

Following subsequent exploratory field trips and observations of livelihood practices in central Uganda’s rural countryside, it became apparent that transnational land deals were taking place within a context of progressively rapid agrarian transformation, leading to potentially significant changes in livelihood strategies and socio-economic relations in affected societies. Initial interviews also pointed to the dominant role of elites, politics and power relations in land issues, hence triggering the need to further explore the nature and extent of what Jun Borras has described as the complex ‘interplay between structures, institutions and actors’ in underlying processes of agrarian change (Borras Jr, 2009, p. 22). I therefore determined that in order to explore these dynamics more effectively, it was necessary to expand the scope of my research beyond the farm-level analysis that Hanhe Farm offered. As a single case study, the scope of analysis offered by Hanhe Farm alone was fell short of fulfilling the expectations of the revised scope of the research. While such a single case study offered ample opportunity to examine on-site relations as a snapshot of temporally static social relations, an analysis of the broader historical processes of change and continuity could only be scrutinised from a relational perspective encompassing a comparative temporal and spatial approach incorporating other cases of transnational land acquisitions.

Following these insights gained from preliminary field observations, I embarked on a systematic adjustment of the research design having accepted that, to paraphrase Eriksen (2010, p.29), what I wanted to know became apparent only after I begun the fieldwork itself. The first step was to increase the number of cases to provide more robust empirical basis for the research project. The second adjustment was to add a new layer of analysis centred on the local government level so as to examine the processes and effects of the politics of land governance in structuring transnational land deals. The scope of the project was thus expanded to encompass the local government of Nakaseke District as a unit of analysis. Within the same district, I found three other foreign owned farms within a
radius of 30 kilometres of each other. The farms were relatively easily accessible as they were located along some of the major roads serving as transit corridors within the district.

The research design thus envisioned an analytical approach that integrates structural dimensions of the social and political economy of agrarian change as well as actor oriented analyses of the role of individuals or groups of stakeholders in transnational land deals. To operationalise this expanded scope, I adopted an iterative case selection strategy in which emerging issues in the field were interrogated in relation to the objectives of the broader design of the Integrated Programme. Cases were thus purposively selected in accordance with a grounded conceptual-empirical-methodological matrix. This iterative relationship between theory and the field demands for data collection reflects a research strategy that Thomas Eriksen has described as ‘a zigzag movement between the observations of fact and theoretical reasoning, where new facts modify theory and (modified) theory accounts for the facts’ (Eriksen, 2010b, p. 31).

The expansion of the scope of the research from a single case-study to a comparative one allows for a multi-level analysis of relational dynamics between the national government, the sub-national local government (District), and the local community levels. The combination of a multi-level analytical approach, with individual actor oriented inquiry provides for a robust and comprehensive approach that overcomes the methodological and conceptual limitations of structural-institutional analysis. The research design thus resulted in what Berg and Lune have characterised as an embedded case study approach, which involves the examination of several levels and units of analysis within one case study or overall focus of the research (Berg & Lune, 2013, p. 237). In other words, such a comparative approach consisting of multiple case study units at different levels of analysis, offers broader analytical scope for examining wider socio-economic issues such as state-society relations, institutional issues of governance, and the agency of various categories of actors in shaping the outcomes of land deals more generally.

5. Problem statement: Conceptualising transnational land deals

This dissertation explores the processes of access and effects of transnational land acquisitions in the context of agrarian transformation and social change in central Uganda. Its rationale is predicated on the high level of public attention in the past decade, on what was believed to be an exponential rise in foreign commercial interest in, and acquisitions of large tracts of arable land in developing countries (Abbink, 2011; Cotula, Vermeulen, Leonard, & Keeley, 2009; Daniel & Mittal, 2009). The trend is believed to be historically unprecedented in the size of tracts of land acquired and associated social consequences, to the extent that it has come to be known popularly as the ‘land rush’ or ‘global land grab’ (Brown, 2012; Daniel & Mittal, 2009). In addition to raising international debates and con-
cerns about the consequences of a global ‘land rush’, the phenomenon is also perceived by some as marking significant developments in the increase of foreign direct investment (FDI) in Africa’s arable land, and shaping new discourses and practices of development (Evers, Seagle, & Krijtenburg, 2013; Kugelman & Levenstein, 2009).

The concept of transnational land deals (also often referred to as foreign land acquisitions) is used to describe a practice involving the acquisition, either by lease or outright transfer, of large tracts of arable land in developing countries, particularly in Africa, by foreign entities for purposes of agricultural production, conservation or other forms of land-based investment (Cotula, 2013, p. 4). This phenomenon, in which foreign entities such as transnational companies or industrial countries sought to secure long-term control and exploitation of large tracts of land and resources, was understood to be particularly pervasive in Africa (Aliyu, 2012; Cotula, 2013; Hall, 2011). Instead of the more commonly used ‘foreign land acquisitions’, I prefer to use the term ‘transnational land deals’ to more accurately depict the fuzzy distinction between notions of ‘foreign’ and ‘local’ and the often hybrid nature of globalised capital configurations, and the overlapping relations between different categories of individuals or groups of stakeholders involved.

Initial research of the trend in Uganda suggested that increased commercial interest in the country’s farmland was not confined to transnational actors, but was also a function of domestic agrarian transformations (Matsiko, 2012; Oxfam, 2011). NGO accounts have documented a number of specific cases highlighting the rise of contested transnational land deals involving various international investors (FIAN, 2012; Nakato & Idembe, 2012; Oxfam, 2011). These reports depict the relationship between investors and affected communities is often presented as being antagonistic and lopsided. Other researchers have noted that these cases exemplify a phenomenon of increasing commercial pressures for arable land that is accelerating the pace and scale of transnational land acquisitions in Uganda (Graham, Aubry, Kunnenmann, & Suarez, 2010; Mabikke, 2014).

While taking these cases as a starting point, my research seeks to understand the deep-rooted circumstances surrounding these phenomena by situating the analysis within the broader social context within which these processes unfold. I therefore begin by examining the relationship between historical processes of agrarian transformation and land relations in central Uganda, and how these processes have shaped struggles for land tenure reform and contemporary practices of land governance. Within this, I inquire into the relational practices and roles that various stakeholders play in shaping the processes and outcomes of transnational land deals. This research integrates both structural and actor oriented analyses of stakeholder relations. Here, I conceptualise individuals and groups of actors as stakeholders, who lay various types of claims or stakes to land either through facilitation, administration, ownership, control, or transfer of access or user rights. Through an analysis of stakeholder configurations, I examine whether and how stakeholders’ positions and interests shape, and are in-turn shaped by, processes of transnational land deals. By
focusing on the agency of actors as stakeholders, I question assumptions and analytical conceptualisations of so-called ‘affected local communities’, to reveal how individuals or categories of stakeholders negotiate access and deploy various strategies to shape the outcomes of these land deals and mitigate effects on their livelihoods (Evers, 2010).

**Beyond contending discourses**

Global discourses on transnational land deals have tended to advance causal explanations associated with factors that are thought to be driving the high demand for, and acquisitions of, arable land in developing countries. Such studies have emphasised the role of macro level ‘drivers’, including rising demand for export food crops, biofuels, and associated commodification of land linked to speculative private capital (Borras Jr, McMichael, & Scoones, 2010; Lavers, 2012a; Margulis & Porter, 2013; Zoomers, Johnson, & Macdonald, 2012). Lester Brown (2012) has further to proposed that the broader and more significant effects of this trend is to facilitate the penetration of neoliberal globalisation and capitalist interests into previously uncaptured territories and spaces in less developed countries.

Consequently, initial research focused on the role of transnational actors, in particular states from Asia and the Indian subcontinent that were perceived to be facing food security challenges, as the primary actors driving foreign land acquisitions in Africa (Aliyu, 2012; Hofman & Ho, 2011; Modi & Cheru, 2013). This perception has however been faulted and subsequent research paints a more nuanced picture of the range of transnational actors and their roles in large-scale land deals in Africa (Brautigam, 2012; Buckley, 2013; Chichava et al., 2013; Cotula et al., 2014). One of the consequences of the initial focus on global ‘drivers’ was to obscure the role of domestic factors in recipient countries. Furthermore, sub-national or local level processes, and the role of domestic actors received even less attention.

In Uganda for instance, some of the earlier studies on transnational land deals pointed to the importance of domestic factors such as neoliberal economic reforms, state driven policies of agrarian modernisation, post-conflict state-building programmes, as well as in the commodification of ecosystem services, and demand for biofuels as driving the country’s large-scale land giveaways (Deininger, Ali, & Yamano, 2008; Mabikke, 2011a; Martiniello, 2012). Still, these propositions reflected and seemed to reproduce concepts that were predominant in global discourses without sufficient grounding in empirical evidence and contextual background. In this research, I propose that to understand the specificity and complexity of processes and effects of transnational land deals at the local level, it is necessary that the homogeneity of such explanatory ideas be deconstructed and disaggregated through a systematic analysis of structure, agency and discourse.

Since the global explosion of land-grab discourse, a significant body of research has emerged over time acknowledging that a homogenised narrative is not sufficient to explain contextual factors due to the differentiated nature of transnational land deals at the local level. Consequently, the binary discourse suggesting that proponents saw transnational
land deals as promoting economic growth, poverty alleviation, and environmental protection (Blumenthal, 2009), while sceptics point to potential livelihood losses, land dispossession, and environmental degradation (Daniel & Mittal, 2009; De Schutter, 2011b), it too simplistic and unhelpful. Grounded empirical research at national or sub-national contexts will thus go beyond simply proving or disproving such assertions to provide deeper insights and understanding of the complexity of social transformations occasioned by the potentially disruptive processes of transnational land deals.

**Conceptual departures and analytical grounding**

In this research, I use the term ‘land-deals’ instead of the more popular variants of ‘land-grab’ or ‘land-rush’ or ‘land investments’ to avoid normative connotations associated with ‘grabbing’ or a ‘rush’, and to not be embroiled in binary normative debates. Secondly, by adopting a critical stance towards associated discourses, I seek to question assertions that the phenomenon of transnational land deals has a particular universal or homogenising character. Instead, I seek to examine these land deals as (Scoones, Hall, Borras Jr, White, & Wolford, 2013) suggest, as ‘transformations on the ground’ that should be understood through disaggregated and particularistic empirical inquiry.

Scholarship on transnational land deals has been largely characterised by two main discourses and grand analytical approaches. The first is a process-oriented approach that seeks to understand the ‘why’ and ‘how’ large-scale land deals unfold. According to Borras, McMichael, and Scoones (2010), understanding processes underlying transnational land deals requires an analysis of the ‘complex relationships between state, capital and society’ and the location specific dynamics that shape their outcomes. The second approach is concerned with the effects or impacts of transnational land deals. This approach has inspired a more engaged and activist scholarship that is concerned with what is seen as an unprecedented scope of long-term acquisitions of large tracts of arable land in Africa that could generate potentially significant alteration of social, economic and environmental realities on the ground (Brown, 2012, pp. 101–102). In Uganda, analysts such as Bayite-Kasule (2011) are hesitant to project the long-term implications of the phenomenon of transnational land investments countrywide, but other researchers including Martiniello (2012), Rugadya (2009), as well as Zoomers et al. (2012), demonstrate in their findings, that increasing cases of displacement, community-level land conflicts, and environmental degradation, are not just distant global debates. Instead, they are present in local perceptions and lived experiences of transnational land deals in various parts of the country.

Methodologically, scholars such as Lavers (2012b) and Makki (2012) privilege the dominant role of the state in structuring such processes and managing their outcomes. This resonates with other macro-level analyses of global drivers, actors, and impacts as adopted by Cuffaro and Hallam (2011) and Zoomers (2013). Other scholars such as Kerkvliet (2009) emphasise the role of everyday politics, focusing on interactions between
actors and localised political systems, in order to uncover the messy everyday realities of transnational land deals. This approach falls under social practice theory, which focuses on the ‘everyday’ ‘life-world’ of social actors and how their practices of engagement serve to structure processes and outcomes of social phenomena (Reckwitz, 2002, p. 243).

In this research, I attempt to transcend these binary analytical and methodological distinctions by adopting an interdisciplinary approach in which transnational land deals are constitutive of both processes and outcomes of historical agency and structural antecedents embedded in social transformations characterised by political, economic and cultural contestation. Trajectories of land deals are thus understood as transcending the material world to encapsulate the realm of ideologies, perceptions, discourses as well as practices of various stakeholders. They are thus understood as being embedded within social structures and discourses, but are also transformative of the same structures and discourses in a mutually constitutive dynamic. Processes and outcomes of transnational land deals are thus not predetermined but are instead negotiated, contested and transformed by the actions and interactions between various stakeholders and the environment.

‘Zones of Intermediality’: Deepening the conceptual and analytical approach
Processes of stakeholder relations, according to Schatzki, Cetina, and von Savigny (2005, p. 11), constitute a ‘field of [embodied] practices’ that include knowledge, meaning, power, language, social institutions and historical transformations among others. Sandra Evers (2013) goes further to conceptualise transnational land deals as constituting a nexus beyond embodied social practices. Instead land deals juxtapose ‘the physical transformations of land (land cover, land use, land access) with the impacts on the perceived value of the land as the embodiment of livelihood, heritage, community and individuality’ (Evers, 2013, p. 1). Furthermore, she proposes that such a conceptualisation necessitates an analytical approach that encompasses the fields of mediated ideologies and discourses that represent the mental pictures, assessments, and valuations of material landscapes upon which practices of ownership, access and use are inscribed (Evers, 2011, p. 1). Consequently, she developed the concept of Zones of Intermediality which she describes as the conceptual field where various cultural paradigms and land claims are mediated, and where imperatives of local cultural references, practices and discourses engage with the imperatives of external actors (Evers, 2013, p. 2).

In the context of land deals, a zone is thus conceptualised as ‘a sphere of influence engendering stakeholder mediations, imaginations and interactions’ (ibid). We may for instance have various ‘zone’ or spheres such as the conceptual ‘political-policy-governance’ nexus, or practice sphere of ‘administrative-executive’ zone, as well as the spatially situated dimension ‘socio-environmental effects’ (See Evers et al. 2015). These spheres are however, not neatly delineated but may overlap and constitute even broader and more complex zones of intermediality. We also define intermediality as representing ‘the over-
laps of conceptualization’ between different stakeholders (ibid). Consequently, spheres constituting high levels of intermediality, imply the existence of ‘expanded space for the intersection and connection of ideologies and practices between stakeholders’, such as may exist between policy makers, political elites, development partners and investors in land. On the other hand, low levels of intermediality constitute spheres of ‘limited overlap of conceptualization’ with ‘compressed space for intersection of ideologies and practices between stakeholders’ (ibid). This may for instance occur between local land dwellers adversely affected by enclosures and restrictions of access occasioned by large-scale land deals.

The Zones of intermediality approach emphasises the role of various forms of media and the strategies used by various actors in mediating ‘diverse, culturally-informed stakeholder approaches to the physical environment...in the context of foreign large-scale land acquisitions (Evers & van Manen, 2013, p. 3). The value of the Zones of intermediality approach lies in its ability to integrate the multidimensionality of global and local conceptualisations and practices of transnational land deals. This approach builds on the work of Anna Tsing (2005), by recognising that transnational land deals often produce a cauldron of contested ideologies and practices of ‘friction’ at the point where the ‘global-universal’ connects with the specific (pp. 1–2). Furthermore, it acknowledges that inherent disjunctures in discourses and practices of transnational land deals have the potential to generate conflict. As Clinton F. Fink (1968) appropriately observes, scholarship on concept of conflict is characterized by a vast array of terminological and conceptual diversity in “the definition and usage of such terms as conflict, competition, tensions, disputes, opposition, antagonism, quarrel, disagreement, controversy, violence...etc.” which inevitably impacts theory, research and application (p. 429). Similarly, studies on the social impacts of (transnational) land deals tend to suffer from the same terminological imprecision with the simultaneous and interchangeable use of ‘land conflicts’ and ‘land disputes’ without distinction. In this research, I approach the study of land-related social conflict from the perspective of Lewis A. Coser (1957) who proposes that conflict represents ‘the clash of values and interests, the tension between what is and what some groups feel ought to be, the conflict between vested interests and new strata and groups demanding their share of power, wealth and status’ (pp. 197–198). This conceptualisation is of particular interest in our research because of the references to (stakeholder) interests, group demands, and the notion of power. The social dimensions of transnational land deals therefore represent what Normal Long has referred to as a field of social contestation in which ‘local’ and ‘external’ social actors are likely to be drawn ‘into a series of intertwined battles over resources, meanings and institutional legitimacy and control’ (Long, 2003, p. 1).

The Zones of intermediality approach pays particular attention to the discursive construction and processes of mediation of potential conflict arising from transnational land deals. It thus provides more appropriate conceptual and methodological tools with which
to adequately examine the ways in which ‘local cultural references, practices and discourses engage with the imperatives of external actors’ (Evers, 2013, p. 1). This approach provides an innovative analytical lens with which to research the critical dimensions of transnational land deals including contextual characteristics of stakeholder relations, mediation and imagination and assessments of the physical environment, land-use changes and cultural valuations. This research therefore integrates constructivist, interpretive and process-oriented methodologies in the analysis of temporal and location-specific struggles over land access and control as embedded within historical trajectories of contestation over ideologies and practices of agrarian change in central Uganda.

**Defining the research question**

This research was designed with two main objectives in mind: firstly, to develop a deeper understanding of the social dynamics and processes of transnational land deals; and secondly to acquire empirical evidence for analysing socioeconomic, political and ecological effects of transitional land deals in affected societies. The principle question of inquiry is thus:

*What are the socio-historical dynamics and contemporary political processes underlying transnational land deals in central Uganda, and how do the social-environmental outcomes of land deals perceived and experienced at the local level and how do these experiences in turn affect social relations among various stakeholders at the local level?*

This question locates the inquiry into the phenomenon of transnational land deals within the broader social-historical context alongside trajectories of contemporary social change in central Uganda. Subsequently, four interrelated questions arise. First, what are the relevant socio-historical processes underlying land relations, agrarian change and transnational land deals in central Uganda? Second, what are the contemporary institutional arrangements and practices of land governance in central Uganda and how do these structure land relations at the local level? Third, what are the discourses of legitimation and processes of stakeholder relations underlying transnational land deals and how do associated practices shape the process and outcomes of transnational land deals? Finally, what are the social and environmental outcomes of land-use change associated with transnational land deals and how do affected stakeholders respond to these social-environmental impacts at the local level?

The questions above outline a path of inquiry that requires a multi-dimensional spatial and temporal research design. Borrowing from Anna Tsing’s (2005) concept of ‘scale-making’, this research adopts a multilevel approach that accounts for the diversity inherent in the ‘spatial dimensionality’ and diversity of world views deployed by different stakeholders over time to legitimise claims of access and control (Tsing, 2005, p. 58). This
research approaches the study of transnational land deals as a process embedded within the complex context of enduring socio-historical struggles and contemporary transformations (Evers, 2013b). It thus transcends the structure-agency dichotomy inherent in the philosophy of social science by examining the contextual political history of land relations, structural-institutional constraints of governance mechanisms as well as the relative agency of actors involved (Fay, 1996, p. 69).

Transnational land deals are also embedded within particular cultural and social settings and are characterised by contestation of power where struggles over access and control are enacted. Strategies by which diverse actors exercise power as they stake claims over land are thus central to this inquiry. The discursive construction of ideas about desirable (agrarian) change and visions of social transformation in the rural countryside are examined in detail. The study further explores how these ideas are then imprinted on the socio-ecological landscape by networks of actors through various social practices. Structural-institutional analyses of land governance are thus explored by examining the roles of various actors such as policy makers and administrators. By combining these structural and actor oriented perspectives, I borrow extensively from Anthony Giddens’s social theory of structuration (Giddens, 1984) to investigate the emergence and evolution of such ideologies and how they enable and constrain human action at the local level. This approach makes possible an examination of what frictions and (dis)connections are generated and/or resolved as stakeholders navigate through the transformative effects of transnational land deals.

6. Thesis outline

In this introductory chapter, I describe the research domain, introduce the research topic, and outline its scope and conceptual parameters. The chapter also clarifies the research question and sub-questions as well as providing initial outlines of the conceptual underpinnings. Chapter two discusses the design and methodology of the research. I begin with a discussion of the major methodological concerns in the field and how these have shaped my own research perspectives. I then give an account of the process that I followed in the selection of my research site and identification the case studies. This is followed by an exploration of my access strategies in a complex multi-sited and multi-level research field involving institutional and individual and societal dimensions of access. I then discuss the process of identifying and selecting research respondents and the methodological and analytical considerations that informed these choices at the various sites and levels of analysis. After giving an outline of methods used in the collection, handling and coding of the data, I reflect on the analytical process and conclude by interrogating my own positionality and ethical concerns in the research.
Chapter three provides a review of the literature on the main debates surrounding the field of transnational land deals in the past decade. Here, I attempt to answer the question: What are the conceptual and theoretical orientations underpinning discourses on transnational land deals, and how do these ontologies influence epistemological approaches to researching the field? The purpose of this discussion is this to trace and understand the emergence and flows of the world-views and discourses on transnational land deals. By understanding how various stakeholders appropriate and deploy these discourses in shaping ideologies and technocratic rationalities, we will then be able to develop a contextual basis for the analysis of empirical processes in subsequent chapters based on the data collected on how these processes are inscribed on the socio-ecological landscape through practical cases of transnational land deals.

Chapter four locates the phenomenon of transnational land deals in a wider social-historical context of land and agrarian change in central Uganda. The purpose is to examine: what socio-historical trajectories characterise land relations in central Uganda and how do these shape contemporary land governance, agrarian relations and transnational land deals in Nakaseke District? I begin by locating the socio-historical origins, cultural composition and ethno-political identity of the peoples that inhabit Nakaseke District in the context of pre-colonial social formation of the Buganda Kingdom. This is followed by an analysis of colonial-era transformations of land relations occasioned by disruptive changes in land tenure arrangements in the 1900 Buganda agreement. I then analyse the history of land politics, agrarian changes, and land tenure reform in the post-colonial period. This analysis aims to trace elements of continuity and change in the evolution of land relations in the research area, so as to better understand how contemporary transnational land deals are embedded within broader trends of ethno-political identity formation, state-building, and elite contestation over power and authority.

Chapter five analyses the institutional arrangements of land governance with specific focus on decentralised land administration at the local government (District) level. In this chapter, I am concerned with the question of what structural-institutional arrangements underlie the governance of land tenure and land administration at the local government level, and how do these structures shape processes of transnational land deals and influence land access and land relations at the local level. This chapter focuses on the structural context of land access by analysing the role of decentralised land governance institutions in the shaping conditions of land access and tenure rights at the local level. Furthermore, this chapter challenges assumptions behind normative claims about the role of decentralised land governance in promoting secure land rights and questions whether and how the rise of transnational land deals influences the role of the state and transforms central-local relations of land governance and outcomes of land administration at the local level.

Chapter six builds on the foregoing structural analysis and examines the agency of individual actors at the local government level. This chapter seeks to answer the question:
How do local land governance stakeholders perceive their roles in land administration and how do they exercise their mandates in the management of land pressures in the context of rising transnational land deals? In this chapter, I examine whether and how local land governance actors exercise their room to manoeuvre in managing (commercial) pressures for arable land and fiscal demands of enhancing investment-driven development, while at the same time protecting the land rights of local residents. Since local land governance actors are also stakeholders in processes of transnational land deals, this chapter examines whether and how their individual interests and motivations juxtapose with those of other stakeholders and how resulting stakeholder relations influence the exercise of power and authority in local land governance. This chapter is thus concerned with the discourses and practices of local land governance actors and interrogates the role of power and power relations in processes of land governance. It asks whether and how the outcomes of contestation for access and control of land may have potentially disproportionate effects on the land rights of vulnerable land dwellers. Ultimately, by examining the perceptions and practices of local-level actors, it may be possible to determine whether a balance may be found between what (Zoomers, 2013) argues as the need to protect claims to land rights while promoting ideas about the most productive use of land.

Chapter seven analyses three interrelated practices of access deployed in transnational land deals. First, the chapter examines the discourses of legitimation deployed by various actors at different levels to justify land acquisitions. Secondly, it draws on selected empirical case studies to analyse various strategies of access deployed by stakeholders. Third, it maps the stakeholder networks and practices of stakeholder relations in transnational land deals. The central question in this chapter is: What are the discourses of legitimation and stakeholder relations underlying processes of transnational land deals in Nakaseke District? According to Wolford et al (2013), stakeholders engaged in processes of transnational land deals claim and exercise authority ‘through varying discursive, legal, social, cultural and economic practices’ (Wolford, Borras, Hall, Scoones, & White, 2013b, p. 203). Diverse stakeholders therefore mediate their claims through discursive interaction, using various media and relate with other stakeholders in ways that (re)produce multiple and complex power configurations. Studying discourses and practices of stakeholder relations thus brings to the fore the role of competing and overlapping interests of individual actors in shaping processes and outcomes of transnational land deals. Consequently, this chapter examines the relationship between global discourses and policy propositions of transnational actors and how these are appropriated and deployed by diverse local stakeholders to legitimise practices of land access and control. These actor-oriented perspectives of discursive mediation and stakeholder interactions, facilitates a deeper examination of the interaction of ideas, meanings, and practices characterising the messy realities of transnational land acquisitions.
Chapter eight examines the perceptions and responses of those affected by transnational land deals. The principle concern of this chapter is: What are the perceptions and experiences of changing regimes of access, land-use change and environmental effects of transnational land deals at the local level, and how do these changes affect stakeholder relations and response strategies at the local level? The analysis in this chapter is premised on the proposition that transnational land deals (re)produce divergences in stakeholder interests in relation to changing regimes of access and control. These divergences produce variations in the response strategies of affected stakeholders which are manifested in discursive disjunctures at the local level. Questions regarding asymmetries in the balance of power and inequalities in socio-ecological and cultural dimensions of distribution are thus at the core of this chapter’s inquiry.

The chapter begins by examining the types of land-use change, environmental effects and associated governance mechanisms occasioned by transnational land acquisitions in the research location. It then analyses the processes of land acquisitions and enclosures at the local-level and their effects on claims of land-use rights and access restrictions among local land-dwellers. This is followed by an analysis of various forms of local-level responses to access restrictions and perceptions of rights violations. The chapter concludes by analysing the political effects of transnational land deals in reconfiguring power relations, delineating winners and losers, and transforming social cleavages and vulnerability at the local level. This discussion seeks to go beyond the study of governance regimes and technocratic administrative procedures, but are instead critically examine the empirical evidence of the socio-ecological effects of transnational land deals as manifest in the reproduction of power disparities that generate winners and losers for both humans and the environment.

In the Conclusion, I revisit the main research question and synthesise the main findings with a view to determine to what extent the data and analysis provided answers to the questions posed. First, I surmise that empirical evidence from central Uganda show that transnational land deals are not temporally isolated socioeconomic phenomena, but are instead rooted in longer-term socio-historical processes. I therefore argue the case for recognition of the role of historical determinism and continuities of vulnerability as important contextual factors in the analysis of transnational land deals in central Uganda. Transnational land deals and associated agrarian changes are thus constitutive of processes of conflict, displacement and insecurity, and the reproduction of power contestation in state formation and the evolution of state-society relations. Secondly, I reflect on the interrelationships between global and local discourses that legitimise transnational land deals as representing a hegemony of ideas. I question to what extent the resurgence of ideologies of agrarian modernisation is consistent with a worldview of neoliberal developmentalism that is in tandem with a resurgent developmental state in Africa. Thirdly, I assess whether the alliances between transnational capital, the state, and elites in Uganda
is to be understood as a peculiar phenomenon, or as part of a continuum of the process of state formation, a 'Zone of Intermediality', a sphere of influence in which various stakeholders articulate contending ideas about state-society relations. This leads to my fourth conclusion that, by interrogating land governance, I argue for an appreciation of the centrality of state-society relations and the role of power and authority as being crucial to our understanding of processes of social relations and patterns of resource access and control in Uganda’s rural countryside. Finally, I argue that by acknowledging but transcending structural dimensions of critical agrarian political economy and governance approaches, the empirical evidence obtained in this research through the lens of the *Zones of intermediality* approach, challenges conceptual and analytical assumptions about multi-level and binary distinctions in prevalent discourse in land-deal studies such as between predatory state and society often represented as emasculated ‘local communities’. To the contrary, complexity of social processes and effects of transnational land deals implies that our innovative approach provides a unique ontological and epistemological approach for a thorough actor oriented analysis that puts the agency of individual stakeholders and social groups at the centre of transnational land deals and agrarian change.
1. Introduction

This chapter discusses the research strategies including case selection, access strategies, data collection, analytical procedures and reflexive interrogation of ethical issues in the course of conducting fieldwork in Uganda. This research entailed extended multi-sited fieldwork in Uganda at various times between September 2012 and August 2014, followed by shorter field visits in August 2015 and April 2017. The research was conducted at different levels of inquiry that constituted a multilevel iterative analytical process of research design, data collection, continuous review and adjustment.

The first phase of the research consisted of one full year of fieldwork conducted in Kampala, Entebbe, Luweero and Nakaseke from September 2012 to August 2013. During this period, I collected and studied a variety of official documents from Ugandan governmental agencies including policy papers, project reports, annual reviews, legal papers and statutes as well as government memos and minutes of meetings. This initial phase also entailed the identification and selection of research participants, particularly key informants, and establishing initial contact and building rapport. Concurrently, and on the basis of advance information, I conducted exploratory identification and selection of cases including establishment of initial contact with participants in the field, negotiating access and building trust. This led to further revision and deepening of the research design. During this period, I split my time evenly between research in government agencies in Kampala and Entebbe, and field trips to (potential) case-study locations in Nakaseke District which was the primary research site and location of transnational land deals. This overlapping multi-sited approach made it possible to make critical appraisals between grand centralised policies, strategies and interests at the national level, with contextual local level interests, processes, and responses.

The second phase of the fieldwork occurred between February 2014 and September 2014, at which time I had gained considerable familiarity with the primary research site and case study locations, the social setting and acquaintance with some of the principal research participants. During this period, I carried out more detailed investigation of social dynamics of transnational land deals and observable effects such as land-use changes and changing social relations at the local level. Having negotiated access and built trust with farm owner-operators and their managers, I also spent more time visiting the farms and engaging in prolonged observation and personal conversations with participants including farm workers as well as residents of surrounding villages.

The third and fourth phase of the fieldwork took place in August 2015 and April 2017. Although these last visits were not officially part of the scheduled plan of the research project, I was convinced of the need to revisit the field and observe what transformations had occurred in the intervening period. I had by then completed processing the data collected in the previous longer periods and the field visit offered an opportunity to reflect on the question of representation. At this point, I was grappling with the question of how and to what extent
my analysis reflected a more complete picture of the knowledge acquired and the variety of world-views as well as the lived realities of my research participants expressed throughout the entire research period. Put together, this extended period of study provided for a careful combination of data collection techniques that included analysis of texts, direct and participant observation, structured and unstructured interviewing, as well as focus group discussions with selected community members. This mix of methodologies was carefully considered with a view to generating a deep understanding of the structural, material, discursive and practice oriented dimensions of agrarian change and land relations, including processes of access and control of land, land-use changes and associated social-environmental effects at the local level.

2. Data collection strategies

Throughout my fieldwork in Uganda, I was affiliated with the Makerere Institute of Social Research (MISR) at Makerere University. The extensive library at MISR provided access to research reports, books, and periodicals that were not otherwise accessible online or in other libraries outside of Uganda. These are mostly literature written by Ugandan or African based scholars and published locally. Cheeseman, Death, and Whitfield, (2017) have warned of the dangers and limitations of oversimplifying the reality on the ground when studies on Africa depend solely on material produced by researchers relying on ‘databases and surveys that they were not involved in compiling’ while ‘sitting at a desk thousands of miles away from the country that they are writing on’ (p. 5). These local sources therefore provided valuable information on the long history of struggles over land access, control and changes in tenure regimes dating back to pre-colonial social formations in East Africa’s great-lakes region. I was able to access material on the historical accounts of socio-economic processes in the Buganda Kingdom, and the colonial-era agreements that shaped land tenure and agrarian reforms in central Uganda, whose effects still inform contemporary land access regimes.

The first phase of my fieldwork, which began in October 2012 thus started with desk research, largely consisting of document review, and conducting preliminary key-informant interviews with government officers, members of professional bodies such as the Uganda National Farmers’ Federation (UNFF), civil society land rights advocates and independent researchers. These sources enabled an initial process of scale-making and constituted what came to be the national or central-level scale of analysis. Information obtained from the desk research also provided insights into the background and enduring effects of the political history of civil conflict in Uganda, and particularly the geopolitical character of the 1980–1985 civil war pitting the National Resistance Army (NRA) under rebel leader Yoweri Museveni, against the then government led by independence-era President Milton Obote.

The legacy of these conflicts and resulting effects on socio-political relations, later provided deep insights into contemporary social structures and processes of tenure (in)
security, land access and resource control in central Uganda. First-hand historical accounts published by some of the NRA veteran combatants provided insights into the role of the triumphant rebel elites and their cronies who later formed the National Resistance Movement (NRM) government that has been in power since 1986. This information provided insights into the role of state actors including military and political elites and government officers in shaping policies and practices of land control in the research location in Nakaseke District, which was the epicentre of the NRA rebellion (Kainerugaba, 2010; Mutibwa, 1992). This background information became relevant in shaping the structure of life-history interviews that I later conducted in the case-study locations.

National level data sources
Textual analysis of official documents, including national development strategies, agriculture and land policy papers and evaluation reports, provided the basis for a detailed grasp of the structural-institutional ideologies and arrangements of land management and agrarian reform underlying processes of transnational land deals. Insights into the ‘developmental’ aspirations behind centralised technocratic plans for agrarian modernisation and land tenure reform were later useful as empirical evidence with which to comparatively juxtapose against inherent tensions with practical realities and their effects on the ground. Data collection was mainly done at the relevant government ministry and departmental offices in Kampala and Entebbe. Strategies of access at government offices were varied. At the Ministry of Agriculture (initially located in Kampala) for example, I was required to obtain official written permission from the senior-most civil servant, the permanent secretary, who wrote a memo directing all officers in the ministry to accord me their cooperation. Still, I had to personally negotiate access to individual officers in order to obtain actual cooperation and to be granted detailed interviews or access to information.

Even then, I wasn’t always successful. One senior level official at the rank of commissioner, took issue with the fact that my research was funded with a scholarship from the Dutch government and undertaken through a Dutch university. In his view, my research was thus designed to serve the interest of my European funders and I was essentially an agent of imperialist domination. Ironically, the next day, I observed the same officer being profusely accommodative of Dutch NGO staff working on food security projects in the country. On the most part however, many officers were cooperative and I was surprised to be granted access to detailed information, including memos of official government meetings, internal memoranda, and project progress reports among others.

Another useful source of information was Statistics House, the head office of the Uganda Bureau of Statistics (UBOS) in Kampala. Here, I obtained access to data on national and sub-national statistics including household surveys, agriculture yearbooks, and population census data. These sources provided detailed information on historical trends on human development indicators, and access to social services, national poverty index, among oth-
ers. Other data sources included the offices of the Ministry of Lands, Housing and Urban Development (MLHUD) in Kampala and Entebbe as well as the National Environment Management Authority (NEMA) head office in Kampala. At both institutions, I was granted access to policy and legal documents relating to the governance and administration of land and natural resource management. These provided detailed information on the institutional and regulatory frameworks governing access and management of land and the nature of distribution of responsibilities through different governmental agencies. These documents also provided insights into evolving ideologies and valuations of natural resources and land, and the normative socio-ecological considerations underlying these frameworks.

**The local government (District) level**

The second level or scale of analysis was the local government in Nakaseke District where I obtained information on structural-institutional arrangements and processes as well as individual stakeholder dynamics that characterise the functioning of government and the role of actors at the sub-national level. This part of the research was designed to investigate the structure of central-local relations and power distribution. The research focused on the formal as well as informal institutional and individual relationships between central and local government and how these dynamics influence governance, access and control over land. In various offices at the District headquarters, I was granted access to documents containing data on various aspects of the implementation of national land and agrarian policies. District annual reports from various departments with information on local level priorities, plans and implementation strategies. These reports provided insights into contextualised local level aspirations and constraints as well as disjunctures with demands from the central level.

Documents analysed included district development plans, sectoral development plans for agriculture, land and natural resources, as well as annual reports or performance scorecards for the various departments. Local government officers particularly within the District Land Board, the environment office, and agriculture (production) department granted access to official documents including land administration records, minutes of land board meetings, environmental impact assessments, records of applications and actual allocations of land, cadastral maps, population density and land-use data. These sources facilitated a detailed appraisal of the state of land issues in the District and a comprehensive overview of local-level land governance processes.

Specific land records and documentation relating to the selected case studies in this research were not made available due to concerns about confidentiality of private information. Furthermore, due to the poor state of land records at the District Land Office, it was not possible to obtain any cadastral maps for the entire District that would have provided more detailed and accurate information on the case studies and the distribution of the sizes of land holdings. I therefore relied on interviews with District officials and respondents’ self-reporting to estimate the average sizes of land holdings in the villages.
concerned. To complement these sources, I collected geographic data using physical recording of GPS coordinates, which were then combined with publicly available geo-coded data from remote sensing and other publicly available geographic and demographic data. These were combined to generate various GIS maps showing representations of ecological, demographic and physical location of the case study farms in the District. Unlike land-change science or landscape studies to which Political Ecology is closely associated, this research does not focus on the measurement of environmental change in the tradition of Blaikie and Brookfield’s longitudinal analysis of land degradation (Turner & Robbins, 2008). Instead, the aim of the data collection was, as Offen (2004) proposes for similar studies in Political Ecology, to contextualise observable land-use change and associated environmental impacts within a broader analysis of ‘social, political-economic and discursive’ dimensions of transnational land deals and agrarian change.

**Farm level research**

At the *farm-level*, data collection was largely carried out through direct and participant observation, unstructured interviews, and photography. This was done during frequent day-long visits at the individual farms under study. For logistical reasons, it was not possible to actually reside within the farms as accommodation was not available in most cases. The visits involved extensive tours of the farms during which I made detailed observation of various types of farm operations depending on the season. These included the clearance of forest and other forms of vegetation cover, followed by tillage and planting, and subsequently harvesting, post-harvest handling, storage or marketing. In all cases, access was granted without insistence on prior appointments. During the farm tours, I was usually guided by a farm manager who explained various aspects of farm operations, answered questions and arranged interviews with selected farm labourers. These farm tours provided the opportunity for informal interviews and conversations that yielded detailed accounts of farm operations, experiences with processes of acquisition of the land, land-use changes, dynamics of production and labour relations and future operational plans.

Other than the physical collection of GPS coordinates, other farm-level geographic data was obtained from Google satellite photography. These were especially useful in capturing pictorial evidence of historical changes in land-cover. I also used land-based photography to document observable environmental and land-use changes throughout the fieldwork period. The geographic data collected was used to generate boundary maps and while publicly available demographic data from the Uganda Bureau of Statistics was used to produce population distribution maps. In the following section, I provided a more detailed discussion of the various categories of respondents who participated in my research. It is however pertinent to point out that I did not make a specific distinction between farm-level fieldwork and research at the household level since this was not the specific focus on my research. Where household data was collected, this was intended to be anecdotal.
as vignettes with which to support much broader discussions of processes at a higher level of analysis. Consequently, only a handful of research participants provided personal documents such as records of land transfers, lease agreements, boundary disputes, and payment receipts for land administration services.

3. Case studies: Transnational farms in Nakaseke District

The four farms that constitute the case studies of transnational land acquisitions in Nakaseke District were selected through purposive sampling and were included in the research at different times within the first six months of the fieldwork period. The process leading up to their identification and selection has been discussed in the preceding chapter. In this section, I describe some of the basic characteristics of the farms including: land size,
land-use activities, the transnational character of their ownership, and the processes of acquisition. A more detailed discussion of Nakaseke District as a research site will follow in chapter two. From the outset, it is important to point out that during the research process, I was unable to treat all these case studies with the same level of detailed scrutiny and rigour. This was partly due to the staggered nature in which they were identified and included in the research. This variation was occasioned by delays encountered in the process of negotiating access and obtaining consent. The levels of access were also varied, leading to disparities in the depth and breadth of data obtained since the management of some of the farms were not as forthcoming with information. The challenges of access and how I navigated them will be discussed on more detail later in this chapter.

In this brief introduction of the four case-study farms, I describe their basic characteristics based on typological assumptions used in identifying and characterising transnational land deals. A more comprehensive discussion of the normative issues around these typologies and questions arising from these characterisations is presented in chapter two. The typological characteristics include, but are not limited to: the size of the farms, the ownership and nationality of the owners or composition of shareholding, the type of land-use, and forms of farm operations, and product handling or other on-farm commercial activities.

To begin with, the question of who owns what and how is important in establishing the transnational character of these farms and the roles of various stakeholders within them. A better understanding of the ownership structure may also reveal the nature of relations between ‘foreigners’ and ‘locals’ and the form of trade-offs that may exist within and between them. The share-holding structure of these ventures also has implications on land access and the terms and conditions of ownership. The identity of the actors associated with the ownership of the farms is important in determining the transnational nature of the land acquisitions, but this is not as straightforward as it may seem. As far as the case studies are concerned, information obtained from the owner-operators indicated that three of the four farms were owned by non-Ugandan nationals through investment companies incorporated in Uganda. However, information on the exact shareholding structure was not provided, thus rendering the true nature of ownership opaque and shrouded in mystery.

As will be discussed in more detail in chapters three and five, Uganda’s land law prohibits foreigners from owning land outright in Uganda, but the distribution of shares within the holding company may be structured in such a way as to tip formal ownership between local and foreign investors. This creates loopholes through which legal restrictions can be circumvented. The nature of tenure under which the land is acquired is also significant as it determines such user-rights as the duration of ownership and rights of transfer. Information availed to me indicated that two of the farms were under lease-hold while the owners of the other two claimed to have freehold title, having bought the land outright. I however could not verify these claims due to lack of primary documentation. The ownership status therefore remained doubtful since foreigners and foreign owned companies are by law, only allowed to lease, but not own land in Uganda.
The first farm that I selected was the 400-acre Chinese owned Hanhe Farm, which has been introduced in the preceding introductory chapter. According to documents obtained from the District offices in Nakaseke, interviews with the owner-operator and media sources, Hanhe farm is owned by Hanhe Uganda Company, a local subsidiary of Hebei Hanhe Investment Company. The parent company, according to online sources, is registered in Hebei province, China (Fan, 2011). During an interview in October 2012, the farm manager informed me that Hanhe Uganda Company owns the land under a 30-year lease with a provision for an option of renewal.

**Great Lakes Africa Development (GLAD) Farm**

GLAD Farm consists of two separate units of land consisting of a total of 777 hectares. The first block of this farm lies approximately five kilometres from Butalang town council, the headquarters of Nakaseke District. It is located adjacent to the road linking the District to Kampala through neighbouring Kapeeka town, a bustling trading centre. The farm is easily noticeable due to its large size that runs for almost three kilometres on the side of the road. I first noticed the farm on my return to Kampala after my first visit to the offices of Nakaseke District in November 2012. Moses, the District agriculture extension officer, with whom I had established a good rapport and who was well conversant with the distribution of foreign owned farms due to his work with farmer organisations in the District, provided more information about the farm and its ownership structure. With Moses’ assistance, I quickly established contact with Bent Ronsen, the owner-manager who lived in Kampala. My first interview was thus held at his residence in Kampala, but since he often visited and spent some days on the second block of the farm in the nearby Kapeeka trading centre, about 10 kilometres from the district headquarters, subsequent interviews were held on the farm, which provided opportunities for detailed observations and accompanying explanations.

From these interviews, I leaned that the Great Lakes Agriculture Development (GLAD) company which owns GLAD Farm, leased one block of the land known within the company as Farm Two from Salim Saleh, a retired army general and brother of the Ugandan President Yoweri Museveni. General Salim Saleh is considered one of the most influential political and military figures in the country. As for Farm One, it emerged that GLAD Company had initially entered into a lease agreement with a local owner, but the ownership was challenged in court, leading to freezing of the transaction that had lasted for more than five years and continued throughout the fieldwork period. Frustrated, but not giving up, Bent Ronsen opted to lease the land (Farm Two) from Gen Saleh as he awaited the final court ruling on the case of Farm One.

Interviews with Mr Ronsen and online sources indicated that GLAD Company had several shareholders, with Mr Ronsen, a Norwegian citizen, being the principal owner and manager. According to the company website, the proprietor was previously the founder and director of the Norwegian humanitarian agency Christian Relief Network (GLAD Farm,
n.d.-c). He later decided to venture into farming, having had previous experience, according to the website, running a family farm back in Norway. I selected this farm for my case study since it offered the opportunity to study several interesting aspects of transnational land deals such as the role of elites and political networks in land acquisitions. It also made for an interesting comparative study in the variation of transnational identity of ownership and contrasts in the agrarian practices of diverse owners. Logistically, the ease of access due to its location next to a major access road, proximity with other case studies and the accessibility of the management made it a suitable case for inclusion in the study.

**Balaji Farm**

The 1280-acre Balaji Farm is operated by the Balaji Group (East Africa). The company is owned by an Indian national a Mr. Balaji. This farm is located right across the road opposite GLAD Farm’s Farm One. When I arrived in Nakaseke District in the dry season of late 2012, I was struck by the visibly massive decimation of woodland and vegetation as far as the eye could see, as I drove for what seemed like five kilometres along the dusty Butalangu-Kapeeka road (figure 4 below). I parked the rented car and got out to take in what seemed to be a massive operation: bulldozers were crushing down thick forest and swampland, as billows of thick smoke snaked into the distant skyline with the burning of dried heaps of bush. An army of workers followed behind the bulldozers slashing down shrubs and smaller trees as a tractor followed in their wake to till the freshly cleared virgin earth.

*Figure 4: Large-scale land clearance in Kapeeka, Nakaseke District. ©Josh Maiyo, December 14, 2012*
CHAPTER 2

Compared to the smaller fields of adjacent small-scale farmers which were poorly cleared, filled with partially felled tree stumps and huge anthills, the scale of the mechanised operation stood in breath-taking contrast. I had no doubt that this farm would make a good case study by which to observe and contrast the markedly different land-use changes and associated ecological transformations that would unfold throughout the fieldwork period and beyond.

I immediately turned the car around to look for the farm house or offices where I could make inquiries about this new case study. I eventually found my way through a rickety wooden gate manned by a young lady with a guest book thrust at me for signing in. In the yard outside the long, low-lying three-roomed whitewashed brick farm-house, I met the manager, a shy and reluctant man of Indian origin. With barely comprehensible English laced with a strong Indian accent, he told me that he couldn’t answer any questions, but directed me to look for the company director at the headquarters in Kampala. He promptly retreated to his inner office in one of the rooms. Despite numerous visits to the farm afterwards, I never got to speak directly with him again throughout my fieldwork period in Uganda. Several weeks later, I managed to secure an appointment with one of the directors of Balaji Company, better known for its alcoholic beverages and bottled water operations in Uganda.

During one of only two brief interviews that I was granted, the company director claimed that since fertile land was cheaply available in Uganda and his family had a history of farming back home in the state of Gujarat in India, they decided to buy the land. Initially, it was designated for some experimental farming as a family leisure retreat away from Kampala’s crowded city life. But according to the director, due to Uganda’s excellent weather conditions and plentiful rainfall and a ready market, they decided to venture into full-time large-scale commercial maize production, hence the massive operation. Asked about the nature of tenure arrangement, the company director stated that they had bought the farm from the original Ugandan owner. I could not verify this information due to the difficulties in accessing key informants for detailed interviews and the very scant information available publicly about this company and its overall operations in Uganda. I was thus unable to determine whether the company had leased the land, or bought it outright and held it under free hold tenure. Interviews with local leaders and community members in Nakaseke District seemed to contradict the company director’s assertions as they claimed that the land was leased by the Indians for an unspecified number of years.

Amfri Farm Uganda

Amfri Farm is a 1280-acre property owned by the Shivji family who are second generation Ugandan-Indians with Canadian citizenship. The family claims to have acquired the land in the 1970s but were expelled from Uganda together with other Asian-Ugandans in 1972 during the regime of Idi Amin. According to the company website, the Shivji family
returned to Uganda and reclaimed ownership of the farm in 1991 and started operations in 1998 (Amfri Farms Ltd, 2016). Amfri Farm presented an interesting case due to its ownership and management structure as well as land-use type and political history. The complex transnational identity of the family that owns the farm is an interesting case that fudges the boundaries between foreign and local and redefines the meaning of the ‘transnational’ in land-deal studies. Being Ugandan-born, the proprietor could and did (re) claim Ugandan citizenship having lost it during his years of exile and residency in Canada. His dual Canadian-Ugandan citizenship and Indian herniate problematizes the use of the concept of ‘foreign’ in large-scale land deals and redefines notions of meaning, interpretation and belonging. Furthermore, their decision to undertake organic, biodynamic and fair-trade farming practices reconfigures predominant narratives about exploitative land-use practices and harmful socio-ecological impacts of transnational land deals.

Amfri farm has an intricate relationship with Uganda’s contentious ethno-political history of identity, citizenship and belonging. Following the Asian expulsion in 1972, the farm was abandoned, and later occupied by the LRA rebels during the civil the 1980s-civil war. This highlights the importance of contextual factors and longitudinal trajectories of continuity and change in shaping processes and outcomes of large-scale land deals and agrarian transformation in Uganda. Following its revival, the farm has developed an exceptionally successful export oriented business model compared to others in this study. This introduces an additional dimension of transnationality in terms of an outward orientation and global market access that goes beyond the conventional focus on inward flows of investments or FDI. Instead it offers the opportunity to investigate the role of supply chains and the effects of transnational networks of specialist commodity markets and the effects extending global ethical standardisations to Africa’s hinterlands. The table below gives a summary of the main characteristics of the four farms.

<table>
<thead>
<tr>
<th>Name</th>
<th>Size in acres</th>
<th>Contract type</th>
<th>Country Origin</th>
<th>Start year</th>
<th>Land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanhe Uganda</td>
<td>400</td>
<td>Lease</td>
<td>China</td>
<td>2009</td>
<td>Aquaculture, Maize, Mushrooms</td>
</tr>
<tr>
<td>Amfri Farms</td>
<td>1500</td>
<td>Freehold</td>
<td>Uganda/India</td>
<td>1999</td>
<td>Fruit, Herbs, Spices</td>
</tr>
<tr>
<td>Balaji Group</td>
<td>1,280</td>
<td>Freehold</td>
<td>India</td>
<td>2011</td>
<td>Maize</td>
</tr>
<tr>
<td>GLAD Farm</td>
<td>1,920</td>
<td>Lease</td>
<td>Norway</td>
<td>2010</td>
<td>Maize</td>
</tr>
</tbody>
</table>

Table 1: Summary of farms under study

The typological characteristics of the four case study farms provide empirical evidence for critical comparative analysis of conceptual assumptions and often homogenising discourses about transnational land deals. The similarities as well as stark variations in ownership models, histories, and transnational structures between all the farms within just one local government area provide insights into the potentially diffuse character of
transnational land deals in general. By studying contextually situated local-level processes, practices and outcomes, this research offers the opportunity to interrogate broader assumptions and discourses about of transnational land deals while generating new insight that further our understanding of this global phenomenon.

Methodologically, the period in which these farms have been in existence had limitations on what could be studied and how. Except for Amfri Farm, which has a long history in Uganda that partly accounts for its better establishment, the other three farms started operations variously between 2009 and 2011. These three latter farms had thus been operational for no more than four years by the time of commencing the fieldwork. Due to this relatively short period of their existence, the farms were still undergoing development and had not reached full operational capacity. Some of them had not yet started commercial commodity production. Balaji and Hanhe farms claimed that they were still in the process of establishing operations in which included clearing the land, recruiting staff, and installing additional infrastructure. In all four cases, not all the land acquired had been put under cultivation. Even for the relatively better-established farms such as Amfri, I observed that continuous expansion was undertaken throughout the research period.

These on-site transformations affecting the operational activities and overall characteristics of these farms, also necessitated corresponding adjustments in the research design. Due to the relatively new presence and initial low intensity of operations on the farms, I found that it was too early to meaningfully analyse deeper socio-economic and longer-term environmental impacts. Still, the temporal stages of acquisition and operational establishment offered the opportunity to document and analyse aspects of local-level social dimensions including access strategies and surveying local land dweller’s initial encounters, perceptions, and experiences associated with the land ‘give-aways’. This phase also offered excellent opportunity to observe and document the spatial transformations occasioned by the land-use changes and immediately observable ecological impacts. These local level processes, juxtaposed with contextual socio-political dynamics in the study area would thus provide empirical basis for the analysis of broader social dimensions underlying the land acquisitions including: the discourses and practices of legitimation, institutional procedures and ensuing socio-political effects.

4. Research participants

My entire research was designed as an in-depth study of a few cases that according to Russell H. Bernard, is best undertaken through nonprobability purposive sampling (Bernard, 2011, pp. 186–187). This type of labour-intensive research that requires the long-term cultivation of confidence and trust, coupled with careful observation can only be achieved through a detailed study of a few cases. The process of selecting participants for this
research and the sampling techniques used varied depending on the scale of analysis; be it central government (national level), local government, farm or village level.

At the national level, I was therefore interested in a few key informants who would provide detailed information on specific aspects of a broad field of study. The first task was to identify the institutions that were relevant to the study and the types of information that could be obtained from each. This process started with an invitation to attend the annual Joint Agricultural Sector Annual Review (JASAR) Conference organised by the Ugandan Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) on November 1 and 2, 2012 in Kampala. The objective of the conference was to review the performance of the agriculture sector during the previous financial year and to serve as a platform for the joint assessment of the efficiency and effectiveness of implementation of national agriculture policy (GoU, 2012). In attendance were national and sub-national agriculture officials as well as representatives of donor agencies, development partner countries, civil society organisations, farmer’s associations, researchers and academics. This provided an opportunity to introduce myself and the subject of my research to a variety of potential participants and to obtain their contact details for follow-up interviews. Here, I also met a few staff members who later facilitated access to the Ministry and one of them eventually agreed to be my research assistant and translator throughout the fieldwork period.

At the agriculture ministry for instance, I purposively sought out individuals who had expert knowledge of national agriculture policies, preferably with longer institutional memory involving policy formulation processes and implementation strategies. The contacts obtained at the JASAR conference put me in contact with the key informants among policy makers and technocrats through chain-referencing. At this level, data collection was conducted through personal interviews using semi-structured questionnaires. In total, I interviewed nine policy makers at the Ministries of Lands and Agriculture. I also conducted four interviews with project officers and country representatives of international development agencies and donor countries working on issues of food security, agriculture and land governance. These included the USAID, UNDP, FAO and European Union Uganda country office, and the Catholic Relief Agency CARITAS.

At the local government level, research was conducted mainly at the headquarters of Nakaseke District, located in rural central Uganda. Here, I conducted interviews with local government officers purposively selected for their role as implementing agents of broader national policy on land and agriculture. I conducted the first round of semi-structured interviews with fifteen local government officers and local council politicians at various times between November 2012 and April 2013. The purpose of these interviews was to understand the structural-institutional arrangements, and the distribution of powers and responsibilities for land governance at the local level. Secondly, I sought to understand whether and how these local actors understood, interpreted, and localised the policy agendas of the national government. At this level of inquiry, I was also interested in un-
derstanding whether and how stakeholders at the local government exercised room to manoeuvre in negotiating the adaptation and implementation of such polices to suit the realities at the local level. Research participants at this level included nine civil servants, six elected political representatives, and the Resident District Commissioner (RDC), who is directly appointed by and answerable to the president. Towards the end of my first year of fieldwork in mid-2013, I conducted a second round of follow-up interviews with ten of these participants. During the second phase of my fieldwork in 2014, only five participated in a third round of follow-up interviews.

At the village level, I focused on several categories of respondents. The first category were the elected village leaders as well as informal traditional or religious elders. These were identified through referrals and purposively selected due to their roles as gatekeepers into the communities and as valuable repositories of knowledge in such non-literate societies. It was thus both necessary and useful to obtain their consent and authorisation before accessing other participants the field, both animate and inanimate. The second category were the residents of villages adjacent to the four case-study farms. These were selected through random sampling and snowballing and required very careful and deliberate negotiation of access as will be discussed in the section below. Of these, I managed to interview thirty participants living around the four case-study farms. As explained earlier, not all four farm-sites were researched equally. Consequently, I interviewed more residents from Kasambya village, within which Hanhe farm is located, more than any other. Here, I conducted two focus group discussions with local farmer organisations that provided rich information on local dynamics of social stratification, perceptions about development and progress, as well as experiences and attitudes regarding the impact of the land deals in their communities. Aces strategies were either meticulously planned or random as evident from an encounter at a different village adjacent to Amfri farm. Here, I was afforded an impromptu group discussion with community leaders that I bumped into as they were in the process of concluding a welfare meeting. I also conducted 10 detailed life-history interviews among local residents adjacent to the four farms. These life histories provided rich information of longitudinal historical social transformations and culturally constructed ideas about land valuation and land use at the local level.

At the farm level, the first category of research participants included farm owners and managers. In three of the cases the owners or part-shareholders were directly involved in the operational aspects of the farms alongside designated managers. These were the first points of contact and authoritative sources of information on the ownership or shareholding structure and management structure as well as background information on the strategies and processes of acquisition. They also provided detailed information on farm plans and farming operations. For three of the four case-study farms, these participants were initially hesitant to divulge information on the access procedures and shareholding/ownership structures. To obtain such depth of information required repeated and prolonged
period contact. When they were forthcoming, this information emerged during informal conversations rather than the formal interviews. Where the information was forthcoming, these candid conversations described detailed aspects of investment structures including future operational plans, production and productivity projections, marketing strategies and overall development strategy, and even personal philosophies behind the enterprises.

The second category of participants at the farm level were the farm workers. In three of the four farms, I had the opportunity engage in participant observation, informal conversations and detailed life-histories with a few selected farm workers. In these three farms, I had established a level of rapport with the owner-operators that I could make impromptu visits and tour the farm without managerial supervision. In one such visits to GLAD farm during a maize harvest season, I interacted freely with farm-workers during their lunch-break where an impromptu group discussion provided insights into the farm-workers’ views about labour migration, farm relations, wages and working conditions as well as gender dynamics. For detailed insights into the personal significance of the farms in the lives of workers, I obtained extensive life-history interviews with at least five farm-workers on three of farms.

Beyond the farm and the village, I attempted to pursue a line of inquiry among state security officers relating to the management of land conflicts. This issue had emerged as a recurring theme underlying land relations in the District, characterised by disputes largely within and between families and between squatters and (absentee) landlords. However, frequent attempts to seek audience and conduct interviews with security officers, for instance those stationed at the local police post situated outside the Chinese owned Hanhe Farm, and at the district police headquarters were not fruitful. After two years of trying, I managed to obtain one interview with a member of the regional Land Police Unit in neighbouring Luweero. In addition, I only made two brief informal conversations with three police officers at the police post at Hanhe farm, but they declined to respond to questions about specific land conflicts or alleged labour-related conflicts on Hanhe Farm itself. Due to the scant information available, I was not able to address this important dimension of the research in any significant way in this dissertation.

At the close of the major part of my fieldwork in August 2014, I organised a stakeholders’ workshop to which I invited participants from among selected local-government staff at the District, some elected local council officials, and managers and proprietors of the four case-study farms. I also invited officers from the Agriculture and Lands Ministries, representatives of the Uganda National Farmers Federation (UNFF), and staff from the Uganda Land Alliance (ULA), an umbrella organisation for civil society groups active in land issues in the country. All of the invitees had been active participants in my research and the workshop provided an opportunity to share preliminary research findings and seek their feedback on some of the key emerging issues. I carefully selected the venue of the workshop, which was held at Amfri farm whose owner granted permission and was happy
to co-host the event. At least 80 percent of those invited turned up, except for most of the local government officers who were reportedly attending a governmental training on the same day. The participants, especially the farm owners and local council politicians appreciated the opportunity to meet with each other face-to-face for the first time and to discuss various expectations of each other including social service delivery and development aspirations. The workshop proved to be more effective as a networking opportunity were influential actors within the District on issues of land and agrarian change were could interact freely and informally. The participants expressed the desire to continue the spirit of consultation and build mutual trust and cooperation in finding common ground on contentious as well as mutual interest issues.

5. Access strategies and research ethics

To conduct research in Uganda, approval is required from the Uganda National Council for Science and Technology (UNCST). According to its policy guidelines, UNCST ‘receives and reviews research protocols for their scientific merit, safety and ethical appropriateness, and when satisfied, issues permits to conduct the research’ (UNCST, 2016, p. 1). The permit for my research was processed through the Makerere Institute of Social Research (MISR) which was an institutional partner in the research project and with which I was affiliated throughout my fieldwork period. The inclusion of a local institutional partner was necessary for logistical and administrative reasons, but more importantly for purposes of enhancing intellectual integrity and accountability in knowledge sharing with the host ‘community’ more broadly. To this end, other participants in the research included the Uganda Land Alliance (ULA), the Uganda National Farmers Federation (UNFFE) and the Ministry of Agriculture Animal Industry and Fisheries (MAAIF) and the Ministry of Lands, Housing & Urban Development (MLHUD).

Although formal engagement had been initiated with ULA and MISR, changes in the leadership of both institutions with the entry of new executive directors required fresh introductions and discussions about the research project, mutual expectations, as well as information and knowledge sharing. In the end, this relationship became less structured partly due to the limited focus of both institutions in the subject matter and location of my research. Nonetheless I maintained cordial relations with staff at both institutions, which continued to offer support including working space and facilities, access to literature and resource persons, and participation in knowledge sharing activities. Negotiating access in government institutions and agencies was more complex as it required careful and deliberate consideration as I had not established contact prior to the commencement of fieldwork. The inclusion of these agencies was however crucial for the success of the research, for instance in obtaining official documents, approving access to technical staff
for interviews, and in some cases authorising and facilitating access to lower level sub-
national officers.

Initial access to the Ministry of Agriculture through participation in its annual review 
conference has been explained above. In the early stages of the fieldwork, I had to obtain 
written approval from the Permanent Secretary, the highest civil servant in the ministry, 
authorising relevant junior officers to grant me interviews or access to documents. Even 
with this formal documentation, I still had to invest time and energy in regular visits to 
the Ministry headquarters in Kampala, with long periods of waiting to meet staff who 
were either out in the field or engaged in meetings, conferences and workshops. While 
these long hours of waiting may have at first appeared wasteful, the opportunity to have 
informal conversations with other staff members made for creating acquaintances that 
later proved useful in accessing information.

Equally significant was the opportunity to use these moments for unobtrusive obser-
vation of the work culture and interpersonal relations between different categories of 
staff at the Ministry. For instance, I observed that the technical staff seconded to the 
ministry from donor agencies such as JICA, the EU or Chinese experts, operated almost 
entirely on their own with what seemed to be little interaction with local Ugandan staff. 
From subsequent interviews, it appeared that this ‘island’ mentality was reinforced by 
perceptions of variance in work ethics, goal orientation, and questions of efficiency and ef-
fectiveness. While these observations may not have been directly relevant for my specific 
research objectives, in hindsight, they facilitated a better understanding of the complexity 
of factors that informed institutional and individual relations between central government 
and decentralized local government units and associated constraints in agrarian policy 
alignment.

The relative ease of access was however not uniform across all government depart-
ments. For instance, although formal authorisation was not demanded, it was relatively 
more difficult to obtain individual access to most senior officers and key informants at the 
Ministry of Lands. This resulted in a smaller number of participants, and interviews and 
less robust land related data at the national level. Here, I only managed to interview three 
Senior officers throughout the course of the fieldwork. But even within institutions, atti-
tudes towards my research varied, and this affected access to certain individuals and types 
of data. For instance, the ease of access to the public information officer at the Ministry of 
Lands contrasted with the difficulty of access to his other colleagues. Similarly suspicion 
by one of the Agriculture Ministry’s directors about the motives of my research and his 
fear of the potential ‘(mis)use’ of my research data by my funding agency, was in stark 
contrast with the trust and confidence I obtained from his junior staff. On the extreme 
end of access difficulty was the Uganda Investment Authority (UIA) that, despite stringent 
requirements for putting my research request in writing on official institutional stationery, 
I never received any response and neither were phone calls, emails and text messages
responded to. Frequent visits to the offices in Kampala elicited terse responses that all investment information was confidential, including overall data on foreign agriculture and land investments.

Navigating this access terrain therefore required keen cultural awareness and skilful sensitivity to interpersonal relationships and the ability to quickly adapt to both institutional culture and individual level differences. The ethnographic research design of prolonged immersion in the field was aptly suited for these conditions. The local government level presented a deeper level of complexity due to the unique social environment, working conditions, variation in levels of education and socio-economic backgrounds of the research participants. This made for challenging research environment. While the civil servants exhibited similar characteristics as their central government counterparts, such as a grasp of policy and technocratic language articulating implementation strategies, elected local council politicians manifested a populist, grass-roots oriented and more antagonistic view of central government. This diversity presented a challenge regarding the framing of my research and articulating my own positioning so as not to appear to be advancing the interests of the central government while at the same time not appearing to be subversive and/or critical of either the centre or the periphery.

Navigating the terrain of neutrality required care in the selection and access strategy in which I approached and interviewed civil servants separately from the politicians, while deliberately choosing how to frame my questions. Similarly, there appeared to be differences in perceptions and treatment of issues between respondents domiciled within the District and those from without, as it emerged that issues of access and control of land was intricately tied to ethno-political undercurrents of identity and belonging in the context of historical migration patterns. At the farm level, access to managers and owners followed a pattern of slow and deliberate confidence building. This entailed careful and detailed explanation of my research topic, its design and objectives and purpose.

Due to the generally tense politics of land relations in Uganda and the complex and delicate coexistence between the visibly foreign ownership of the case-study farms and local communities it was understandable that these participants were initially wary and hesitant to engage with the research. While they did not overtly rebuff my inquiries, they did not initially appear to warm up to my research either. This is the point where my non-Ugandan (Kenyan) nationality worked in my favour as sought to demonstrate that I had no vested interests in Uganda’s domestic land politics. Furthermore, I had to provide assurances that my study was intended for research purposes and not for dissemination, especially in the mass media. I gradually gained the trust and confidence of some of these proprietors and their managers who occasionally went as far as to invite me into their residential homes for interview appointments.

In the initial stages of negotiating access, I did not expressly request contact with farm labourers and was content with supervised farm tours often given by farm managers or
senior supervisory staff. During these initial stages, access to lower-level staff and field workers was restricted in some farms. When I was eventually allowed access, I could only interview farm-workers selected by the farm management sometimes under the supervision of managers. This had affected the ability of such participants to speak freely and consequently had implications on the validity and reliability of their responses. However, due to the infrequent presence of farm managers on site and the free access I was eventually granted, I developed closer relations with a few farm workers on each farm. These individuals became participants in in-depth life-history interviews. These moments of unsupervised access also allowed the participants to speak more openly about their on-farm perceptions and experiences about labour relations and their personal aspirations.

Access at the village level was not as constrained compared to higher-level institutions and organisations. Here, I had more freedom to purposively identify research participants and especially key informants. These were largely drawn from among elected and traditional village leaders, residents living adjacent to the case-study farms, former farm-workers, and land dwellers who may have been displaced or otherwise affected by the land acquisitions. Others were older community members with historical memory, immigrants who may have had different perspectives on land relations and politics based on their unique experiences and women in charge female headed households. The freedom in sampling was however constrained by my inability to speak or understand the local Luganda language as well as poor understanding of local customs and practices of land valuation, access, control and land-use.

To overcome these shortcomings, I identified key informants in each village that I would consult in the identification and selection of key informants on a given issue. These principle participants also assisted in organising focus group discussions and in some cases acting as my translators. While selecting a principal assistant from within the village had its advantages such as their intimate knowledge of the local context, this may have also had inherent but unknown risks such as individual bias based on their interpersonal relations and social positions within the community. In addition, they were all young men and this may have introduced a gender bias. To mitigate these methodological hazards, I engaged the support of two female research assistants to redress potential gender biases and facilitate better access to women in the field. Although they themselves did not come from these communities, their presence in my research team did help to open pathways into critical but otherwise inaccessible segments of these communities.

Informed consent was obtained at all times as I took care to introduce my research and to inform the participants about the purpose of the research and its objectives. For the officers in Kampala and the local government, a verbal introduction was accompanied by an offer to provide the two-page project summary, printed copies of which I carried with me all the time. Most participants did not insist on reading the project summary or signing the consent forms. I also gave the participants the opportunity to ask any questions and
seek clarifications regarding the project or their involvement in the research. Interestingly, the most frequent question asked was why, as a Kenyan national, I was doing research in Uganda and not in my own country of origin. This question was often posed out of curiosity but in some cases, it appeared to arise out of wary suspicion or defensiveness. One such encounter occurred during the ‘Africa Works!’ international fair held in Leiden in 2015. During the presentation of my research results, members of the Ugandan delegation challenged some of my findings on the basis that as an ‘outsider’, I couldn’t fully grasp the ‘true’ picture of what was happening in Uganda and thus was unqualified to make certain assertions.

In the interest of disclosure, I ensured that before each interview, I sought the research participants’ verbal consent for audio recording of interviews. Furthermore, I explained the process of data processing through transcription, translation and storage. I disclosed that my analysis would be more accurate and the process more convenient with audio recorded interviews. I also assured the participants that their names and identities would not be revealed, except in cases where they, themselves provided express permission and consent. In most cases, participants did not object to recording of the interviews, but where I sensed that the participant’s awareness of the recording may inhibit their freedom to speak, I would either end the ‘formal’ interview quickly and revert to unrecorded informal conversation, or simply stop the recording and proceed with the interview unrecorded. Where consent for audio recording was not granted, I wrote down important notes on the conversation and later made written summaries of the interviews from memory.

6. Data organisation and analytical procedures

In handling the data, the following procedures and safeguards were undertaken: all audio material from interviews and focus group discussions were transcribed verbatim. In the transcripts, the names of participants were assigned letter codes, while the name-code matrix was securely stored in a separate file. Interviews conducted with Luganda speakers were directly transcribed from Luganda to English with the help of two research assistants, both of them university students whose native language was Luganda. Prior to this, I provided training on ethnographic transcription with specific emphasis on being careful not to paraphrase, summarise or otherwise impart their own interpretations in the translation and transcription of original texts. Still errors or inaccuracies may have occurred in this process, and some of the quotes cited in this dissertation may not reflect the exact wording used in the original audio material obtained from Luganda speaking participants.

The transcribed interviews were subsequently selected and categorised in terms of themes and sub-themes, analytical scales or respondents’ demographic characteristics. Together with the field notes, I personally uploaded and analysed these textual materials
using Atlas.ti qualitative data analysis software. Official documents such a policy papers, legal provisions, research reports and statistical data were equally categorised and analysed separately. The data was systematically coded, and emerging clusters of codes merged to generate thematic categories of analysis. These thematic categories were further analysed to generate conceptual categories that were matched iteratively with concepts emerging from analysis of prior literature review. These were then used to formulate broader conceptual categories of analysis that constitute this dissertation.

Data analysis was carried out iteratively in such a way as to capture the interaction between institutional and actor-oriented dynamics of resource access, control and land-use across multiple levels. Legal and policy documents were subjected to textual analysis to construct the institutional framework across different agencies and levels of government that provide the underlying administrative and discursive framework for land acquisitions. Extended participant observation and GIS data was cross-referenced to provide longitudinal place-specific evidence of land-use and environmental change. Data on demographic distribution, land-cover, administrative boundaries and cadastral information were integrated using ArcGIS software to generate various maps for visual representation.

7. A reflexive note on research ethics and positionality

Before I arrived in Uganda, I was acutely aware of the methodological demands of ethnographic research that I understood to be expected of me by virtue of doing my PhD in the field of Anthropology and at the department of Social and Cultural Anthropology at the Vrije Universiteit Amsterdam. These assumed demands were however in sharp contrast with my lack of prior disciplinary grounding in anthropology, and very limited training in anthropological research methods. Still, I had become sufficiently aware, following pre-fieldwork preparatory training on ethnography and reflexivity, of the potential influence of my own personality in the research process as perhaps ‘the most important scientific instrument’ (Eriksen, 2010b, p. 29). In this reflexive note, I attempt to explore some of the fault lines that defined my fieldwork and analytical approach.

Research ethics
Conducting research at multiple and overlapping levels of engagement, building rapport and gaining the confidence of various actors across multiple layers of often conflicting interests, perceptions and lived realities presented challenging dilemmas of empathy and loyalty. Ethical considerations of conduct and representation were a constant feature in the course of the fieldwork and after. While Joan Cassell and Sue-Ellen Jacobs suggest that ethics might be perceived ‘as an abstract and on occasion, intimidating set of injunctions’ to many anthropologists (1987, p. 1), this was certainly not the case to me. For instance,
I grappled with the sincerity of my actions in the field. Questions of whether and how I could be potentially and calculatingly abusing the participants’ trust by seeking access to institutions and communities and cultivating personal relations, knowing that I was doing this for purposes of obtaining research information. I wondered, would and should the resulting relations mean more than just a means of obtaining data, if so how and to what effect once I left the field? Similarly, how could (re)present my research a transnational investor who had invited me to their homes, introduced me to their family where I joined them for meals at the family table, and treated me with kindness, generosity and warmth, yet they might engage in discourses and practices that seemed to delegitimise, violate and deny the claims and perceived rights of others? To what descriptive detail would I go in disclosing proximate observations of unethical social conduct? On the flip side, would I take the claims of vulnerable individuals and groups, however genuine they seemed, at face-value? How critical ought I to be, and to what level should I go in critiquing and seeking proof without invalidating their lived experiences?

The code of ethics provided by the American Anthropological Association became my guideline, reminding me that as an Anthropological researcher, I ‘must do everything in [my] power to ensure that [my] research does not harm the safety, dignity, or privacy of the people with whom [I] work, conduct research, or perform other professional activities’ (AAA, 1998, p. 2). I have in this dissertation adhered to the ethical code stipulating that ‘informants have a right to remain anonymous’ and that ‘this right should be respected both where it has been promised explicitly and where no clear understanding to the contrary has been reached’ (AAA, 1986, p. 2). In this dissertation, I have ensured that the identity of the participants interviewed or referred to during interviews, and whose identities are not otherwise available in the public domain, was not revealed. The names of participants, including public officials, political leaders, farm workers and local residents, as well as government and policy makers have been anonymised. However, since the research took place in a specific District in Uganda and on specific farms whose geographic locations are identified on maps generated using GIS and cadastral information, the identity of the farms, the ownership and their locations have been provided.

A note on positionality

Prior to commencing fieldwork, most of the literature on transnational land deals that I had reviewed, tended to define the phenomenon from the perspective of critical political economy, a largely agrarian studies oriented discourse of accumulation by dispossession (Fairbairn, 2013; Makki & Geisler, 2011; Martiniello, 2012). This approach ‘foreign’ land acquisitions as generally resulting in harmful socio-economic and ecological effects, with little if any benefits to affected communities. Transnational land deals were thus constructed as not offering a viable path to development as touted by its proponents. This approach was bolstered in juxtaposition with a perspectives from critical development
theory that appear to discursively delegitimise processes of social change and economic improvement as ‘myths’ of western imagination imposed on ‘traditional’ societies (Munck & O’Hearn, 1999, p. 21). From my own lived realities and experiences of society in Africa, I have often found this critical stance problematic as it seems to adopt a rather narrow, biased, and pessimistic view of human endeavours to improve their wellbeing while ignoring their agency and attributing all aspects of social change to a (neo) imperialist or (neo) colonial project.

Having been born barely a decade after independence from colonialism and spending my entire childhood growing up in Kenya’s Rift Valley, the famed white highland and home of British and Boer colonial settler farmers. Here, I witnessed first-hand the gradual destruction of colonial farms and the subdivision of the large tracts of formerly white-owned estates for allocation to local dwellers. I also witnessed at a very early age the injustices of elite accumulation and political patronage when some of these former colonial estates were handed over to or acquired by well-connected political elites or their family members while my own family lived as squatters and contract labourers on others’ farms just so we could find a spot to build temporary shanty that we called home. When by virtue of good grades, I secured a place at a culturally mixed boys-boarding high school, and then on to being part of a very select few to attain university education in the capital Nairobi in the 1990s, I also witnessed and lived through the excruciatingly painful austerity measures imposed by the World Bank and the IMF on an unrelenting dictatorial regime of then President Daniel Moi. My political education was thus deeply personal and may have ironically, in ways that I might perhaps not be fully conscious of, imprinted in me a bias towards identifying with the subaltern, the same classes in society for which critical agrarian studies claims to speak for.

I was thus aware that I came to this research with a personal history that most certainly had shaped my philosophical and ideological orientation towards the idea of ‘development’, in its various manifestations, both in discourse and practice. To further complicate matters, my very strict protestant Christian upbringing that eschewed African traditional culture as anti-Christian while extolling the virtues of Christian modernity reinforced the persistent hegemony of a post-colonial developmental narrative that celebrates progress through modernisation that is deeply ingrained in the African consciousness. I was therefore deeply conflicted as I approached the field, wondering how to reconcile the appeal of a modernist world view with the counter narrative of post-developmentalist critical agrarian studies and cultural anthropology’s critiques of development. While Kirin Narayan (Narayan, 1993, p. 672) argues for the dismissal of the ‘false dichotomy’ between ‘insider’ and ‘outsider’ anthropologist by proposing ‘the enactment of hybridity...that depicts authors as minimally bicultural in terms of belonging simultaneously to the world of engaged scholarship and the world of everyday life’, I find this easier said than done as this struggle persisted throughout my fieldwork and in my writing of this dissertation.
The challenge of interrogating, identifying and accounting for my biases and whether and how to position myself permeated continuous shifts in research design. What methodological approaches would I take in (re)formulating, adapting or aligning the aims and objectives of my research with the ‘realities’ on the ground? What ‘realities’ should I choose to focus on and what was important and relevant, and what wasn’t? What research questions should I ask, of whom, and how? Eventually would I (re)present these ‘realities’, and whose ‘realities’ in what data to analyse and incorporate in the dissertation and how? While I may have assumed some shared cultural understandings with my participants as an (East) African, or ‘rural land dweller’, etc.; I was also acutely aware of the nature of cultural heterogeneity and that, taking into account my western education and long sojourn in the Netherlands, there would be potential variations in world views, lived realities, and local understandings of meaning around such concepts as ‘development’, ‘heritage’, ‘progress’ and ‘change’. I therefore consciously chose to avoid the use of these conceptual terminologies in my fieldwork, but instead opted to inquire about respondent’s direct or indirect experiences with, and perceptions about transnational land deals in their locality. I deliberately chose this ‘social practice’ approach in order to capture the ‘everyday’ and ‘life-world’ situations of the participants, especially those in the rural countryside (Reckwitz, 2002, p. 244). This approach would ensure that they responded using their own conceptual understandings to describe their life-worlds through relational experiences and response strategies.

As I continued to ponder on the centrality of the question of ‘development’ in the assessment of human-environmental impacts of transnational land deals, I became increasingly concerned about the normative dimensions of my research. If it was indeed, as I observed in the field, largely plausible that socio-environmental issues related to transnational land deals ‘are linked to elite interests and activities that perpetuate the political and economic status quo’ (Bryant, 1997, p. 7); then reflection on the ethical concerns of my research out to go beyond the mechanics of data collection and representation to include the broader moral basis for my research. To what extent did or ought my research, as political ecologists propose, be ‘centred upon understanding and bearing witness to injustice, oppression, and discrimination in its many social guises and manifestations in different places and among and within societies and organizations at multiple scales’ (Bryant & Jarosz, 2004, p. 807)? If so, to what purpose did this witness testimony serve and for whom? What ought to be my role as a researcher and should I position myself as a concerned, engaged, or activist researcher/academic? What did these labels mean and what implications would they have?

In my exploration for appropriate approaches with which to further explore these normative questions, I began to gravitate towards perspectives in social and Political Ecology that, according to Lucy Jarosz, are concerned with ontological and epistemological questions about the ‘moral obligation and responsibility, good and bad, and right and wrong’
(Jarosz, 2004, p. 917). Still, it took a while to reconcile what appeared to be a conflict between Political Ecology’s unabashed advocacy for the ‘forging of theoretical linkages between marginalized people and marginalized environments’ as a moral basis for ‘human thought and action’ (Bryant & Jarosz, 2004, p. 807); and traditional methodological concerns about research objectivity. While I remain slightly sceptical of what I deem to be an overtly ideological stance of the majority of critical agrarian studies literature on ‘land grabs’, my approach to this work increasingly became partial towards the ‘normative turn’ in social science research, while at the same time not being entirely dismissive of the possibility for genuine state-elite interests in the developmental progress of their citizens.
CHAPTER 3

CONCEPTUALISING LAND DEALS
1. Introduction

Ecological thinker and philosopher E.F. Schumacher wrote in the 1970s of the centrality of land in the development of human societies: ‘study how a society uses its land, and you can come to a pretty reliable conclusion as to what its future will be’ (Schumacher, 1974, p. 84). Conceptions of land as more than a biophysical resource is shared by contemporary scholars contemplating the effects of transnational land deals and associated access regimes on local land dwellers. Wolford and colleagues observe that ‘land is life, stability, livelihood and social reproduction’ (Wolford, Borras, Hall, Scoones, & White, 2013a, p. 205). And writing on land relations in Madagascar, Evers, Campbell and Lambek point out that for Malagasy people, land is a subjective and ontological reality that ‘straddles boundaries between the here and now, and the hereafter’ (2013, p. 2). Evers further expounds on the political implications of land in identity formation and anchoring for local land dwellers, where the ordering of regimes of access and ownership can be used as an instrument of control to achieve specific political and economic objectives (Evers, 2013a, pp. 127–128).

The structures and processes that define relationships between land-use, livelihood practices, and socio-economic transformation, are thus intricately interlinked with regimes of access to, and control of land. At the core of debates about transnational land deals are questions relating to normative ideas about proper land use in the context of dwindling food security, population growth, land scarcity, and ecological degradation. A good example of this normative valuation of land as a global resource can be gleaned from the position taken by the United Nations Food and Agriculture Organisation (FAO) which states that, since land as a resource base for global food production is finite and already under heavy stress, land-use and agricultural practices will need to be more productive and more sustainable at the same time (FAO, 2011a, p. vii).

In this chapter, I discuss the rationale or logic of ideas underlying normative arguments about proper land use and the desirability or otherwise of transnational land acquisitions. Of particular interest are the ways in which various stakeholders conceive of normative pathways to social transformation and the role of transnational land deals and agrarian change within these processes. I am therefore interested in understanding the role and relationships between social structures and actors engaged in these discourses; the construction and deployment of ideologies and interests, and their effects in shaping outcomes of transnational land deals. More specifically, I inquire as to whether and how the logic of agrarian modernisation is predicated on a broader ideology of social change, deriving from modernisation theories of development.² According to Peet and Hartwick (2015, p.

² My conceptualisation of developmental modernisation is derived from technocratic perspectives of development practitioners and definition by Peet & Hartwick, (2015, p. 121) as referring to the conditions and mechanisms of social transition from traditional to modern societies.
119), modernisation, and by extension the orchestration of agrarian change, rests on the belief that societies compete for control of resources and space, and therefore requires ‘the need to impose order and legitimate control’.

To understand processes and social effects of transnational land deals therefore requires an investigation of whether and how they (re)produce regimes of order and control, by whom, and for whom, and to what effect. If by definition, the normative objective of modernisation is to transform social relations of production in such a way as to create structures of production that meet certain desired ends, what is the role of elites in ordering these processes of social control? How does the process of governance; the (re)production of subjects and social order (continuity) amidst transformative change evolve? Ultimately, in what ways is the intentionality of social reproduction achieved through the transmission of particular values about access, control, and land-use? In this chapter, I introduce these strands of inquiry and show how, by applying them throughout the dissertation, it might help in deepening our understanding of two interrelated aspects of transnational land acquisitions. Firstly, how are the various normative framings of the developmental attributes of transnational land deals discursively constructed and transmitted? Secondly, how do these ideologies influence the (re)production of specific practices of ‘developmentality’ - the relational dynamics and mechanisms of the governance of development ((Lie, 2015) - at national and local levels?

The study of ideas, discourses, norms require the application of critical constructivist and interpretive methodologies that allow for the scrutiny of motives and practices of stakeholders as purposive actors. This approach enables the critical examination of how and why they engage in the framing and transmission of particular conceptualisations about transnational land deals and to what specific ends. Following from Grimble and Wellard (1997), I conceptualise stakeholders as any group of organised or unorganised people, with a shared common interest or stake in a particular issue or system; they can be at any level or position in society, from global, national and regional concerns down to the level of household or intra-household and be groups of any size or aggregation (pp. 175–176). This research is thus concerned, in part, with investigating the role of various stakeholder groups in processes of transnational land deals, paying particular attention to the ways in which interests and motives are articulated in practices of land control or contestation over ensuing social and environmental outcomes.

The principle question of inquiry that shapes the discussion in this chapter is thus: What are the dominant ideological, theoretical and conceptual orientations underlying discourses on transnational land deals and how do various stakeholders deploy these discursive constructions to influence research in and practices of transnational land acquisitions? In exploring these themes, I take into account the diversity between and within stakeholder categories that, according to Scott and Oelofse (2005), may consist of primary stakeholders who are likely to be affected by the direct impacts on their living environments, second-
ary stakeholders who are usually representatives of certain constituencies and are likely to be concerned about the broader context, as well as invisible stakeholders, the poor and marginalised people who are ‘potentially likely to suffer the impacts of development but have historically been excluded from assessment procedures’ of the effects of land transformations (pp. 447, 452).

2. Transnational land deals and agrarian modernisation

Aspirations for economic development and social progress have been constant themes in Africa’s post-independence discourse. Since the realization of these goals have largely been seen to be dependent on agriculture (Byerlee, Diao, & Jackson, 2005; World Bank, 2009), recent concerns about suboptimal land-use and regressive livelihood practices have led to renewed calls for the transformation of Africa’s land and agrarian systems of small-scale subsistence farming. In his opening statement in a special issue of Foreign Policy Magazine ‘African Farmers in the Digital Age’, Kofi Annan, the former Secretary General of the United Nations and chair of the governing board of the Alliance for a Green Revolution in Africa (AGRA), proposes that transforming agrarian systems in Africa to make them as robust as possible will ‘fight poverty, disease, and malnutrition; create businesses and jobs; and boost the continent’s economies and improve its trade balances’ (Annan & Dryden, 2015, p. ii). The entire issue, which contains articles from leading thinkers and opinion leaders on agriculture, technology, and development, makes a strong case for the need to ‘transform African agriculture from a symbol of poverty and backwardness into a powerful engine of economic and social development’ (ibid, p. V).

The rise of commodity prices in global markets since the early 2000s and growing commercial interest in Africa’s farmland led to shifts in policy priorities that put agriculture at the centre of a new impetus for economic recovery and development for many African countries. Continental initiatives such as the Common African Agriculture Development Programme (CAADP), the Alliance for a Green Revolution in Africa (AGRA), the New Alliance for Food Security and Nutrition, and Grow Africa, all advocate a new model of African development based on agricultural modernisation (Toenniessen, Adesina, & DeVries, 2008). As Cheru and Modi (2013) assert, ‘no country has ever made the transition to industrialization successfully without first developing its agricultural sector’ (p. 2). This agrarian developmental discourse is further reinforced by some of the continent’s leading intellectuals who argue for African states to shift agriculture production from subsistence livelihoods to knowledge-based entrepreneurial activities. Calestous Juma, a distinguished Harvard University professor of the practice of international development, proposes that this can be done by creating stronger alliances with transnational capital and financial
institutions, strengthening access to international markets through deeper regional cooperation, and investing more in science and technology in agriculture (Juma, 2015).

Consequently, transnational land deals are seen as forms of foreign direct investments (FDIs) through which substantially new capital flows can be harnessed by African governments to modernise their agriculture and enhance productivity. Cheru and Modi envisage that these inflows of FDI that will catalyse ‘technology transfers, skills development, and the financing of vital infrastructure’ needed to transform African agriculture, create employment and promote rural development (2013, p. 2). The World Bank further asserts the potential role of transnational land deals in generating new investments is so significant as it serves to reverse decades of neglect in agriculture by enhancing access to better technologies, creating jobs in rural areas, and improving productivity leading to sustainable broad-based development (Deininger & Byerlee, 2011, p. XXV). Transnational land deals are therefore seen as constituting a wider process of agrarian modernisation, a new green revolution in Africa (Diao, Headey, & Johnson, 2008; Toenniessen et al., 2008). Anticipated spill-over effects include enhancing technology transfer, rural infrastructure, and market access for smallholder farmers, leading to an increase in productivity and poverty reduction (ibid, p. XIII). As these ideas begin to gain traction, they generate a powerful persuasive effect on national governments in recipient countries to align their land policies in such a way as to facilitate flexible land markets through the transformation of land tenure rights for anticipated investments (Franco, 2012; Margulis & Porter, 2013).

3. ‘Glocalising’ discourses and practices of transnational land deals

In Uganda, agriculture is the main source of livelihood for the majority of its citizens. According to the Uganda Bureau of Statistics (UBOS), 85 percent of the country’s population lives in the rural countryside and is dependent of agriculture, while 79 percent of households in the country are directly engaged in agriculture (UBOS, 2010b). According to Mukwaya et al. (2012), the country has traditionally been perceived as having plenty of unutilised arable land, but the point out that in recent years, high population growth rates and migration have increased land pressure with land holdings for the average agricultural household declining to 0.9 hectares by 2005 (Mukwaya, Bamutaze, Mugarura, & Benson, 2012, p. 20). These trends, according to Birungi (2007) and Olson and Berry (2003), are responsible for accelerated degradation of arable land and decreased agriculture productivity. Consequently, development agencies, especially those dealing with agriculture and rural development such as International Food Policy Research Institute (IFPRI), are calling for the scaling up of agricultural productivity. IFPRI argues that this can be achieved by increasing domestic and international investment in agriculture, improving farmer access to markets, investment in infrastructure, ‘and the creation of an enabling environment.
for private investment in marketing, farm input supply, agro-processing, and, of course, farming itself’ (Linn, 2012, p. 1).

Uganda has been at the forefront of adopting and domesticating this transnational policy agenda of agrarian modernisation. While it has received a new impetus, this policy framework is part of a longer trajectory of a neoliberal development agenda that according to Social Anthropologist Jon H.S. Lie, is advocated by international development partners such as the World Bank and the IMF (Lie, 2015). Since its ascendance to power in the mid-1980s following a five-year civil conflict, the government of long-serving President Yoweri Museveni identified agriculture as the main pillar for its post-conflict recovery, poverty reduction and overall economic growth (Kuteesa et al. 2009). A decade later, it produced the country’s premier economic development blueprint, the Poverty Eradication Action Plan (PEAP) under the guidance of the World Bank’s Poverty Reduction Strategy Programme (PRSP). The plan identified five pillars of development, one of which was the modernisation of agriculture to enhance (agriculture) production, competitiveness, and incomes (RoU, 1997b). The policy agenda was based on the understanding that poor productivity in the agriculture sector, which is characterised by traditional smallholder farming practices, was responsible for widespread rural poverty. It therefore proposed that a commercially oriented agrarian reform programme, designed to turn peasant farmers into market oriented producers, was as the solution (OPM, 2005).

To operationalise the policy framework, the Plan for Modernization of Agriculture (PMA) was put in place in 1999 to transform the country’s agrarian systems from subsistence to commercial agriculture (RoU, 1999). Emphasis was placed on reducing the role of government and promoting the private sector to drive agriculture through a programme of ‘profound technological change’ (ibid, p. vi). The rationale being that rural poverty is best addressed through a modernist agrarian transformation agenda with the dual component of ‘transforming the subsistence farmer, and transforming the agricultural sector in general’ (ibid, p. vi). This two-pronged approach advances a state driven ideology of targeted interventions at farmer-household level, alongside a programme of economic liberalization aimed at promoting the role of the private sector in agriculture. The approach reflected developmental ideologies implemented in other countries, such as Ethiopia since the 1990s and Tanzania in the late 1960’s and early 1970s, where the state plays a central role in ordering and influencing the outcome of agrarian transformations (Lavers, 2012b, p. 798; J. C. Scott, 1998).

Although government officials promote these policies as wholly home-grown ideas, content analysis of PEAP and PMA policy documents shows that they closely mirror World Bank policy propositions of reducing household poverty and raising incomes through agricultural transformation. A 2007 World Bank Uganda country policy report, for instance, prescribes a programme of agrarian modernisation that promotes market oriented agricultural reforms, promotes the role of private sector in agriculture, and advocates for the
use of new technologies such as genetically modified crops or advanced seed technologies (World Bank, 2007). Such a correlation portrays what Borras Jr et al., (2010) describe as ‘alliances, chains, networks and assemblages’ that contribute to a wider global process of constructing normative social, political and economic ideas of ‘proper’ land use. The role and participation of international actors such as the World Bank, the IMF and other donor countries in shaping Uganda’s market oriented agriculture policy is well documented in insider accounts of government bureaucrats and development practitioners who have been engaged in these processes (Lie, 2015; Mugambe, 2009).

An anecdotal observation from my fieldwork further serves to support the views expressed by insiders. When in November 2012 I attended the Joint Agriculture Sector Annual Review (JASAR) conference in Kampala, I observed that several donor agencies and diplomatic missions were fully represented and actively participated in the plenary and breakaway working sessions. In subsequent follow-up interviews, representatives of donor agencies admitted to being involved in policy input, budgeting and drafting of policy documents. At the agriculture ministry headquarters, I observed that some foreign advisors had been seconded by their countries or agencies to work within certain departments in the government of Uganda. An American country director for a major Aid agency that I interviewed justified their prominent role by pointing to the lack of technical capacity and policy-making expertise among Ugandan technocrats. This idea is reflected in a published account by one Ugandan technocrat, who points out that care is taken to include ‘partnership principles’ in technical cooperation agreements, outlining specific donor-recipient relations in the resulting policy documents (Mugambe, 2009, p. 164). This underlines the significant influence that donor agencies have in constructing the discourse over agriculture and land use in Uganda.

Agrarian policy harmonisation goes beyond country-level collaboration to include a regional continent-wide approach. In 2010, the government of Uganda signed up to the African Union’s common agriculture agenda CAADP, which commits member states to apportion at least 10 percent of national resources to agriculture, and to put in place market-oriented reforms in the sector (NEPAD, 2010). It is however doubtful whether the government has the capacity or political will to live up to these commitments. Since 2013 for instance, successive budgetary allocations to the agriculture sector have not exceeded 3% of the total national expenditure (UBOS, 2016). Nonetheless, the implication of the Uganda government’s aspirational policy alignments could create opportunities for knock-on effects on the country’s land tenure system. Practitioners within the country have observed that improvements in land administration often supported by donors such as the World Bank -ostensibly to enhance land access, productivity and incomes for local groups- also ease access for foreign investors with superior financial and technical capacities to benefit from improved and sophisticated land markets (Byamugisha, 2013).
Whether or not transnational land deals, enacted as part of broader agrarian modernisation programmes, can achieve these lofty propositions is yet to be determined. However, the general consensus is that they are likely to have significant transformative impacts on the social, economic, and environmental circumstances of affected societies. A significant amount of research that has emerged in the last decade has cautioned against potential adverse effects including violation of indigenous land rights, harmful environmental practices, and overall disruption of the livelihoods of local land dwellers, without much developmental benefits for recipient states (Cotula, 2013; Franco, 2012; Hofman & Ho, 2012). This research, in part, sought to investigate the empirical basis for these claims with a view to determining whether such assertions hold true, at least in the cases of transnational land deals in this research. In the following section, I examine some of the main discourses associated with dominant ideological and theoretical claims about and critiques of transnational land acquisitions.

4. Confronting developmental discourses

Modernisation theories of development draw on structural-functionalist ideas about social progress as being achievable through the spatial diffusion of innovation (technology, capital, markets) to underdeveloped societies. According to Peet and Hartwick, this presupposed idea of inevitability, that the advance of neoliberal capitalism ordered by elite control is the proven path to development, was designed ‘to maintain the existing social order with all its inequalities’ (Peet & Hartwick, 2015, pp. 119, 140). Following from this, it can be argued that the practice of ceding land to transnational investors is tantamount to what they refer to as social Darwinism (Peet & Hartwick, 2015, p. 106); a belief that those perceived to have better capabilities and know best how to utilise the land according to certain defined normative criteria have legitimate rights.

To the contrary, critics contend that transnational land deals often generate positive and negative impacts and their effects are not evenly distributed. Instead, negative impacts are disproportionately borne by the socially marginalised and poorer members of society (Anseeuw, Wily, Cotula, & Taylor, 2012, p. 31). Other researchers argue that the full impacts of transnational land deals can only be known in the long term and conclude that their negative impacts are often felt first while the promised benefits for land dwellers and local governments may be realised in the longer-term (Cotula, 2013, pp. 126–127). According to Matundi et al. (2011), negative impacts of transnational land deals are particularly felt among weaker stakeholders because the processes underlying these deals are characterised by strong asymmetries in power relations (pp. 1–2). This view is shared by Wendy Wolford and colleagues who affirm that states and elites within them are actively engaged in negotiating the costs and benefits of transnational land deals in order to maxi-
miste returns, but for people who live and work on the land, these land deals are often experienced through dispossession and marginalisation (Wolford et al., 2013a, pp. 3, 16).

If the legitimacy of transnational land deals is premised on their integral developmental role as part of agrarian modernisation, then it can be argued from the foregoing that developmental modernisation entails within it an unequal distribution of benefits and losses in the process of regulating access and control over resources. This proposition forms the basis for critiques by civil society organisations and land rights campaigners that transnational land deals take advantage of weak governance and the active agency of elites in client countries, and the lack of legal protection for local land dwellers to ‘push people off their lands’ (GRAIN, 2010, p. 2). Although the World Bank acknowledges that transnational land deals may pose significant social and environmental challenges, it holds the view that these can be successfully managed through multi-stakeholder governance mechanisms to achieve the goals of sustainable development (Deininger & Byerlee, 2011). Consequently, development agencies (FAO, IFAD, UNCTAD, World Bank) have made attempts to formulate international codes of conduct for ethical transnational land acquisitions in order to protect land and resource rights, (FAO, 2011b). However, questions remain regarding their effectiveness. For instance, Cuffaro and Hallam point to the lack of capacity within governments in developing countries for regulation and enforcement due to limited resources (2011, p. 8). More critical voices argue that these codes of conduct are not pro-poor, since they are based on a construction of rural poverty as resulting from developing countries’ own failure to follow a modernization path that would attract more investment in their agricultural sectors (Borras Jr & Franco, 2010a, p. 511). The codes of conduct are thus seen as having been designed to facilitate smoother and problem-free investment for transnational capital interests instead of addressing land problems associated with the land deals.

In Uganda for instance, although policy makers have held consultations on domesticiating these international guidelines, doubts remain as to the effectiveness of win-win narratives for both investors and local communities. For instance, and investigation of stakeholder relations in a large-scale transnational rice scheme in Eastern Uganda showed significant vulnerabilities in contractual relations ‘that puts the smallholder at a great risk and disadvantage compared to the investor’ (Bayite-Kasule, 2011, p. 21). Over all, Elisa Da Via concludes that, while development agencies have for instance formulated win-win models such as contract farming schemes as an alternative to outright land acquisitions, ‘large-scale plantations and areas where smallholder contract-farming is practiced are typically not zones of prosperity but zones of poverty’ (2011, p. 12). The nexus of state, elites and capital in shaping policies and practices in relation to transnational land deals is one that requires critical scrutiny.

I therefore approach this study by questioning prevailing structural-institutional assumptions about the nature of the state, the role and place of state actors within it, and
state-society relations in general. I seek to analyse processes of transnational land deals from a practice approach which allows for unveiling potentially blurred lines between the formal and informal, public and private, local, national and global (Dauvergne & Neville, 2010). I focus on the agency of key actors, their interests and motivations and examine their strategies and practices in exercising power and influence as purposive actors to achieve specific goals. Studies about the role of the state in influencing agrarian transformations, for instance in Ethiopia, show that political priorities of various elites in instrumentalising power over land and control of rural populations, shape the patterns of rural transformations (Lavers, 2012a; Makki, 2012). Similarly, I question assumptions about the state as a passive victim of transnational capitalist interests. Instead, my approach is to locate the state at the centre of interactive processes of the modernisation project and investigate its role as one among a variety of active stakeholders in negotiating the ‘costs and benefits’ and thus shaping the outcomes of transnational land acquisitions (Wolford et al., 2013a).

5. Conceptual challenges and theoretical departures

Studies of transnational land deals have largely been influenced by perspectives from critical political economy and agrarian studies that emphasise relations of production, labour regimes, capital accumulation and (trans)national market forces (Borras Jr et al., 2010; Lavers, 2012a; Margulis & Porter, 2013; Zoomers et al., 2012). The epistemology of political economy conceptualises land primarily as an economic asset, a form of capital and a factor of production (Oya, 2013, p. 515). Similarly, classic agrarian political economy concerned itself with the question of capital and labour relations in the process of accumulation and surplus production. According to Lorenzo Cotula, initial research into the political economy of transnational land deals was concerned with three particular aspects: scale and geography (how much), drivers (who and why), characteristics (what for); but failed to pay sufficient attention to differentiated local or national recipient country dynamics (2013, p. 11).

The effect of this was the production of a homogenised conceptualisation of transnational land deals that, according to Carlos Oya, affected methodological choices, framing of research questions, data selection, and interpretation of evidence (Oya, 2013). Ugandan researcher Rose Nakayi has for instance observed that due to the lack of sufficient empirical evidence from country-specific studies, the conceptualisation of transnational land deals in the literature does not sufficiently reflect the nature of processes unfolding in Uganda (Nakayi, 2015, p. 1). Similarly, others argue that references to the role of recipient African governments tend to be limited to macro-level perspectives of the state -often seen in unitary terms- in facilitating land acquisitions (Aliyu, 2012; Franco, 2012; Hall, 2011). The focus on ‘drivers’ is limited to a narrow and limiting attention on state driven
policies of economic development that promote commercial production, market oriented agriculture, and generation of foreign exchange (Cotula et al., 2014; Lavers, 2012a).

Aware of these limitations, leading researchers in the field such as Carlos Oya, Ian Scoones, and Jun Borras have proposed that grounding the field in the tradition of critical political economy of agrarian change, might overcome these shortcomings. But I contend that, since knowledge production is not neutral, but rather representative of a cultural and ideological world view (Walker, 1998, p. 141), any prescriptive theoretical choices still constrains the research agenda within a defined and delineated conceptual and methodological framework with its own limitations and biases. While critical political economy offers the possibility to encapsulate concerns over political, class, gender, livelihoods, and overall changes in the configuration of rural economies, it does not lend itself to a comprehensive examination of socio-ecological dimensions of land deals. Questions of social justice, equity, and human and environmental rights are hardly addressed. In recognition of these shortcomings, some researchers within the political economy paradigm have acknowledged the existence of ‘gaps and silences in the literature’ that may have contributed to an ‘intellectual and political inertia’ in scholarship on transnational land deals (Edelman, Oya, & Borras Jr, 2013, pp. 1526–1527). But it appears that this despite this self-awareness, they’re unable to overcome their disciplinary constraints. Carlos Oya (2013) has for instance, criticised research that incorporates landscape geography in discourses on land rights. Instead, he advocates for entrenching even more of traditional political economy approaches of ‘class analysis, capitalist accumulation, and patterns of labour’ (p. 516).

**Ecological turn: Embracing a socially conscious multidisciplinary approach**

The departure point in my research is to argue for a much broader framing of the research agenda to include ethical questions about the social and ecological effects of transnational land deals on rural societies and their lived environments. This approach reflects propositions already made by some scholars within the ranks of agrarian political economy for interdisciplinary inclusivity with Political Ecology and political sociology (Borras Jr, Hall, Scoones, White, & Wolford, 2011, p. 211). I take the up this challenge by incorporating questions of environmental justice in examining both social and ecological processes and effects of transnational land deals. This approach takes resonates with what has been termed a ‘moral’ or ‘normative turn’ in critical human geography (Bryant & Jarosz, 2004; Jarosz, 2004, p. 2). This approach calls for research attention to normative ethics and a commitment to seeking solutions to moral problems of which social and environmental justice plays a central role (Smith, 1997).

This research therefore borrows heavily methodological and analytical approaches within the field of Political Ecology, which proposes a multi-disciplinary framework for understanding how multi-level societal relations shape practices of human resource use and
how these relations in turn ‘shape and are shaped by the physical environment’ (Walker, 1998, p. 132). Defined as ‘an inquiry into the political sources, conditions, and ramifications of environmental change’, Political Ecology ‘encompasses the constantly shifting dialectic between society and land-based resources, and also within classes and groups within society’ (Blaikie & Brookfield, 2015, p. 17; Bryant, 1991, p. 165). Political Ecology thus seemed an appropriate analytical approach for this research, partly because of its concerns with socially disadvantaged groups, and also due to its ontological assumptions that the burden of environmental costs; including access restriction, exclusion from control, and restriction of resource use rights, are disproportionately distributed and largely borne by the marginalised. Political Ecology’s integration of questions of rights and justice into concerns about human and environmental relations, according to Bryant and Jarosz (2004b), constitutes a ‘moral turn’ that reflects the centrality of ethical issues that I sought to engage with in my research.

Furthermore, the appeal of Political Ecology lies in its origins in multidisciplinary theoretical traditions of human geography, anthropology, political economy and cultural ecology among others, and its embeddedness in a culture of critical scholarship (Offen, 2004; Walker, 1998). Political Ecology thus combines well with critical agrarian studies, peasant studies, and rural development perspectives to provide overarching conceptual frameworks and methodological tools suitable for the study of transnational land acquisitions; locates processes of access, control and land-use change at the centre of human-environment relations. Although Political Ecology has largely been used in the study of environmental change in relation to land cover studies as well as conservation science and ecosystem services, it is now being applied in emerging research on transnational land acquisitions and natural resource control (Fairhead, Leach, & Scoones, 2012; Hall, 2011; Margulis, McKeon, & Borras Jr, 2013; Peluso & Lund, 2011).

Since this research is concerned with power relations in the contestation for resource access and control characterised by empirically observable land-use change and potential ecological change, I utilise methodologies of Political Ecology that according to Bryant (991), is suitable for analysing empirical ethnographic data to understand the ‘the interplay of diverse socio-political forces and the relationship of those forces to environmental change’ (p. 165). Nonetheless, it is important to account for how the research locates and treats major conceptual strands of inquiry that, though challenged, have dominated research on transnational land deals in the past decade. The following section examines some of these concepts in detail and accounts for why and how they have or have not been given prominence in my research and analysis based on my findings in central Uganda.

**Fact-finding and the limits of ‘Killer facts’ in land-deals research**

The high public interest generated by the pace and scope of transnational land deals had a defining impact on most of the early research on the phenomenon. Initial research
was thus concerned clarifying what constituted a land acquisition, identifying who were involved in these deals, what is the actual scale of land acquisitions, and mapping the geographical distribution of the deals (Cotula, 2013, pp. 35–81). These conceptualisations and measurements however remained problematic partly due to the use of inaccurate or conflicting accurate data or the secrecy associated with most of the deals (Edelman, 2013). The emergence of discourses about perceived negative impacts of the land deals generated new interest in investigating the types of contracts involved and framing the transnational character of land acquisitions (Borras Jr et al., 2011, p. 210). In classic agrarian political economy terminology, these studies were concerned with who owned what, where, and how. According to Carlos Oya (2013), such research designs were framed in conceptual and empirical frameworks based on binary dichotomies such as: large versus small, foreign versus local, and subsistence versus commercial.

This fixation with what has been referred to as ‘killer facts’ was understood to be spurred by populist media discourses and civil society campaigns that resulted in the reproduction of ideologically polarised discourses (Scoones et al., 2013, p. 473). Emerging knowledge was subsequently seen as being infused with, and reproducing ideological biases replete with factual errors or deliberate misinterpretation of evidence based on skewed selection of data (Cotula et al., 2014; Edelman, 2013). Other researchers contend that variations in the documented scale of the land deals may be occasioned by underlying differences between stakeholders including rights activists, researchers, governments, and investors who may treat available data selectively and deploy facts in order to frame the debate towards specific and often competing ends (Cotula et al., 2014, p. 4).

The ideological, conceptual, and methodological challenges discussed above have significant implications for the conduct of research on transnational land deals. Concepts such as scale, drivers, and motivations behind land acquisitions, actors and their networks of access, as well as governance mechanisms and socio-economic and environmental effects remain pertinent to various degrees. This array of conceptual variance underlines the vast scope of the research field, its inconclusive foundational terrain, and the potentially daunting task of undertaking any research into the phenomenon. Consequently, the need for evidence-based research has been recognised as the next logical step in infusing more factual data in previously populist claims and to facilitate a more nuanced understanding of transnational land deals (Borras Jr et al., 2011; Cotula, 2013). Scholars in the field have acknowledged that the availability of more empirically tested research would thus ameliorate deficiencies inherent in earlier fact-finding exploratory knowledge (see for example Borras Jr et al., 2011; Edelman, Oya, & Borras Jr, 2013). It was therefore vital in this research to make clear choices informed by particularities of contextual circumstances while at the same time retaining relevance to broader discourses in the field. In the rest of this chapter, I identify the main conceptual approaches and discuss the extent to which they are explored in my research.
Measurement: The question of scale in transnational land deals

The question of scale still persists in debates about the size and scope of transnational land acquisitions. Although emphasis on precise measurements has gradually waned, the vast amount of initial research that attempted to record the size and distribution of land deals remains a key reference with which ‘strong positions are taken on the merits and demerits of the deals’ (Cotula, 2013, p. 3). Campaigning organisations such as the Oakland Institute have documented and used reported figures to call for action against ‘private land investments’ that were seen as likely to ‘increase monoculture-based export oriented agriculture, arguably jeopardizing international food security’ (Daniel & Mittal, 2009, p. 1). Development agencies such as the World Bank on the other hand argued that there was little empirical evidence to support such claims and instead carried out their own measurements that resulted in framing the ‘rising global interest in farmland’ as offering an opportunity to increase ‘investment in agriculture to reduce poverty, increase economic growth, and promote environmental sustainability’ (Deininger & Byerlee, 2011, p. viii).

The decline is emphasis on exact measurements has to do what (Edelman, 2013) argues, are questions regarding their validity arising from doubts about the reliability of data sources. These methodological concerns resulted in further critical questions about the validity of claims made in terms of definitions and conceptualisations of transnational land deals (Cotula et al., 2014; Scoones et al., 2013). In Uganda, challenges associated with establishing precise measurements and distribution patterns of transnational land acquisitions or assessing their overall scale are similarly acute. Independent researchers who have attempted to explore this subject have pointed to the lack of a national database or systematic research on the scale of transnational land deals (Nakayi, 2015; Stickler, 2012). My own inquiries at the Ministries of Lands and that of Agriculture, as well as the Uganda Investment Authority (UIA) and the Uganda Bureau of Statistics (UBOS) revealed that there was no national database of transnational land acquisitions available in the country, and none of these institutions was tracking the progress of such land deals.

Furthermore, the majority of emerging research on transnational land deals in Uganda largely focused specific cases occurring in the northern regions of the country, particularly Acholi land (Martiniello, 2015; Sjögren, 2014). This is a post-conflict region, emerging from a 20-year conflict in which almost 80 percent of the population was displaced from its lands and confined for years to internally displaced persons’ camps (Kligerman, 2009). Furthermore, it is characterised by a customary land tenure system which differs from the largely freehold and leasehold tenure prevalent in central Uganda (Barrows & Kisamba-Mugerwa, 1989; Green, 2006). These regional and local-level particularities imply that land relations, and by extension the processes and outcomes of transnational land deals, unfold in various ways even within and between various regions in Uganda. Although some researchers claim to highlight the ‘escalating’ nature of ‘land grabbing’ in certain re-
gions of the country, these claims lack supportive empirical evidence, but instead analyse typologies of largely domestic land conflicts (Mabikke, 2011).

Due to the paucity of data and the high differentiation of local contexts, my research does not explore the question of scale, patterns and distribution of transnational land deals at the national level. These methodological constraints influenced the for the conceptual terminology of ‘transnational land deals’ as opposed to its alternate variant of ‘large-scale’ land deals. My findings showed that although the tracts of land acquired by transnational investors in the research area were significantly larger than average local land holdings, such large pieces of land were not limited to foreign investors alone, but was also a feature of local elite accumulation. Consequently, I made a deliberate choice not to design my research to address definitional terms of ‘large versus small’ in relating to land-size disparities between local and transnational land deals. This is not to say that critical analysis of scale is not a relevant line of inquiry in the study of transnational land deals in Uganda. To the contrary, the constant media attention that this subject elicits, such as a detailed investigative piece titled ‘the great land grab’ in the leading national weekly ‘the independent’ (Matsiko, 2012), indicates that discussions about population growth, distributional equity, and land pressures are a constant feature of public discourse in the country.

**Drivers and motives**

Another prominent dimension of research on transnational land deals is what is variously referred to as ‘causes’, ‘pressures’ or ‘drivers’. Lorenzo Cotula frames this under a broader framework of the international political economy of transnational land deals that includes ‘scale, geography, and the political and economic forces driving it’ (Cotula, 2013, p. 9). The macro level global approach, that characterised initial causal explanations for the rise in transnational land deals, emphasised the role of external triggers such as the 2008–2009 global food and financial crisis, and the subsequent quest by ‘land-poor’ but ‘cash-rich’ countries to control food production for their domestic populations (Brown, 2012, pp. 101–104). While the discourse of global food security has remained at the centre of the global debate on land deals, subsequent scholarship emphasised the impact of rising global demand for clean energy and the expansion of biofuels and agro-industrial crops (Borrás Jr et al., 2010; Matondi et al., 2011). According to Lorenzo Cotula et al. (2014, p. 12), this played a bigger role in driving land deals in such countries as Ethiopia, Ghana and Tanzania.

By focusing on global discourses and macro-level analyses of transnational drivers, this approach gives prominence to explanatory factors that are external to recipient countries. Due to the vast variation in local contexts, these discourses do not reflect country-specific or even local level dynamics that facilitate land deals. While some researchers have attempted to account for supply-side drivers such as African countries’ need for foreign
exchange earnings from agricultural exports, analysis by Cotula et al. (2014), question whether agricultural produce from such ventures are indeed destined for export markets or end up being distributed locally, hence negating the foreign exchange discourse (p. 13). These disparities between explanatory discourses of causality and the reality of transnational land deals signify the messy realities of the phenomenon, and exposes methodological challenges inherent in quantitative macro-economic analyses of their outcomes.

The research design in this study is premised on the proposition that assumptions about the homogeneity of analytical categories such as nations, global markets, commodity chains, and financial flows, should be tested through ‘ground-truthing’, based on empirical evidence from case-specific studies. While I make no claims about universal generalisation, the cases selected in this research provide the opportunity to examine context-specific processes that characterise transnational land deals at both national and local levels. The purpose of this research is thus to examine whether and how global discourses of causality interact with local dynamics to produce a better understanding of context specific characteristics of transnational land acquisitions. Here, the agency of all stakeholders, the actors and networks engaged in framing the discourses, structuring processes, and responding to outcomes of land deals are explored.

**Stakeholder analysis: Actors and networks**

To understand the transnational nature of land deals requires the study, not just of global financial flows, but also the identity of the owners of capital and their networks of stakeholder relations. The control of (financial)capital and access to political networks imbues its owners with the power of land access and control. Questions of power and power relations are therefore central to understanding the roles of different stakeholders, their interests and motivations as well as practices of claim-making over access to land and ideologies ‘appropriate’ land-use. Scoones et al. (2013) posit that the terrain of transnational land acquisitions is highly political and riddled with multiple, and often competing stakeholder interests among individuals, institutions and networks that deploy knowledge, and frame discourses to achieve specific interests (p. 476). Understanding relational dynamics between stakeholders is crucial to unpacking the role of power in shaping processes and mechanisms of access and control as well as the outcomes of transnational land deals.

These relational dynamics are aptly captured in Evers (2013b) conceptualisation of transnational land deals as *Zones of intermediality*, where ‘ontological grids of (inter)national-local stakeholder encounters,’ including ‘diverse ideologies, discourses and practices of land use and valuation are mediated’ (p. 5). Reed et al (2009) suggest that these mediated ontological encounters could entail contestation of what constitutes a *legitimate stake*, thus raising questions about rights to access, control, and use of resources, or the legitimacy of claims over the effects these rights claims (p.1934). The question of the legitimacy of stakeholders and stakeholder interests is therefore part and parcel of discussion about
stakeholder relations, power configurations, and processes and modes of mediation. Furthermore, determination of legitimacy is central to the definitional problem in stakeholder analysis. Delineating parameters of who is and isn’t a (legitimate) stakeholder is in itself an exercise of power of inclusion and exclusion of certain individual actors or groups of actors. Who then (has the right to) decide the parameters of legitimacy of stakeholders and stakeholder claims? While Reed et al (2009) argue that stakeholder analysis provides ‘a diverse range of criteria that justify the involvement of other individuals and groups’, they acknowledge that the need for stakeholders to establish legitimacy may be problematic since a stakeholder’s claim to legitimacy may be determined by their ability to assert these claims and/or affect the direction of particular actions, processes or institutions (p, 1934). Processes of claim-making are enacted through various practices of mediation, hence the importance of studying discursive processes within stakeholder relations.

In this research, I approach the analysis of stakeholders by looking at both individual actors and groups of actors, be they organised or unorganised. Here, I am concerned with the intersection of their individual or shared interests in relation to specific cases of land deals as well as in the context within which these processes unfold. To do this, I borrow from the multi-level analytical approach proposed by Grimble & Wellard (1997) that examines stakeholder relations across various levels or positions they occupy in society. These range from global, national, regional to the local, and stretching down to the household or intra-household level (p. 175). This all-encompassing approach departs from what Reed et al (2009) claim to be a seminal approach in stakeholder theory that distinguishes between categories of ‘active and passive stakeholders’ denoting ‘those who affect or are affected by a decision or action’ (p. 1394). In this research, I favour an approach that accounts for relational dynamics that go beyond the limitations of methodological individualism of rational or purposive actor-oriented analyses that only explain ‘social behaviour primarily in terms of individual motivations, intentions and interests’ (Booth, 1994, p. 65). This is because my research seeks to account for the possibility that certain aspects of transnational land deals may be the consequence of intended or unintended actions of various stakeholders.

For the purposes of this research, I draw on various conceptualisations of stakeholders to construct a holistic perspective that defines them as constituting ‘any naturally occurring entity that is affected by organisational performance’ (Reed et al., 2009, p. 1934). They may also include both human as well as non-human nature in ways that according to (Starik, 1995), integrate the natural environment. The analysis of stakeholder relations in this dissertation is thus concerned with the ontologies, discursive and embodied practices and relations through which stakeholders exercise power in relation with each other in to the interest of access, control or contestation over land.
Land governance: Managing commercial pressures on land

According to the World Bank, Uganda, like many developing countries, is (re)turning to agriculture as the engine of economic growth aimed at to reducing poverty and promoting rural development (World Bank, 2008). To achieve these goals, the government of Uganda, with the assistance of the World Band and other development agencies are promoting the transformation of the country’s agriculture towards commercial market oriented production (Mukwaya et al., 2012; RoU, 2010a; World Bank, 2012). As discussed in section 4 above, transnational land deals occur within a context of increased commercial interest in the country’s farmland. According to Cotula (2013), this trend leads to increased commodification of land which is likely to compound the multiplicity of pressures on land exacerbated by population growth and migration (2013, p. 6). In her research on land tenure in Uganda, Thea Hilhorst found that accelerated land pressures have already led to growing fears over the weakening or loss of land rights and tenure security for vulnerable groups (2010, p. 38).

These concerns have subsequently led to the importance of integrating land governance within discourses about transnational land deals. Similarly, land tenure, or regimes governing the rules of access and control of land constitute a central element of research in the study of transnational land deals. This research therefore incorporates an analysis of terrain of tenure relations and the institutional framework and social practices of land governance in relation to transnational land deals in central Uganda. Evers et al (2013) have argued that the state plays a significant role in exerting control over land (p. 17) as well as ‘triggering, mediating, negotiating, or regulating’ transnational land deals (P. 4). However, most studies on the role of the state in the governance of land and agrarian change have often been sharply critical of state intervention. In the framework of ‘critical agrarian studies’, Scoones et al. (2013) argue that formal state processes of land administration impose a form of governmentality that reconfigures tenure, titling and (re) distribution ‘in favour of a particular hierarchy of power’ (p. 477). In a similar vein, Evers et al (2013) refer to Ferguson (1994) and his critique of state-led development as a means to ‘maintaining state power and hegemony’ through the exertion of ‘control over land, people and production’ (p17). These critiques stresses the differential impacts of land governance reforms on the rich and poor, arguing that these processes are structured in an exploitative nature (Scoones et al., 2013; Scott, 1998). On the other hand, perspectives from developmental modernisation acknowledge these as necessary but temporary side-effects that in the long term are dissipated as societies move along the path of progress (Booth, 1994, p. 63).

While I take cognisance of this ideological divide I am less concerned with seeking to prove or disprove these assertions, but instead to establish whether and how governance mechanisms and practices shape processes and outcomes of transnational land deals. My scepticism towards the dominant discourse that is critical of state intervention particularly
in Africa, does not necessarily ignore potential structural inequalities that are inherent, though often invisible, in deeply transformative social processes including land reforms. I however don’t take it as a given that all transnational land deals, tough a product of contested power relations, necessarily exacerbate inequity and vulnerability including rights deficiencies. Instead, I ask whether and how contextual socio-historical factors within and beyond the research location shape the ways in which transnational land deals unfold and are experienced on the ground. For this reason, investigate the role of land governance and associated processes of (market driven) land tenure reforms and their effects in shaping the nature and outcomes of transnational land deals. Here, I ask whether and how these processes take advantage of, or exacerbate weaknesses in the legal and institutional arrangements of land governance and to what effect. Focusing on Uganda’s decentralised local government structure, I select one District as a case-study in order to investigate what role the local government plays shaping transnational land deals within a specific local context.

6. Conclusion

This chapter examines the construction of world views and approaches to the phenomenon of transitional land deals. In the first part, I discuss the role and importance of discourse in shaping ideas about proper land-use as grounds for legitimising transnational land acquisitions. This is largely built on the discourse of agricultural modernisation as a major driver of development in Africa. The ideology of agrarian modernisation is subsequently promoted as the means to achieving increased productivity and higher incomes, economic growth, improvement of living standards, and overall human progress. The idea of agrarian modernisation and associated benefits constitute a powerful discourse of desirable global goals that permeate national policy and local government programmes. Contending discourses range from those that seek to challenge the very foundational assumptions behind the ideology of development, while others question the means to achieving its goals and the distributive benefits of eventual outcomes. In this chapter, I interrogate this discursive divide by highlighting the homogenising assumptions underpinning the developmental discourse while pointing to its critics’ insistence on approaches that account for contextual differentiation and power disparities in the distribution of access to and benefits of scarce natural resources.

The second part of this chapter is concerned with the theoretical and conceptual approaches to the study of transnational land deals that arise from the foregoing discourses and world views. Here, I highlight some perspectives of critical post-development theory that challenges the interventionist ideology behind the aspirations of agrarian modernisation, and Political Economy’s limited conceptualisation of land as resource and
factor of production while failing to account for affective valuations of land. The main concern here is to problematise the shortcomings of the major theoretical approaches to, and scholarship on transnational land deals and to propose alternative conceptual and methodological approaches to study and understand the phenomenon. While the most available literature portrays a binary distinction between supporters and critics of the developmental justification for transnational land deals, I attempt to explore an empirically grounded and contextually embedded perspective to the study of transnational land deals. This research is thus not designed for theory or discourse testing study, but rather to provide an empirically grounded basis for interrogating these discursive assumptions and providing new insights into social and theoretical implications of contemporary trends transnational land deals.
CHAPTER 4

LAND ANDAGRARIANCHANGECENTRALUGANDA
1. Introduction

Contemporary dynamics of transnational land deals and agrarian change in Uganda are inextricably linked to enduring historical struggles over access and control of land. The study of contemporary transnational land acquisitions has tended to focus on new trajectories of actors, drivers, and impacts (Borras Jr et al., 2011; Franco, 2012), yet their underlying structural and discursive determinants are historically embedded in particular political, economic, and social contexts (Green, 2006; Kligerman, 2010). In Uganda, prevailing systems of land relations and land administration reflect histories of social and political formations dating back to the pre-colonial and colonial periods. As Peter Burnell and colleagues have argued, post-colonial state-society relations in Africa were determined in part by pre-colonial experiences of statehood and the transformative effects of colonialism in conditioning agency as well as structuring social processes (Burnell, Randall, & Rakner, 2014, pp. 30–31).

In this chapter, I examine the relationships between historical processes of social formation in central Uganda and the emergence of an agrarian political-economy and their effects in shaping land relations. The purpose of this chapter is thus to contextualise processes of land and agrarian change in the research location, within the *longue durée* (long-term history) of economic and socio-political patterns of land relations in central Uganda. French historian Fernand Braudel developed the concept of *la longue durée* (the long term) as an analytical approach to account for the effects of long-term historical structures, or continuities, on particular human societies (Clapham & Bayart, 1994). My approach is, however, not limited to the structuralist interpretation of historical path dependency, but rather takes the *longue durée* as a useful lens with which to analyse and account for the effects of past social processes in shaping contemporary agrarian transformations, and in particular the relatively recent phenomenon of transnational land deals. Ultimately, I seek to answer two interrelated questions: Firstly, I examine what socio-historical processes characterise trajectories of agrarian change in central Uganda over time; and secondly, how these processes shape contemporary land and agrarian relations in Nakaseke District.

This chapter therefore situates Nakaseke District, the chosen research location, within the broader socio-political context of central Uganda, which is largely inhabited by the Baganda people, who are also organised as an ethno-political group under the customary traditional Kingdom of Buganda. It is however important to note that while discourses of ethnicity and belonging are deeply embedded within the historical evolution of land struggles in central Uganda, the notion of a self-evident and bounded Buganda society has been heavily contested by historians and anthropologists. In his exploration of the social formations of the Kingdoms of the great lakes region of Africa, Mafeje (1998) argues that Buganda, like many other societies in the region, was subject to ‘continual processes of fusion and fission’, hence the distinctness of such an entity as a bounded social unit should not be exaggerated (p. 9). As Thomas Eriksen postulates, ethnicity is more about process rather than structure,
and ethnic identity formation is constructed through dynamic contact between different social groups that constitute shifting boundaries (Eriksen, 2010a, pp. 10–11).

This chapter is organised in three parts as follows: First, I begin by tracing the socio-historical formation of pre-colonial Buganda society in order to explain how sociocultural heterogeneity, migration flows and shifts in settlement patterns, contribute to the fluidity and contestation of notions of ethnic identity and belonging, and subsequent claims over land access. This is followed by an examination of how the specific ecological characteristics of the region that came to be known as Buganda territory, contributed to the construction of social relations and cultural identities rooted in relations with, and ideas about land. This account of the historical continuity of agrarian change and state formation is thus situated within two explanatory narratives of cultural heterogeneity (Mafeje, 1998), and ecological determinism (Kottak, 1972). These explanatory approaches are relevant in accounting for the interrelated links between political and environmental dimensions of transnational land deals discussed in the previous chapter.

Secondly, I examine the transformative effects of colonisation and how contestation over power, governance, and resource control between the colonial administration and the Buganda Kingdom shaped subsequent regimes of agrarian change and land control. More specifically, I analyse the impact of the colonial Buganda agreement of 1900 in transforming land relations and agrarian changes occasioned by the introduction of a cash-crop economy, thus shaping socio-economic structures in Central Uganda. This section aims to demonstrate the interlinkages between changes in public and private sectors that further transformed land relations, ushering in the spectre of landlord-tenant relations that prevail to the present. I also discuss how these agrarian changes transformed livelihood practices and labour regimes in the countryside in a manner similar to contemporary transformations associated with transnational land deals. Ultimately, I argue that socio-economic transformations in labour migration, and settlement patterns determined by dominant ideologies about proper, acceptable or productive land use are not merely recent occurrences, but are constitutive elements of continuity and change in the longue durée.

Finally, I reflect on the legacy of pre-colonial, colonial, and post-colonial state formation in shaping unequal power relations and exacerbating inequalities that contribute to contemporary vulnerabilities in land access and control in central Uganda. Here, I trace the continuity of political conflict, and conflict-induced displacement, and associated social disintegration in the research area. Understood as the legacy of the longue durée of pre-colonial, colonial, and post-colonial state formation, I approach the analysis of these social disruptions and their impacts as part of a continuum within which the drivers and effects of contemporary transnational land deals can be explained and understood. This chapter therefore concludes by observing that transnational land deals in central Uganda are embedded in a legacy of historical injustices and structural violence inherent within long-term processes of agrarian change and land relations in central Uganda that have exacerbated vulnerability.
2. Precolonial social formations and land relations in central Uganda

The local government administrative unit now known as Nakaseke District, did not exist before July 2005. It was created as part of the Ugandan government’s continuous decentralisation process. The District was carved out of the then larger, and still better known Luweero District, which now lies to the east of Nakaseke. Before then, Nakaseke District, which took its name from Nakaseke town, the largest urban centre in the District, was a more rural and largely agrarian Sub-County within Luweero District. Nakaseke is one of 24 Districts that form the extensive Central region of Uganda, occupied largely by the Baganda (or Ganda) ethnic group. Uganda is divided into four large and ethno-political administrative regions: Northern Uganda is largely occupied by Nilotic groups, while the Western region consists of diverse Bantu groups and Eastern Uganda is settled by a mix of Bantu and Nilotic communities. Central Uganda region is unique since it is synonymous with the territory of the Buganda Kingdom, the customary monarchic system formally recognised and embedded within the formal Ugandan state structure (see figure 5 below). This imbues the

Figure 5: Map of Uganda showing Locally Recognized Administrative Divisions in 1990; with Buganda (Central Uganda) in the centre. Source - http://jburnett.com/africa/ug/ughist.htm

3 See chapter 5 for a detailed discussion of Uganda’s decentralised governance system and its implications for land governance.
region, and by extension Nakaseke District, with particular ethno-political social dynamics that have historically had significant bearing on the construction of politics of belonging and structures of resource control including access to land. As Mafeje (1998) avers, pre-colonial social and economic foundations greatly influenced the nature of political organisation among societies in the region (p. 5). It is therefore my contention that an analysis of contemporary agrarian transformations associated with transnational land deals would be severely limited without a comprehensive understanding of the legacy of these historical formations in determining contemporary social-economic structures in the study area.

3. Ethno-political social formations

Accounts of the ethno-political origins of the Buganda Kingdom suggest that it was founded by the Baganda, who, according to Mafeje (1998), are an agricultural people indigenous to the northern region of Lake Victoria, east of the Nile river, around the 16th century (p. 24). Other historical reconstructions suggest that the Kabaka, the king of Buganda, and hence the Baganda ethnic group had a more heterogeneous lineage descended from an earlier and more expansive, but less consolidated Bunyoro Kingdom to the north-west of Buganda (Karugire, 1980, pp. 15–22). British colonial-era anthropologist Audrey Richards further posits that external threats posed by southward migration of conquering Nilotic Luo invaders from the north, catalysed the formation of a centralised defensive ethno-political Buganda society (Richards, 1960, pp. 27–28).

Most historians and ethnographers seem to agree that ethno-political formation of the Buganda Kingdom had to do with smaller and formerly loosely-knit clans coalescing into increasingly larger defensive units with a more centralised form of political organisation designed to defend against, and wade off conquering Luo invasions (Karugire, 1980; Mafeje, 1998). These accounts seem to suggest that the formation of Buganda as an organised ethnic group, and that of the construction of an ethno-political society with a centralised administrative system, occurred simultaneously. Consequently, Ugandan historian M.S. Kiwanuka (1972) observes that by mid-1800, the Buganda Kingdom had risen into a position of dominance over its neighbours.

Other accounts have been rendered to explain the gradual rise and eventual dominance of a relatively young Buganda Kingdom over older and more expansive ones such as the Toro, Bunyoro, Babito, and even earlier Bachwezi dynasties of the interlacustrine region of East Africa (see figure 6 on next page). Mafeje (1991) advances the argument that a sedentary form of agriculture, based on the cultivation of banana plantains, provided conditions for a settled society upon which the Baganda were able to establish a Kingdom (p. 24). This is contrasted against the pastoralist Banyoro and Bahima peoples to the north-west of Buganda (now western Uganda region), whose ‘marauding’ livelihood patterns are thought not to have been supportive of the development a sophisticated hierarchical political order (Wrigley, 1957).
Figure 6: Map showing the ethno-political distribution of Uganda with Buganda in the centre.  
*Source: Minority Rights Group*

Other historical explanations advance arguments in favour of socioecological determinants of the origins and evolution of the Buganda Kingdom. Conrad P. Kottak (1972) for instance, argues that a combination of fertile soils, adequate rainfall and temperature, ideal for the cultivation of the perennial banana plantain, ensured a constant supply of adequate nutrition all-year round with limited labour requirement, thus freeing up male labour for defensive and offensive services to the Buganda state (p. 358). The emergence of an agrarian economy, largely characterised by sedentary cultivation is thought to have determined settlement patterns and the emergence of particular political structures and power relations in Buganda.

4. **Precolonial state formation and land relations in Buganda**

Buganda society is initially thought to have been organised around groups of closely-knit households inhabiting a string of hillsides, each separated by swampy valleys and forests (Kottak, 1972, p. 359). It is upon these independent clan-like village formations with hereditary heads (chiefs), that the King of Buganda (the Kabaka), built his Kingdom through a process of gradual centralisation of power, control over land, and creation of a sophisticated system of ritual reverence and symbolic taxation (Wrigley, 1957, p. 71).
Thereafter, Buganda embarked on an aggressive campaign of territorial expansion accompanied by the growth of royal power, leading to an even more centralised government, and the appointment of chiefs over the newly acquired territories (Roberts, 1962, p. 437).

By the 17th century, many clans acknowledged the supremacy of the Kabaka and, according to Low (1964), by the 19th century, the Kabaka had gradually and successfully centralised and personalised power by replacing the system of hereditary chiefs (Bataka) with a hierarchy of appointed chiefs (Bakungu), granting himself even stronger control over the clan-structures, the bedrock of the Kingdom (p. 425). According to Roberts (1962), by the end of the 18th century, only three of the ten chiefs were hereditary. The Kabaka further increased his power by creating a bureaucratic class of landed agents to supervise the appointed territorial chiefs and by forming a standing army and navy only answerable to the King.

_In the 19th century...the Kabaka had come to enjoy a very considerable measure of autocratic authority over his Chiefs. Chiefs were promoted or demoted, honoured or murdered, at the Kabaka’s own behest. They were frequently moved from one office to another on his orders alone; and he controlled the appointment not only of the most senior Chiefs but of the merest subordinates as well (Low, 1964, p. 426)._ 

By dismantling the authority of hereditary clan heads or Bataka (literally meaning the holders of land), the king abolished their custodianship over land and instead allocated himself absolute monopoly over the distribution of land through appointed chiefs (Bakungu). The Kabaka’s autocratic rule was thus extended to control over land rights. While previously, land was allocated to clan members on the basis of patrilineal descent, the Kabaka and his appointed chiefs could now allocate land on non-kinship basis to anyone, including non-clan members (Southwold, 1965, p. 96). According to Mafeje (1998, p. 56), the ‘land tenure system consisted of royal and official estates granted to the Kabaka’s appointed chiefs and their subordinates’, while ordinary citizens could only gain access to land through supplication to the chiefs.

Scholars of Buganda history continue to debate whether or not the political economy of the Kingdom could indeed be characterised as feudal, with the majority of ordinary Baganda subsisting as serfs under the control of land-owning chiefs (Mafeje, 1998; Mamdani, 1987; Wrigley, 1957). It is however less contested that by the time of British colonial entry into Buganda, land had become the source of political power and control over people and resources (Mafeje, 1979, p. 5).
5. Colonial land tenure reform and agrarian change in central Uganda

The 1900 Buganda Agreement and the Mailo tenure system

By the onset of colonial rule in Uganda in the mid-19th Century, the Kabaka had complete control over both the land and the people. According to Roberts (1962, p. 437), autocratic rule resulted in the excesses of successive Buganda Kings. Twaddle (1988), concurs that Kabaka Mutesa’s (1857–84) ‘brutal despotism’ and Kabaka Mwanga’s (1884–97) ‘irresponsible and vacillating tyranny’, ultimately led to a succession crisis and an internal rebellion in 1897 between rival Christian politico-religious groupings within the court. In order to prevent further internal political turmoil in the Kingdom, and to restore administrative stability for purposes of expanding the colonial project, the British Special Commissioner for the Protectorate of Uganda (Buganda) Sir Harry Johnston, negotiated the 1900 Agreement with the leading chiefs (Bakungu) who had prevailed in the succession crisis and maintained their alliance with the British.

According to Mafeje (1979), the chiefs, in their negotiations with the colonial administration, were primarily concerned with land, the strongest source of political power and control (p. 5). The agreement signed between the colonial administration and the Buganda Kingdom granted control over land, in the form of private and official estates, to the King, the regents, and leading chiefs of the Kingdom. These lands amounting to 9000 square miles came to be known as Mailo⁴ land and was held under freehold title by the chiefs (Fortt, 1973, pp. 67–68; Mukwawa, 1953). The terms of the 1900 Agreement were a clear indication of the extent to which the chiefs had managed to consolidate their power against the general population (Mukwawa, 1953, p. 15). Although tenant-landlord relations existed in Buganda during the pre-colonial period, Mafeje argues that this was not a feudal relationship, but rather that citizens were ‘tenants-at-will’ and had the freedom to move vertically and laterally either towards absolute ownership or shifting to other location (Mafeje, 1998, pp. 56–58). To the contrary, the 1900 Buganda agreement, according to Ugandan political historian Mahmood Mamdani, solidified these shifting and flexible property relations, thus rendering ordinary citizens as perpetual rent-paying tenants, denied rights of both ownership and occupancy (1996, p. 141). Mafeje further observes that the impact of the agreement was to radically transform social and economic relations in Buganda.

*Buganda had moved irrevocably from a situation where the country was seen as divided into a hierarchy of domains of jurisdiction attainable at the Kabaka’s grace to a situation where rights in land were vested in individual holders in perpetuity. Johnston’s Mailo system, as it got to be known afterwards, acted as a double-edged sword. It at once complemented the feudalist ambitions of the chiefs in Buganda and, at the same time, created grounds for the emergence of capitalism in the area (Mafeje, 1979, p. 6).*

⁴ Mailo is the Luganda language corruption of the English word ‘mile’. The Baganda coined the term Mailo to refer to the land allotments in the 1900 agreement which were measured in square miles.
Land has therefore been at the centre of state-society relations throughout Uganda’s pre-colonial and colonial history, representing a critical component of the governmentality of state formation and socio-economic transformation. Scholars of post-colonial development in Africa and the more recent phenomenon of transnational land deals have also recognised the centrality of land in attempts to organise society by rationalising and standardising ‘subjects including people and things in ways that makes them easier to govern’ (Scott, 1998, p. 3; Wolford et al., 2013b, p. 196). Similarly, and as observed before, the colonial administration hoped to use the 1900 land settlement in Buganda to quell dissent against British control within the royalty, and to resolve persistent power struggles between contending social, religious and territorial groups.

The Mailo system and agrarian change in Buganda

The colonial period was thus characterised the use of land as an instrument for political control, while normative ideas about proper and productive use of land for economic production gained prominence. Commenting on the economic effects of the 1900 agreement, Jean M. Fortt has argued that it was partly intended to create a land-owning class that would be the bedrock of large-scale African farming, while reserving ‘surplus’ land for settler plantation agriculture (Fortt, 1973, p. 73). Subsequent commercialisation of property rights is said to have contributed to the emergence of ‘progressive farmers’. In so doing, the British Governor hoped to reduce the cost, on the British government, of running the colony and thus stabilise the country (Fortt, 1973, pp. 66–67). The introduction of cotton and later coffee by the Imperial British Company (IBC), and their promotion by the colonial administration as a means of revenue collection, saw a significant uptake of cash-crop cultivation by Baganda peasants on tenancy plots (bibanja) on which they paid a land tax (Busulu) and produce tax (Enuvujo) to their chiefly land-lords.

Proceeds from the cultivation of cotton and coffee enabled a number of squatters to buy land from the chiefs, leading to the emergence of independent small-scale producers. Other small-scale producers emerged from hereditary fragmentation of original chiefly estates. According to Wrigley (1957, p. 73), this created an ‘agrarian middle-class of landowners whose property was measured, not in square miles as hitherto, but in tens of acres’. Despite these organic and unintended processes of land redistribution, the colonial authorities soon became cognisant of the monumental consequences of the 1900 agreement in dispossessing the vast number of citizens of Buganda. According to Mahmood Mamdani, the Governor did concede: “It has become clear that the system is a dangerous one” (1996, p. 142). The colonial administration further acknowledged that ‘if the natural processes of inheritance and sale were left to work unassisted, the emancipation of the peasantry would take several generations’ (Wrigley, 1959, p. 52).

Within two decades of the agreement, agrarian discontent emerged in Buganda, agitating for radical land reforms and seeking a reversal of the 1900 Buganda agreement. The
protest movement came to be known as the Bataka land movement, comprising hereditary clan leaders (Bataka), who asserted that their rights had been violated in the 1900 land settlement, as well as grievances by the smaller landowners over what they perceived as burdensome land tax of 1921 (ibid). Part of the demands by the Bataka movement was for enactment of reforms that would ‘ensure that every Muganda (a person of Buganda ethnicity), should be entitled to a piece of land in Buganda which they could call their own’ (Lwanga-Lunyiigo, 2007, pp. 150–163). Historians disagree in their assessment of the success of the Bataka revolt. According to C.C. Wrigley, the colonial government’s intervention, through a so-called Busulu and Envijjo law of 1927 that set legal limits for the amount of land and crop tax to be levied, was a significant stride towards ‘achieving the official ideal of peasant proprietorship’. Furthermore, in his view, the ‘prohibition of eviction for any cause other than the non-payment of the statutory dues’, meant that all tenants in Buganda were accorded perpetual and heritable tenure rights by virtue of occupancy (Wrigley, 1959, pp. 53–54). Mamdani concurs that by limiting the rents that landlords could collect and extending security of tenure and the right of inheritance to tenants, the colonial administration had effectively ‘clipped the wings of the landed class’ (1996, p. 142).

Buganda historian Samwiri Lwanga-Lunyiigo, contends that the 1927 Busulu and Envijjo law came too little too late, since it did not abolish the Mailo tenure system, but instead further entrenched it, with its attendant, yet unresolved landlord-tenant injustices, in law. He further attributes what he terms as the failure of the Bataka movement to achieve its aims, largely to the self-interested intransigence of the Buganda Kingdom’s parliament (Lukiiko), which was wholly composed of landed chiefs out to protect their estates. In addition, he cites the lack of political will on the part of the colonial government to change the status quo. During land-reform negotiations in 1923, the colonial governor is said to have asserted that over 10,000 land transactions through sales, leases, and inheritance had occurred since the 1900 agreement, and it would be severely disruptive to undertake any reforms (Lwanga-Lunyiigo, 2007, pp. 150–169). This position set a precedent for successive administrations fearful of upsetting established tradition and dismantling a system that served the interests of powerful beneficiaries.

From the foregoing, it can be argued that the Bataka movement may have won a moral victory in bringing about the legal protection of tenant rights. However, the struggle for equal land rights in Buganda persisted, so long as the Mailo system was in place, and political authority remained in the hands of elites who gained disproportionately from the very same system. Although by law, the rights of landlords were restricted to collecting fixed taxes and exploiting land that was not occupied by peasant tenants, there was no system of checks and enforcement (Wrigley, 1959, p. 54). In practice, Lwanga-Lunyiigo (2007) argues that more often than not, the rights of tenant land dwellers were violated with impunity (ibid, pp. 221). Consequently, the Mailo land tenure system still persists in present-day Buganda as in many parts of Nakaseke District. Some of the large tracts of land allocated
to the chiefs, in some cases amounting to between three to ten square miles, remain intact to date. It is these pieces of land that are now the focus of a renewed commercial interest in fertile arable land and acquisitions for large-scale agricultural investment.

Successive post-colonial regimes have attempted to grapple with the historical injustice of the Mailo land system in Buganda with little success. Elliot Green has examined the political history of post-colonial land tenure reform in Uganda and concluded that the power of traditional landlords, as well as the strong ethnic attachment to land in Buganda, stand in the way of successful reform. Furthermore, he argues that radical land reform will remain at an impasse in Buganda, so long as the government fails to acknowledge and address underlying issues of ethnic identity and inequality among the Baganda, based on perceived bias on the part of government towards the ruling elites from western Uganda and foreign investors (E. D. Green, 2006, p. 384). In the following section, I examine in more detail the question of ethnic identity and ethno-nationalism in Buganda and its effects in shaping claims of belonging and land rights in Nakaseke District.

6. **Heterogeneity and land relations in Buganda**

**Heterogeneous formations and land access in Buganda**

Accounts from Buganda oral mythology and studies of the socio-political structure of the Buganda Kingdom, have led some scholars to postulate a narrative of the homogenous origins of a society built around sedentary agriculturalist villages (Karugire, 1980). Other reconstructions depict a more heterogeneous process of social formation involving fusion and diffusion of various ethnic groupings (Mafeje, 1998). These disagreements aside, there is consensus that the historical formation of the Buganda Kingdom was catalysed by violent migratory movements of other kingdoms and ethnicities around its periphery, and that its growth and expansion consisted of the assimilation of neighbouring societies (Karugire, 1980; Mafeje, 1998; Mukwaya, 1953). This latter account seems to concur with the general observation by Thomas Eriksen (2010a) regarding the dynamic nature of processes of ethnic formation consisting of ‘variable contact, conflict and competition, but also mutual accommodation between groups (p. 13).

In the succeeding years after its establishment and expansion, and most certainly during the colonial period, the ethnic composition of Buganda became more diffuse due to the influx of successive waves of immigrants. Historical accounts suggest two distinct, but interrelated migration patterns into Buganda, starting from the colonial period onwards: the first is that of non-Baganda tenants renting land from land-lords for cultivation of cash crops, mainly cotton and coffee. The second pattern being the phenomenon of migrant labourers attracted by the labour intensive cultivation of cotton and coffee by the Baganda as well as white settler farmers (Green, 2006, p. 374; Mafeje, 1979, p. 11). Mafeje argues that
even small-scale Baganda producers preferred to hire ‘cheap foreign labour’ and estimates that by the mid 1920’s, the migrant population in Buganda totalled about 4,500 (1979, p. 11). Wrigley observes that Baganda men’s preference for hired labour resulted from their cultural perception of ‘agricultural labour...as the work of women and slaves’ (1957, p. 76). Whatever the case, these migrant labourers, in due course, were able to rent land and settle as peasants within Buganda. This, it has been argued, is partly due to the Baganda land-lords’ preference to rent land to the non-Baganda ‘as they were easier to exploit’ (Green, 2006, p. 374). In addition, Uganda has historically hosted a large number of Rwandan and Burundian immigrants and by the 1930’s, it is estimated that up to 50% of non-Baganda immigrants in some Buganda counties were from these two ethnic groups (Mafeje, 1979, p. 21).

It might thus appear that historical patterns of interaction and assimilation through migration and settlement continued to be common features of colonial and post-colonial social relations and ethnic formation in Buganda. It can thus be argued that migrant wage labour constituted a process of ethnic formation through what Abner Cohen refers to as ‘intensive interaction between various ethnic groupings’ (1996, p. 83), and hence becoming a catalyst for a continuous reproduction of Buganda ethnicity. The second is the process of assimilation by which foreigners could be accepted as part of Buganda society. While there is general consensus about the former, the latter appears to be contested. Lwanga-Lunyiigo contends that the vast majority of immigrants stayed on, leased land, ‘married local girls, grew cash crops and even became Baganda after a generation, complete with a clan membership and a Kiganda name’ (2007, p. 93). However, Archie Mafeje argues that while the Baganda may have accepted immigrants in their midst as a source of cheap labour, they may not have necessarily been welcome as land-owning neighbours (1973, p. 21). Processes of identity formation, construction of notions of belonging, and access to and control of land were thus intricately intertwined.

In his exploration of ethnic attachment to land among the Baganda, Elliott Green suggests that the Baganda peasants have historically rejected non-native or migrant rights to land (2006, p. 374). These tensions underlined the divide that existed and continues to persist between the landed elites and ordinary folk in Nakaseke District. Since the predominating Mailo land tenure system vests tenure rights on land-lords, the land-owners could lease or sell parts of their land to immigrants as they wished; and while the landed chiefs had no objection to non-Baganda accessing land within Buganda, the peasants saw these immigrants as a potential source of competition over what was perceived to be ancestral land illegitimately hoarded by the chiefs for self-enrichment through unrestricted leases or sales to ‘foreigners’.

**Ethnicity and the origins of ‘foreign’ land acquisitions in Nakaseke District**

The central region of Uganda in which Nakaseke District lies is, according to Mamdani (1996), a melting pot occupied by an ethnically mixed population of Baganda peasants and
immigrants, mostly from Rwanda, who have settled in the region for decades following their mass immigration in the 1920s (p. 207). Nakaseke District consists of two agro-ecological zones as will be discussed in more detail in subsequent sections. The northern half of the District is a semi-arid savannah largely occupied by the cattle-keeping Bahima people – a name given in Uganda to the ethnic group associated with the Banyarwanda or Rwandan immigrants. Although statistics on the District’s current ethnic composition are not available (the Uganda national census does not record ethnicity by District), Mamdani cites a 1948 census which indicates that 34 per cent of the population of Buganda at the time, were immigrants (1996, p. 207).

According to Mamdani (1996), Baganda peasants and non-Baganda migrant labourers initially built an alliance that fuelled anti-colonial uprisings in the 1940s, but this was broken in the 1950s following the politicisation of Buganda ethnicity by the landed class to agitate for decolonisation under the Kabaka Yekka (King Only) movement (p. 208). Since then, he further argues, Buganda ethno-politics has been mobilised against the Banyarwanda and other migrant groups within Buganda. Elliot Green avers that a historically embedded ethnic identification with the land steadily grew among the Baganda peasants and middle classes with increasing ethno-politicisation turning into deep seated resentment and xenophobia against immigrants (2006, p. 374). These sentiments seem to have only heightened in the decades after decolonisation as ‘Buganda became a bastion of tribal politics’ (Mamdani, 1996, p. 208). As Cohen observes, ‘ethnicity is essentially a political phenomenon’ (1996, p. 84), and Buganda ethnicity became instrumentalised as a mechanism for political alignment.

 Barely five years after independence, a tenuous coalition between Buganda’s Kabaka Yekka ethno-political party and the Prime Minister’s northern dominated Uganda People’s Congress (UPC) collapsed leading to the constitutional abolition of the Buganda Kingdom in 1967, expulsion of the Kabaka to exile and the abolition the Kabaka’s official estates, which were expropriated by the central government into public land (Fortt, 1973, p. 73). This political fallout further alienated the Baganda and catalysed even stronger ethno-politicisation of Buganda identity. Although relations between landlords and mostly Baganda tenants on the so-called private Mailo remained unchanged, the ‘freeing’ of thousands of square miles of land previously owned by the Kabaka, historian Lwanga-Lunyiigo says this ushered in a new land rush. According to him, non-Baganda speculators were keen to acquire fertile lands in Buganda which was ‘favoured economically...by her geographical position and natural resource endowments’ (2007, p. 93). While the grievances of Baganda peasants against their land-owning elites persisted, collective ethno-nationalism among the Baganda became increasingly mobilised vis-à-vis perceived threats from ‘outsiders’ who had violated the Kabakaship, the primary symbol of their ethno-political identity, and were bent on further encroaching on and steadily controlling Buganda’s resource base through land acquisitions.

These perceptions and practices seem to have continued into the 1990s and 2000s, as politically dominant elites from western Uganda, associated with President Yoweri
Museveni’s Banyankole ethnic group and their Banyarwanda ‘ethnic brethren’ are said to have acquired land in various parts of Buganda, including Nakaseke District (Green, 2006, p. 381). Drawing extensively from empirical ethnographic research on ethnicity and land reform in central Uganda, Elliot Green cites numerous complaints by community leaders and citizens in the then Luweero District, of which Nakaseke was a part, against apparent ease of access with which Rwandan immigrants could access, buy, and control large tracts of land. Most galling to the residents of neighbouring Kiboga district, according to the research, was the ownership of land in the region by Rwandan President Paul Kagame, who was himself a Rwandan immigrant and fought alongside Ugandan President Yoweri Museveni in his 1981–1985 rebel war against the government (Green, 2006, p. 382). Furthermore, based on observations and encounters during the two years I spent doing fieldwork in the Nakaseke, migrant labourers were still a constant and prevalent presence in the District. On my visits to various commercial farms, I interacted with, and interviewed migrant farm labourers, from far-flung regions of Uganda such as West Nile and Acholi regions bordering South Sudan as well as immigrants from as far as Tanzania, the Democratic Republic of Congo (DRC), Kenya, and Rwanda.

Other forms of movement such as civil service deployment also led to migration and subsequent settlement of other ethnicities in Buganda. For instance, along the road that leads from Luweero town to the Chinese-owned Hanhe Farm, I came across a sprawling homestead of no less than ten huts built close to each other in one large compound. An elderly man who was the clan head, informed me that this was a settlement pattern unique to the Alur people from the West Nile region of northern Uganda. He told me that he had been posted to Nakaseke (then Luweero district) as a police officer in the 1980s. To escape the long-running civil in northern Uganda, he bought land and invited some of his extended family, who came initially to work as farm labourers and eventually settled in the area. Although they appear to have since assimilated into the local culture and cultivate their own plots of land and supplementing their income by offering labour to neighbours and selling their farm produce, they have maintained some of their cultural traditions such as extended family members living in tight-knit large compounds. They explained that these kinds of homesteads were initially necessitated by the need for better security in a violent society prone to frequent attacks and raids.

At another cluster of houses closer to the swamp bordering the Chinese farm, a group of middle aged women informed me that they also originated from northern Uganda, but were now resident in the District. Unlike their Baganda neighbours who are largely cultivators, these women specialised in weaving mats, baskets, and other household wares from reeds harvested from a nearby swamp (see figure 7 on next page). The women, who said they didn’t have plots of land of their own, sold these products in the local township markets in Luweero among others for a living.
The relationship between ethnic Baganda and other groups in Nakaseke District remains complex. While historically, ‘foreigners’ may have been gradually integrated within Buganda society, it appears—as the foregoing observed anecdotes suggest—that ethnic identities and boundaries have hardened over the years and ethnically diverse groups exist side-by-side in an uneasy relationship with each other. Still, the long history of migration and the depth of inter-ethnic integration in Nakaseke can be illustrated by the presence of elected political representatives from non-Baganda ethnic groups in the local government hierarchy in Nakaseke District. An elected village chief (Local Council 1 Chairman), representing a squatter community on one of the Indian owned farms that I studied, told me that he was from the pastoralist Bahima ethnic group of Rwanda-Urundi origin, and that more than a half of the members of his village were all non-Baganda. Similarly, an elected District Councillor confided in me that although she was thought to be a Munyankole from the migrant cattle-herding Banyankole community in the District, she was actually a Munyarwanda, a third-generation Rwandan immigrant.

These waves of migrant settlement in present-day Nakaseke District, and the gradual acquisition of land particularly by regime elites and their co-ethnics from western Uganda, is increasingly fuelling feelings of resentment and conflict over access and control of land. While it may not be possible to ascertain how much land in Nakaseke is controlled by non-Baganda immigrants, or indeed whether ‘foreign’ acquisition of land in the District is due to political patronage, one anecdote may serve to explain how the latter is a credible
feature of trends in ‘foreign’ land acquisitions in the District. During my fieldwork, I established that a retired army general who is a brother of the President of Uganda, owned a three-square mile (777-hectare) piece of land in the District. The former general, like many other senior regime elites, is alleged to have personally benefited from the privatisation of government parastatals and companies (Green, 2006, p. 381). A District land official in Nakaseke alleged during an interview, that the retired general acquired the said land as a result of ‘government orchestrated collapse and takeover of a farmers’ cooperative that previously owned the land’. The former general, with whom I interacted on two occasions, had been leasing part of this land totalling 200 acres, to a foreign owned company GLAD Farm, an enterprise run by a Norwegian investor engaged in commercial maize production.

Another feature of ‘foreign’ land acquisitions in Buganda was that of Asian settlement. According to Lwanga-Lunyiigo (2007), the failure of white settler plantations in the 1920s paved the way for the colonial government to loosen restrictions against the sale of agricultural land in Buganda to non-natives. By 1930, Asian commercial farmers had virtually taken the place of failed European planters. Despite strong opposition from the Buganda Kingdom Lukiiko (parliament) and its landed chiefs, alienation of land to Asians proceeded at a rapid pace. Initially, Asian commercial farmers were granted 49-year leases of Mailo land, which later became renewable (Fortt, 1973, p. 71). It is estimated that by 1950, Asians had acquired substantial amounts of land in Buganda and had emerged as the most important large-scale commercial farmers in Uganda (Lwanga-Lunyiigo, 2007, pp. 129–140). Although most of the land allocations to Asians for tea and sugar estates were concentrated in the Lugazi area in the eastern periphery of the Buganda Kingdom, some of the land acquired by Asians during this period could be found in Nakaseke District. An example is the Asian-owned Amfri Farm, one of the four large-scale farms that comprise the case studies for this research. The current owner of Amfri Farm, which is located in the Kyampisi area of Nakaseke District, says that his family acquired the property from another Asian family in the early 1970s and who in turn, had acquired it in the colonial period.

The history of socio-economic and ethno-political processes underlying land relations in central Uganda is an important lens with which to understand contextual social conditions of and potential responses to contemporary foreign land acquisitions in Nakaseke District. However, as is often the case, social processes are much too complex for single explanatory pathways. In the case of central Uganda and especially Nakaseke District, other trajectories of post-colonial state formation, particularly that of civil war and the legacy of conflict, has had consequential implications for tenure security, land rights and dynamics of access and control of land. The following two sections of this chapter trace the legacy of conflict in exacerbating vulnerability, and subsequent contemporary socio-economic conditions and land relations in Nakaseke.
7. Conflict and land access

The 1980-1985 Luweero-Triangle war

In the early 1980s, the area covered by Nakaseke District was part of the then much larger Luweero District which, together with the then neighbouring Kiboga, Mubende, and Mpiigi Districts, formed the ‘Luweero Triangle’ (see figure 8 below) (Mutibwa, 1992, p. 192). This is the region in central Uganda from where the rebel National Resistance Army (NRA) led by Yoweri Museveni initiated an armed uprising and waged a guerrilla war against the national government of independence leader, President Milton Obote between 1981–1985 (Kasozzi, Musisi, & Sejjengo, 1994, p. 180).

Figure 8: Map of Uganda showing approximate location of Luweero Triangle. © Josh Maiyo
Museveni was initially part of a coalition of rebel groups that had dislodged Dictator Idi Amin from power in 1979 and formed a transitional government leading up to presidential elections in 1980. He however took his armed faction back to the bush in protest against the results of an allegedly rigged 1980 election that brought Milton Obote back to power, after being toppled by Idi Amin in 1971 (Mutibwa, 1992). To quell widespread dissent and eliminate opposition from within government ranks, Obote, an ethnic Acholi from northern Uganda, launched a campaign of terror: detaining, abducting, and killing any perceived opponents who were largely from the Baganda and Banyankole ethnic groups of central and western Uganda (Kasozzi et al., 1994, pp. 145–150).

Strategically located just north of the capital Kampala, and characterised by dense tropical forest, the Luweero Triangle provided deep cover, but allowed the guerrilla fighters proximity for lightning strikes against major infrastructure and security installations, followed by quick retreat (Kainerugaba, 2010). While the immediate trigger for the civil war was a rigged election, NRA ideologues argue that their goal was to remove a ‘primitive and fascist regime’ that had ‘institutionalised violence’ and ‘allowed its soldiers and armed agents to...exercise looting, wanton and indiscriminate killing of people and even entire villages’ (Mutibwa, 1992, p. 155). Among the largely Baganda people of the Luweero Triangle, the NRA found receptive sympathisers and a fertile recruiting ground. Sandwiched between the three Districts of the Luweero Triangle, Nakaseke was at the heart of what came to be known as the ‘Killing fields of Uganda’ (Bracken, Giller, & Summerfield, 1995).

The NRA and the Baganda of Nakaseke were however not natural allies. According to Jeremy M. Weinstein, the leadership and the vast majority of initial membership of the NRA were drawn from the Banyankole ethnic group of western Uganda (Weinstein, 2006, p. 108). Due to their ethno-linguistic variance, Banyankole recruits could not move easily from western Uganda and Kampala to the Luweero Triangle without being detected. The NRA had to turn to the local Baganda who were initially reluctant to join what they perceived to be largely a conflict between two ethnic outsiders: Yoweri Museveni’s Banyankole and President Obote’s northern Acholi (ibid). The rebel army needed the support of the largely Baganda local community for shelter, food, local guides, and fighters. The NRA sought the support of respected hereditary local elders, the bataka and wealthy citizens by articulating ‘a political agenda that linked the historical experiences of the Baganda to those of the Banyankole’, including promises for restitution for war contributions, ethnic equity, and restoration of the Buganda monarchy (Weinstein, 2006, p. 110).

Mass displacement and loss of livelihoods in the Luweero Triangle

The residents of the Luweero Triangle, including Nakase District endured the brunt of the conflict as ‘government forces backed by Tanzanian soldiers were present throughout the Luweero triangle’, and entire District was also dotted with bases for the rebel army (Weinstein, 2006, pp. 108–109). In the six-year period of the conflict (1981–1986), it is
estimated that between 50,000 to 200,000 people were killed and over 993,000 displaced, with 412,000 or 41.5% of these from the then Luweero District alone (Kasazi et al., 1994, p. 180). A witness account of the war rendered by one of the leading members of the rebel NRA, Pecos Kutesa, depicts a systematic campaign of looting, plunder and destruction where government soldiers slaughtered and ate livestock, harvested crops, and looted any movable household items including ripping off doors, windows and roofs and carting them away while Public amenities such as schools, hospitals and government offices were not spared (Kutesa, 2006).

At the height of the NRA insurgency, a campaign of mass displacement of the population occurred, precipitated by the government army’s scorched earth strategy to deny rebel forces sanctuary, as well as the NRA’s forcible movement of the population to ‘protect them from government genocide’ (Kutesa, 2006). According to Kainerugaba (2010), up to 1.5 million people, who had initially been encamped in Internally Displaced People’s (IDP) camps around rebel bases were ‘forced’ to march westwards with the retreating rebel army for a distance of up to 350km (pp. 110–111). During my fieldwork, I interviewed elderly residents in three villages across the District who lived through the war. They recounted memories of the mass exodus and how many older and frail members of the society never survived the harsh conditions of the long march. Writing about what he terms as a strategy of manœuvre by the rebel fighters, Kainerugaba describes the march as consisting of long days and nights of trekking through thick forest and arduous crossings of rivers and swamps (ibid).

Most of the fleeing residents are described as having been already emaciated and weak even before the march, due to malnutrition and sickness. Another research participant recounted how her elderly grandmother was left behind together with others who were considered too old and feeble, but were never to be seen again as those who eventually returned found human bones strewn across desolate homesteads and nearby bushes. Still, among those who embarked on the march and survived, some either chose never to return, or died in ‘exile’. Consequently, a large number of the younger survivors who returned, had lost their parents, spouses, or siblings who never lived to return home. Several survivors of the war, including Mr Baga whom I met and interviewed, recounted how the entire countryside was laid to waste and the returning survivors had little or no social infrastructure and services. “Human bones were scattered all over, we still find some in our gardens even now; there was hardly any property left, no livestock, crops or houses to live in”. In figure 9 on next page, the picture to the left, shows a family grave at an abandoned homestead, and on the right, a Mr. Baga stands at a family grave with war-time ruins in the background.
Figure 9: Luweero war graves in abandoned and ruined homesteads in Nakaseke District. © Josh Maiyo, June 18, 2013

Social disintegration and vulnerability
A study of the legacy of the war in the Luweero Triangle (Bracken et al., 1995) revealed that a sustained campaign of arrests, detention, torture, rape, killings, and forced displacement resulted in devastating and long-lasting psycho-social impacts on the area residents. The conflict rendered many women and children widows and orphans, further deepening their vulnerability and impacting their rights and claims to inheritance or access to resources such as land and property including livestock and houses. According to Bracken and colleagues, while some survivors may have received support through kinship solidarity and treatment from traditional healers, this was not the case for everyone, and not all returnees could establish a sense of continuity from their broken past. In her research on the political economy of violence against women in Luweero, Meredith Turshen (2000) found that in a society where women’s access to resources such as land is dependent on the strength and recognition of their kinship relations, sexual violence and rape can lead to social rejection, ostracism and dispossession (pp. 815–816). Many women who were raped recounted instances of rejection by their husbands, and widows were alienated from their families leading to loss of access to land, housing, and other forms of livelihood. Others found it difficult to locate or lay claim to their previous lands as they had no documentation to prove ownership, while previously existing social structures of inheritance had disintegrated.

Turshen further argues that the role of traditional values such as family honour and ‘the need to protect a woman’s chastity or virginity for the reputation of her family...and for the successful arrangement of a girl’s marriage’, further exacerbate social discrimination and compound the trauma affecting women in such conflict afflicted societies (ibid, p. 817). The civil war had far-reaching and long-lasting consequences on the society’s social cohesion, social support networks, abilities to access and control resources and sustenance of traditional livelihood patterns. It is therefore important, as (Goździał, 2009) argues, to recognise and pay attention to socio-political dimensions of trauma experienced by survivors of community violence in order to seek contextually relevant and culturally appropriate interventions.
Post-conflict reconstruction: Local governance and land administration

With the collapse of both formal and traditional forms of social organisation and local governance during, and in the aftermath of the war, the National Resistance Movement (NRM) - the political wing of the NRA - implemented an experiment in democratic grassroots-based local governance system known as ‘Resistance Councils’ (RCs) (Tidemand, 1994). The Luweero Triangle, including Nakaseke, served as the pilot areas for the Resistance Councils (RCs). In the so-called ‘liberated’ areas controlled by the NRM, every adult resident in the village, including non-citizens, sat in village Resistance Councils and elected their own leaders to a Resistance Committee. The same structure was replicated from the village (ward), to the Parish, Sub-County, County, and the District levels (Mutibwa, 1992, p. 181). The RCs served as support organisations for the rebel movement and as the basis for local-level deliberative and participatory democracy, which later became the blueprint for Uganda’s much acclaimed decentralised local government system (Tidemand, 1994, p. 1).

When the NRA/NRM formed the government after the war, the Resistance Councils (RCs) were replaced with Local Councils (LCs), which became the formal administrative units of Uganda’s contemporary decentralised local government system. During and after

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The Structure of the RC system

The Resistance Councils (RCs) were later replaced with Local Councils (LCs) the formal administrative units of Uganda’s contemporary local government system. The RCs’ all-inclusive structure that provided for representation of youth and women in the councils through special seats, is still reflected in Uganda’s contemporary local government structures at the District level throughout the country. The role of the decentralised local government units in the governance of land, particularly commercial pressures on land in the District will be discussed in detail in the following chapter. It is however important at this juncture of briefly explore the contemporary socio-economic context as it obtains in Nakaseke District in order to better appreciate the circumstances and especially the constraints under which such governance systems operate.

The Nine Members of Each RC Committee

Each RC council from village to District level elect an executive RC committee with nine members:

1. A Chairman
2. A Vice-Chairman
3. A Secretary
4. A Secretary for Youth
5. A Secretary for Women
6. A Secretary for Information
7. A Secretary for Mass mobilisation and Education
8. A Secretary for Security
9. A Secretary for Finance

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Figure 10: The Structure of the Resistance Councils (RC) System. © Per Tideman 1994
the war, the RCs’ all-inclusive structure provided for representation of youth and women in the councils through special seats (see figure 10 on previous page). This structure of affirmative action is still reflected in Uganda’s contemporary local government system which is now implemented throughout the country.

During the conflict, NRA leader Yoweri Museveni and other Marxist-leaning members of his National Resistance Council (NRC), advocated the abolition of the Mailo land system in favour of communal land ownership (Green, 2006). Radical land reform was thus at the core of the new regime’s revolutionary agenda to transform the country’s politics and economy. According to Elliot Green, Museveni saw the struggle for land in Buganda as ‘a class struggle hidden in ethnic identity’ (Green, 2006, p. 376). President Museveni initially believed that the NRA’s revolutionary ideology gave him the mantle to emancipate Baganda peasants who, according to him, had suffered injustices at the hands of the Baganda elites, ‘but may have not discovered their own interests’ and promised that he would ‘not rest until this injustice is resolved’ (The Monitor 12 July 1994).

Museveni’s determination however met stiff resistance from established Buganda elite interests. Having offered their conditional support to the rebellion on the promise of restoration the Buganda Kingdom, NRA/M’s victory fanned the flames of Buganda ethno-nationalism and land was once again at the centre of Buganda ethno-political mobilisation. Seemingly contrary to their own interests, Buganda peasants, many of them tenants on Mailo land, allied themselves with landed Buganda elites and opposed the elimination of the Mailo system. The Mailo system thus remained in place and continues to characterise contemporary land relations and socio-economic structure in Nakaseke District. Despite their participation in the war-time Resistance Councils at the grass-roots level, Green (2006) argues that the expected ‘peasant revolt’ never happened, but instead, the end of the conflict in 1986 saw the return of absentee landlords seeking to reclaim their lands and began to exact land rents or issue eviction notices to economically devastated and highly vulnerable tenants (p. 376).

8. Contemporary Social Economy in Nakaseke District

As soon as it came to power, the National Resistance Movement (NRM) government initiated a programme of reconstruction for the war-ravaged Luweero Triangle complete with a dedicated government Ministry for the Luweero Triangle (Mutibwa, 1992, p. 195). Three decades later, and despite claims of corruption and misuse of reconstruction funding, the Central region of Uganda including the Districts of the Luweero Triangle have recorded massive declines in levels of absolute poverty, though vulnerability still remains high. This final section of the chapter explores the main characteristics of the contemporary social economy and agrarian patterns in Nakaseke District during the research period.
The latest available statistics from the Uganda Poverty Status Report 2014 indicate that in 2013, the overall poverty level\(^5\) in Uganda stood at about 20 percent, having declined from 38.8 percent in 2003 (RoU, 2014a, p. V). The report further notes that in rural areas, poverty levels declined at a much faster rate, equivalent to almost two-thirds, from 60.4 percent to 22.8 percent in the preceding two decades, largely due to government intervention programmes. This is most notable in the Central region— including Nakaseke District—where the proportion of poor people declined from 45.6 percent to 7.3 percent between 1993 and 2013 (RoU, 2014a, pp. 11–12). However, these measurements mask significant vulnerabilities as the report points out that 47 percent of the population in the region remains vulnerable to falling back into poverty\(^6\) (ibid, p. 12).

In Uganda, over 50 percent of vulnerable households live in the rural countryside and larger sections of these were found to be ‘dependent on rain-fed smallholder agriculture, characterised by unpredictable weather, pest attacks, livestock epidemics, and poor seed quality’ (ibid, p. 2). Taking into consideration non-monetary social indicators of poverty and deprivation, the Uganda

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*Figure 11: National ranking of perceived indicators of poverty in Uganda in 2014.*

*Source: Uganda Ministry of Finance.*

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\(^5\) While the Uganda Poverty Status Report 2014 acknowledges that poverty has multiple dimensions including ‘deprivations in education, health, water and sanitation among others’, its methodology retains a one-dimensional measure of well-being: household ‘income poverty’ (RoU, 2014a, pp. 5–6).

\(^6\) The report defines the term vulnerability as the ‘probability of being poor in the future. It includes the risk of becoming poor in the future if not currently poor; or of poor households remaining in poverty’. Insecure non-poor households are categorised as ‘those below twice the poverty line but above the poverty line – they are not living in absolute poverty but are poor relative to the middle class – and they are vulnerable to falling back into poverty’ (RoU, 2014a, p. 6).
poverty report also measured other dimensions of wellbeing including education, health, and standards of living. To avoid formulaic prescriptive definition of poverty, the report included a concurrent mapping of perceived indicators of poverty among the sample populations (see figure 11 on previous page). The results mirror characteristics that I observed and documented through anecdotal discussions in the three villages in Nakaseke District where I conducted research.

The mapping of perceptions of poverty show that the majority of households (92.8 percent) that were classified as being income poor accepted that they were either poor or very poor, while nearly 80 percent of households classified as non-poor but insecure, classified themselves as being either very poor or poor. This means that overall, objective measurements of poverty which stand at 7 percent in upper central Uganda are significantly lower compared to the levels of subjective poverty which stand at 70.2 percent. Many residents of Nakaseke District are thus deeply insecure since although many live above the defined poverty line, the vast majority still feel poor and their history of conflict, dispossession, and weak property rights indicate that ‘subjective poverty is more closely related to wealth (asset ownership) than income’ (RoU, 2014a, pp. 24–25).

**Population distribution and land-use practices in Nakaseke District**

Nakaseke is a largely rural and agrarian District with about 80 percent of the population (157,969) living in rural areas and the rest (39,400) in urban areas. Results from the latest national population and housing census (2014) puts the District’s total population at 197,369 (UBOS, 2014b). A historical analysis of census statistics since 1991 indicates that the District’s population is growing rapidly, rising from a low of 93,804 in 1991 to 197,369 in 2014. This represents an annual percentage increase of between 3.26 percent in 2002 and 3.04 percent in 2014 (see table 2 below), which is slightly higher than the national average of 3.03 percent growth rate (UBOS, 2014b, p. 2).

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<td>Total Population</td>
<td>93,804</td>
<td>137,278</td>
<td>177,000</td>
<td>197,369</td>
</tr>
<tr>
<td>Annual % growth</td>
<td>-</td>
<td>3.26</td>
<td>3.2</td>
<td>3.04</td>
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<tr>
<td>Density inh./km²</td>
<td>27</td>
<td>39.4</td>
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**Table 2**: Population trends and density in Nakaseke District. Source: Uganda Bureau of Statistics (UBOS) 2014

Although the pace of population growth in Nakaseke remains almost at par with national trends, the District is considered to be relatively sparsely populated at a density of 56.9 inhabitants per square kilometre compared to a national average of 174 inh/km². Nakaseke also falls below the median population per District which stands at 240,000 persons per District owing to its largely rural and agrarian setting. However, the District’s population is unevenly distributed with as little as 10 inh/km² in sparsely populated Sub-Counties and as high as 600 or more inh/km² in densely populated regions.
The District is divided into fifteen administrative units consisting of slightly urbanised town councils and rural Sub-Counties. As shown in figure 12 above, five of these administrative units are more expansive and occupy two thirds of the entire District’s surface area to the north, while ten smaller but more densely populated units are located in the southern part that covers less than a third of the District (Nakaseke District, 2014). The pattern of population distribution in these regions is determined by the ecological characteristics of the District, which in turn determines land use patterns and livelihood practices.
Figure 13: Topography of Nakaseke District. © Josh Maiyo

The map on figure 13 above shows the topographical features of the District including vegetation cover, water systems, and corresponding settlement patterns. According to the local government’s environment plan, the District is divided into two distinct agro-ecological zones: the northern part is semi-arid, sparsely populated and known locally as ‘the cattle corridor’ owing to its largely pastoralist land-use system (Nakaseke District, 2012). The more densely populated parts as seen from figure 12 corresponds with the
regions with more dense vegetation cover depicted in figure 13. This lower agro-ecological zone is characterised by crop cultivation. The map in figure 13 shows that all four of the foreign owned large-scale farms in this study are located in this densely-populated area, and are indicated by the legend ‘villages of most interest’.

![Nakaseke District Population Distribution per Ecological Zone](image)

**Table 3:** Population distribution according to agro-ecological zones. 
*Source: Author’s calculations based on Uganda Bureau of Statistics data 2014*

The 2014 census statistics show that over 140,000 residents or 72 percent of the District’s population inhabit the southern one third of the District’s land-surface. Correspondingly, table 3 above depicts the statistical distribution of the population in the two agro-ecological zones. The column on the right shows that the southern ecological zones, represented by the colour blue, covers on 30 percent of the district’s total land area, while the semi-arid rangeland consists of 70 percent. The column to the right shows the population distribution with the blue colour representing more than 70 percent of the population resident in the southern ecological zone and less than 30 percent in the much larger northern zone.

While the District’s population density is considered relatively low at an average of almost 60 inhabitants per square Kilometre, the concentration of the inhabitants in the more fertile southern agro-ecological zone more than doubles the figure to 136.9 inh/km². In Kasangombe sub-country where the Chinese owned Hanhe Farm is located, the population density is even much higher at 192 inh/km². The concentration of large-scale commercial land acquisitions in the most densely populated and most agriculturally fertile region of the District reveals that, rather than occupying areas of marginal, unused or underutilised land, large-scale transnational land acquisitions put pressure on already scarce resources. These large-scale farms therefore pose a direct competition for access and control of arable land used by local land dwellers for their livelihoods. Furthermore, continued population growth and other demographic trends such as long-term labour migration, may increase demand for arable land in the District, thus increasing pressure on livelihoods and exacerbating vulnerability of its residents.

Women and orphans face comparatively higher levels of vulnerability in property ownership including land claims. Female and child headed households are at higher risk of vulnerability to poverty as indicated in the Uganda poverty status report (2014). According
to the report, female headed households in the Central region, where Nakaseke District is located, stands at an average of 25.3% against a national average of 30% in rural areas (UBOS, 2012, p. 15). In the 2014 census, the District registered 8,531 orphans representing an average of 8.56 percent of all children under the age of 18 years (UBOS, 2014b, p. 223). In this region, an average of 0.7 percent of households were headed by children under the age of 17 years (UBOS, 2012, p. 14).

Although average adult literacy in the District is recorded to be 76 percent, women still have a lower literacy level of 71 percent, while 13.7 percent of the total population received no schooling and up to 51.3 percent are barely literate having received only primary education. The region is also characterised by high levels of school dropout with post primary enrolment for secondary school at only 36.6 percent. Reasons given for leaving school include: early marriages, teen pregnancies, search for jobs, parental decision, expensive or not affordable, orphan hood, harassment at home (UBOS, 2012). The 2014 census statistics show that in Nakaseke District, up to 7% of girls below the age of 17 were either married or had been married compared to only 1.8 percent of boys (UBOS, 2014a, p. 84). These statistics show that residents of Nakaseke District contend with deep rooted social and structural conditions that exacerbate vulnerability, and women bear and disproportionately higher risk of vulnerability that potentially affects their claim to and protection of property rights including land.

Although Malthusian theories linking population growth to resource pressure have been much criticised (Schubert, 2007), neo-Malthusian ideas that current population levels have (nearly) stretched the limits of the earth’s carrying capacity persist in the views of human ecologists and bioenvironmentalists (Ehrlich, 1993; Hardin, 1995). According Clapp and Dauvergne (2011), these perspectives view overpopulation as leading to encroachment on fragile ecosystems and exacerbating environmental degradation (p. 11). According to statistics from Nakaseke District, increased population growth has led to high levels of land fragmentation and intensive land use practices (Nakaseke District, 2012), which in turn have significant impact on livelihoods and livelihood practices in affected communities as discussed in the following section.

Livelihood patterns and ecological effects
Nakaseke has a largely rural agrarian economy with up to 67 percent of the population depending on subsistence farming as the main source of livelihood. This figure is much higher in rural Sub-Counties such as Kasangombe where Hanhe Farm is located, with 82 percent of residents dependent on subsistence agriculture (UBOS, 2014b, p. 224). Although statistics indicate that the overall national proportion of rural households relying primarily on subsistence agriculture had declined to 54 percent by 2009/10, agriculture still employed up to 72 percent of the workforce and 87 percent of the working poor (RoU, 2014a, p. 3,16).
The four villages where the case-study farms are located, lie within the southern agro-ecological zone which is largely characterised by subsistence mixed-crop farming activities. Although there is some rearing of animals like cattle, goats, sheep, pigs and poultry, the main activities involve cultivation of crops such as coffee, plantain bananas, finger millet, maize, sorghum, rice, sweet potatoes, Irish potatoes, cassava, ground nuts, peas, soya and sugarcanes (UBOS, 2010a). Cultivation of fruits such as pineapples, mango and watermelon is done both for domestic consumption and commercial purposes, though in small quantities.

Despite its agrarian setting, the District is undergoing a slow but steady process of urbanisation with population growth increasing in its five town councils. There is therefore an emergent commercial and service industry, though according to my observations and interactions with research participants in the town councils such as Kiwoko and Nakaseke, this is still embryonic and limited to retail shops, hair dressing, restaurants and some agricultural produce markets. While the 2014 census statistics show that only 20% of the District’s residents live in urban areas, this doesn’t mean that this population is completely independent of the rural agrarian economy. National trends show that although the proportion of households engaged in non-farm livelihood activities grew from 19 percent in 2002/03 to 24 percent in 2012/13, ‘most households operate non-farm enterprises as a supplementary source of income, with only a small number shifting away from agriculture entirely’ (RoU, 2014a, p. 16). In Nakaseke District, some of these urban households include seasonal migrant farm labourers from within and outside the District who rent lodgings in urban centres, often the only places where such housing is available. While some labourers are housed within farm compounds, a few commercial farmers prefer to build homes in the urban centres for ease of access to infrastructure and social services while maintaining their farms in the rural countryside. This means that a sizeable majority of the District’s inhabitants, even those that are resident in urban centres, draw their livelihoods from agriculture.

The high reliance by large sectors of the population on agriculture forms the basis for policy prescriptions designed to increase productivity and commercialisation of the agriculture sector with the goal of reducing poverty through transformation of livelihoods (RoU, 2014a, p. 16). The Uganda poverty status report (2014) for instance, proposes that government should ‘facilitate the emergence and growth of commercially oriented farmers’ by improving access to local, urban, and regional markets; encouragement of strong farmer groups, accompanied by the increasing cultivation of higher-value cash crops and significant growth in agro-processing activities (pp 3, 16). Official assessments at both national and local government levels however, indicate that the establishment of commercial agriculture at the smallholder level faces challenges among which is land fragmentation (Nakaseke District, 2012; RoU, 2014a, p. 16). Observations during the fieldwork and information obtained from focus group discussions in Kasambya village in Kasangombe
Sub-County established that among a sample of 24 villagers, the average land holding was between 4 and 2 acres per household. Statistical figures show that the District has a household population of 4.2 members (UBOS, 2014a, p. 53).

According to local government planners, smaller plot sizes lead to lower household incomes amid rising expenditure demands from an increasingly monetised economy and societal pressure to maintain certain consumption levels all of which increase the intensity of land use (Nakaseke District, 2012, p. 11). While household level livelihood survey was not part of the research methodology in this project, extended observation and detailed life histories with participants provided insights into the effects of depleted land on household incomes. One such resident was Rose Nakazibwe, a single mother of four children who stated during an interview that income from her two-acre plot had sharply declined to the extent that she could barely make ends meet and had resorted to brewing traditional alcohol from banana plantains for sale. Furthermore, in order to diversify sources of income from farming of traditional staples such as millet, maize, and coffee, relatively new forms of land-use and livelihood practices are taking hold in the villages under study. During my fieldwork, I observed that while inhabitants along swamps and rivers still engaged in wild fishing, some residents had ventured into aquaculture and the cultivation of non-traditional crops especially vegetables and fruits along riverbanks.

District environment officials however observed that the most ecologically impactful livelihood shifts were witnessed in increasing cases of encroachment on forests for grazing and charcoal burning, and cultivation of wetlands for rice growing, and riverbanks for brick making. Officials argued that these practices were unsustainable as they exerted unprecedented pressure on the environment and the natural resource base. Census figures show that over 95% of the District’s population used charcoal and firewood as the source for fuel for cooking (UBOS, 2014a, p. 68).

<table>
<thead>
<tr>
<th>Item</th>
<th>1996/97</th>
<th>2002/03</th>
<th>2005/06</th>
<th>2009/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charcoal</td>
<td>4,076</td>
<td>6,936</td>
<td>9,345</td>
<td>98,699</td>
</tr>
<tr>
<td>Firewood</td>
<td>13,967</td>
<td>20,677</td>
<td>23,425</td>
<td>310,440</td>
</tr>
<tr>
<td>Total</td>
<td>18,043</td>
<td>27,613</td>
<td>32,770</td>
<td>409,139</td>
</tr>
</tbody>
</table>

Table 4: Household consumption of firewood and charcoal in millions of Uganda shillings
*Source: Uganda Bureau of Statistics (UBOS)*

Interviews with the District Chairman, the highest elected official in the local government, revealed that proceeds from natural resource taxation, especially charcoal, was the single highest source of revenue generation in the District. Furthermore, national government statistics (see table 4 above), show that growing demand for cheap cooking fuel in Uganda’s burgeoning cities and urban centres fuelled the trade in charcoal, pushing the value of charcoal and firewood consumption by more than 10 times between 2005
and 2010 alone (UBOS, 2015, p. 4). The proximity of the country’s capital Kampala at less than 80km from Nakaseke District provides a readily accessible market for charcoal from the District’s hinterlands. Interviews with a charcoal dealer at the Nakaseke District headquarters in Butalangu revealed that one charcoal dealer could transport up to 400 bags of charcoal every week to Kampala. The environmental officers in Nakaseke lamented that charcoal burning had caused significant environmental and livelihood impacts in the form of reduced vegetation cover, soil erosion and diminished soil fertility.

9. Conclusion

This chapter demonstrates how the contemporary political economy and socio-cultural dimensions of land relations in Nakaseke District are deeply rooted in historical processes of social formations and state building. Narratives of ethno-political and socio-ecological foundations of Buganda society generate perceptions and identities rooted in particular valuations, and attached to land. These are in turn embedded within historical struggles over power and authority that over time generated and reproduced relations of access and control of land that resulted in generational policies, institutions and practices of inclusion and exclusion, and marginalisation. These processes generated continuities of vulnerability which, although differentiated on the basis of power, tended to be enhanced over time.

Trajectories of dispossession emanating from the colonial 1900 Buganda land agreement were subsequently compounded by histories of conflict and displacement. While the adverse effects of earlier forms of in-situ dispossession were mitigated through legal protections for squatting and encroachment, mechanisms for claims and protection of these rights remained ineffectual. Contemporary forms of commercial land acquisitions can be similarly disruptive as they entail various forms of exclusionary displacement through restrictive enclosures legitimised by formal policy stipulations and legal provisions. Furthermore, the longue durée of colonial and post-colonial state formation midwifed by landed elites and resource-dependent administrations bequeathed legacies of entrenched structural inequalities that thrived on perpetuating vulnerability.

As traditional pre-colonial and colonial authority shifted from clan and Kingdom structures to post-colonial governmental bureaucrats and moneyed ‘investors’, so did changes occur in traditional valuation of land. From a means of socio-cultural identity formation, land gradually became an instrument for ethno-political mobilisation, and a commercial commodity tradable in the ‘land market’, as well as capital: a factor of production in a process of agrarian modernisation. These shifts in the valuation of, and relations to land are consequently accompanied by changes in land-use practices from small-scale subsistence mixed farming, towards commercial mono-culture production, starting with production to
sustain the colonial administration to contemporary ideologies of agrarian modernisation for development.

For a society that is largely dependent on subsistence agriculture, the rapid decline in poverty rates recorded in the last three decades is significantly dampened by high levels of vulnerability attributed to low farm productivity, demographic pressures and land fragmentation. The failure of the post (1981–1986) war national government to institute radical redistributive land reform, resulted in the maintenance of a status quo in Central Uganda characterised by the Mallow tenure system of land tenancy on small and shrinking plot sizes. The lack of alternative livelihood sources for the majority of residents in Nakaseke District inevitably leads to even more intensive land-use practices with increasingly adverse ecological effects, which in turn puts further pressure on livelihoods, thus generating a vicious circle of ever deepening vulnerability.

This chapter therefore sets the stage for the central question in this research, which is to obtain empirical evidence with which to examine the effects of large-scale transnational land acquisitions and commercial farming in the context of shifting valuations of diminishing land and changing agrarian practices that exacerbate fragile ecological conditions that are under pressure from a growing population that largely depends on the natural resource base for its livelihood. The presence of, and potential increase in, large-scale land acquisitions in the District has potentially significant implications for access and control of land, protection of land rights and sustenance of livelihoods for a majority of residents in Nakaseke. The governance of land and land relations at the District level within Uganda decentralised system raises questions regarding the role of local authorities in the management and administration of land and associated agrarian changes. The next chapter analyses in further detail the relationship between contemporary land tenure systems, patterns of land access and land governance processes, and in particular the role of local government in the management of land in Nakaseke District.
CHAPTER 5

DECENTRALISATION AND LAND GOVERNANCE
1. Introduction

In order to understand the processes by which transnational land deals occur and the impacts that they’re likely to have on land access, and overall land and agrarian relations in central Uganda, it is important to situate this analysis in the context of prevailing land tenure arrangements and local land governance systems in the study area. In this chapter, I undertake a multi-level institutional analysis of local land governance using the Nakaseke District local government administrative unit to examine how Uganda’s decentralised government system, and in particular the decentralisation of land administration, generates particular dynamics of local-central relations that shape regimes of land distribution, access and control. The purpose of this approach is to understand the structural underpinnings of power and authority and the dialectic between institutional arrangements and individual agency in shaping practices of access and control of land.

In the late 1980’s and early 1990s, the Uganda government embarked on an ambitious process of decentralisation that involved the diffusion of both political and administrative power from the central government to various sub-national units of local government. This was the culmination of an ideology of local-level participatory democracy that the victorious National Resistance Movement (NRM), the political arm of the rebel National Resistance Army (NRA), experimented with in the regions it controlled during its 1981–1986 guerrilla war. The NRM government’s objective in formalising and expanding decentralisation, was to entrench its legitimacy, not only through popular democratic participation, but according to Kuteesa et al (2009), it also sought ‘to improve the responsiveness and accountability of service provision to local beneficiaries’ (pp. 18, 312). Following the successive decline and eventual collapse of social service delivery during the country’s prolonged conflict from 1971 to 1986, the process of r restructuring government entailed instituting legal reforms, alongside implementation of political, administrative, and financial decentralisation.

These reforms were eventually codified in Uganda’s 1995 Constitution and the Local Government Act of 1997 which among others, ‘redefined the rules governing land tenure and the attendant rights of land ownership, land use, and access to land’ (MLHUD, 2015, p. 1). According to Francis and James (2003), international development partners including the World Bank and European bilateral donors who provided financial and technical support for decentralisation, hailed it as a transformative governance process that put in place ‘one of the most far-reaching local government reform programs in the developing world’ (p. 325). Achieved at a time when many African governments were run as authoritarian centralised states, Steiner (2007) emphasises that Uganda’s devolution of power was considered ‘one of the most radical initiatives of any country’, and ‘exemplary’ in its transfer of ‘far-reaching responsibilities for decision-making, planning and budgeting, finance, and service provision’ (p. 178).

Uganda’s decentralisation programme was as much political as it was administrative, and was deeply embedded in the country’s struggle for state building and national agen-
das of development. Technocrats involved in the decentralisation process point to the fact that administrative deconcentration was partly motivated by concerns that ‘the benefits of rapid economic growth were bypassing the poor’, prompting the President to institute wide-ranging reform programmes focusing on poverty reduction (Whitworth & Williamson, 2010, p. 14). Decentralisation was implemented alongside a wide-ranging consultative process designed to address structural conditions of chronic poverty, the culmination of which was the Poverty Eradication Action Plan (PEAP), which among others advocated for ‘the modernization of agriculture’ (Mugambe, 2009, p. 159). As Crook postulates, ‘governments have different political purposes and motives for introducing decentralisation’ (Crook, 2003, p. 78). Uganda’s restructuring of governance through decentralisation was therefore both a product of, and subsequently (re)produced contingent social transformations that would potentially impact land and agrarian relations in rural countryside.

In this chapter, I argue that the relationship between the *de jure* structure of decentralised land governance in central Uganda, and *de facto* state of land administration characterised by weak institutional, financial and human capacities, limited infrastructure and overlapping responsibilities constitute systemic weaknesses that exacerbate inequalities in access to land administration, protection of land rights and actual control of land in the district. I seek to demonstrate this through an analysis of the effectiveness of decentralised land governance arrangements in relation to normative aspirations of decentralisation which according to Larson and Soto (2008), include the improvement of access and democratisation of management of natural resources including land (p. 217). I start by examining the policy and legal environment underpinning contemporary land tenure and land governance systems in central Uganda. This is followed by a brief explanation of the structure of decentralised governance in the country and more specifically the legal and institutional arrangements of local land governance in central Uganda. Finally, I analyse the practice of land governance and land administration services in Nakaseke District on the basis of three criteria of democratic decentralisation proposed by the FAO namely: effectiveness, accessibility, and accountability (Hilhorst, 2010, p. 54).

Having explored in the previous chapter the deep historical foundations of land struggles and livelihood vulnerability for a majority of rural dwellers in central Uganda, as well as the failure of successive post-colonial regimes to institute equitable land reforms, this chapter ultimately seeks to inquire into the extent to which contemporary decentralised land governance systems addresses the structural basis underlying social vulnerabilities associated with prevailing insecurities and inequalities in land relations in central Uganda. It is however important to note that this chapter concerns itself with the analysis of institutional dimensions and regimes of land governance. The question of the agency of local land governance actors and their role in utilising institutional enablers or navigating systemic constraints in response to local demands from within or without the district in the context of transnational land deals is explored in the subsequent chapter.
2. Land tenure systems in central Uganda

The history of state formation in Uganda is characterised by transformations in land relations and accompanying restructuring of land governance regimes. As Mukwaya (1953) explains, these transformations are partly reflected in successive changes in the structuring of land-tenure regimes or the system of usufruct rights over land and the rules governing land occupancy (p. 2). According to Ugandan researcher Doreen Kobusingye and colleagues, the evolution of land-tenure regimes in the country can be traced back to the colonial period when statutory tenure was instituted alongside customary systems of land rights (Kobusingye, Van Leeuwen, & Van Dijk, 2016). They further point to the history of failed attempts by successive post-colonial regimes to resolve anomalies and contradictions arising from overlapping rights and claims associated with the application of legalpluralism in the country’s land-tenure systems.

The most radical attempt at comprehensive land reform occurred in 1975 when then President Idi Amin issued the land reform decree (1975:3) which declared all land in Uganda to be public land (Section 1(1)), and abolished ‘all freeholds in land and any absolute ownership, including Mailo ownership’ (Section 2(1)). But according to Mwebaza and Ziwa (2011) the decree was never fully implemented and Ugandan land policy expert Esther Obaikol (2014) has termed it a missed opportunity to radically reform the tenure system in Uganda (p. 33). Two decades later, despite or perhaps because of a widely consultative but acrimonious constitutional review process in which land reform took centre stage, Uganda’s 1995 constitution abolished the 1975 land reform decree and reinstated the Mailo system in central Uganda. Rather than instituting radical and comprehensive land reforms, the resulting policy and legal instruments, according to Mwebaza and Ziwa (2011), simply provided ‘an institutional framework for the control and management of land under the decentralized system of governance as well as the transfer of authority of land management and administration’ (p. 7).

The state and land in Uganda

As the status of land currently stands, the Constitution of Uganda 1998 (Section 237(1)) vests all land in the country in its citizens (RoU, 2006). This provision is further codified in the Land Act of 1998 Cap 227, which affirms that land belongs to the Ugandan people (Section 2) (RoU, 2010b). These statutes thus give limited and conditional trusteeship mandate to the state to hold the land in trust for the citizens. As will be elaborated in detailed in this chapter, the country’s constitution, the land law and specific local government laws, together, define individual rights to land and outline institutional structures and governance mechanisms of delegated authority over land.

The state’s exercise of constitutionally delegated authority over land is thus governed by the tenure regime currently prevailing in the country. Land tenure in Uganda, according to a former executive director of the Uganda Land Alliance (ULA) Esther Obaikol (2014), is under-
stood as ‘the terms and conditions under which access to land rights are acquired, retained, used, disposed of, or transmitted’ (p. 34). However, these regimes do not apply uniformly across the country. Ugandan legal and human rights scholar Grace A. Chelimo expounds that different land tenure systems exist, often side-by-side, in different parts of the country, but sometimes overlap causing challenges to land administration and land-relations among citizens (2011, p. 10). Other researchers have observed that this complexity is compounded by inconsistencies between de jure state trusteeship over land, and de facto practices of land governance and citizen’s claims of rights based on multiple and overlapping legal regimes (Place & Otsuka, 2002). In order to understand how and why processes of land governance and land-relations evolve in the research area, it is important to have an idea of the regimes of land ownership and usufruct rights bestowed upon land users in central Uganda.

According to the National Land Policy (2013), land tenure regimes are classified in three ways: the legal regime governing tenure, the manner in which such land is used, and the quantum of rights held by the occupant (freehold, leasehold, or common hold) (RoU, 2013b, p. 16). Land in Uganda is therefore categorized as being ‘private land’, ‘public land’ or ‘community land’, depending on the land use type. These categories are further classified under two types of legal regimes; either statutory or customary (Kobusingye et al., 2016). The most recognised category of tenure classification, and one that is enshrined in the constitution is the four-category tenure system under which specific rights are conferred. These are: customary, freehold, Mailo, and leasehold. It is important to distinguish here that while land held under customary tenure is recognised as such in law, the procedures and institutions of its administration fall under the existing customary systems in the different regions of the country.

**Land tenure in central Uganda**

In central Uganda, existing land-tenure systems reflect the legacy of the 1900 Buganda Agreement in which, according to historian Archie Mafeje (1979, p. 72), three types of statutory tenure systems were introduced namely:

a. Public land, which was known as Crown land during the colonial period.

b. Freehold, which was land transferred from the Crown and subsequently by post-colonial government to individuals, churches, schools, or corporations.

c. **Mailo** land, which is held by the King of Buganda (Kabaka), chiefs, and private landowners. This is further divided into official Mailo (owned by the King) and private Mailo (owned by the chiefs and regents and subsequent transferees).

A fourth category of ‘leasehold tenure’ also exists, but is of secondary nature and can be obtained from the primary Mailo or freehold tenure (RoU, 2013b, p. 5). Leasehold tenure

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7 ‘Mailo’ as explained in chapter 4, is derived from the English word ‘mile’ used first to mean one square mile and finally to describe and differentiate a particular form of land owning in the traditional Buganda Kingdom territory in Uganda.
is thus created by contract or by law and describes the relationship between a landlord (lessor) and a tenant (lessee) as outlined in Uganda’s Land Act Section 3(5) (a). Leasehold tenure essentially confers freehold rights to both the landlord and the tenant “subject to the terms and conditions of the lease” (Land Act Section 3(5) (e)). According to these classifications, land on which Freehold and Mailo titles are held, are considered private land. Freehold title involves the holding of registered land in perpetuity or less than perpetuity and enables the holder to exercise full powers of ownership, while Mailo title involves the holding of land in perpetuity but crucially, it also permits the separation of ownership of the land from the ownership of developments on land made by a lawful or bonafide occupant (RoU, 2013b, p. 18). This distinction is of significant relevance in demarcating tenure rights for tenants occupying Mailo land as will be explained in more detail below.

![Map of Uganda showing distribution of land tenure systems.](image)

*Figure 14: Map of Uganda showing distribution of land tenure systems.
Source: PSCP II Baseline Evaluation report, 2007*
Mailo tenure covers some 9 percent of the total land in Uganda, and is found predominantly in the Central region and parts of Western Uganda (Barrows & Kisamba-Mugerwa, 1989). This is the region depicted by the yellow are in figure 14 on previous page. Most of south western Uganda is covered my freehold tenure while the north and eastern regions have a mixture of freehold, leasehold, and customary tenure. Due to the complexity and pervasiveness the Mailo system of tenure in structuring land and agrarian relations in central Uganda, a more detailed elaboration is necessary in order to better understand the structural underpinnings of local land governance mechanisms and resulting land relations that constitute the context in which transnational land acquisitions unfold in Nakaseke District.

The political history of the origin of Mailo tenure, which derives from lands that were historically awarded in freehold to chiefs of the Buganda Kingdom who collaborated in the British conquest of the Buganda from 1890–1900, has made it a highly contested and much criticised tenure system (West, 1965). Ugandan Advocate and land-law specialist Maria Nassali contends that since Mailo land tenure is owned in perpetuity like freehold tenure, the two are essentially the same tenure systems and should be consolidated into freehold tenure. However, colonial and post-colonial administrators as well as historians have noted the convoluted complexity of the sets of overlapping land rights and the social and economic challenges that have ensued from this unique tenure system. Henry W. West, who was assistant commissioner for lands and surveys in the early 1960s, and the foremost expert on the Mailo system in newly independent Uganda, noted that the Mailo system was a ‘conglomeration of native law, customary law, and protectorate legislation’ that superimposed proprietary rights and statutory inheritable tenancy on codified customary law (West, 1965, p. vi). According to him, while Mailo tenure is a term that covers all aspects of tenure rights for proprietorship and tenancies, it grossly overlooks the complexity of overlapping rights and interests involved, and the range of unsuitable and inadequate legislation pertaining to it. Mafeje (1979, p. 73) further argues that, while the superimposition of new tenure regimes on traditional systems may not have had ‘any immediate impact on the people’s consciousness [since] supplication to a Mailo owner as a method of gaining access to land sufficed as much as it did to the Kabaka’s chiefs in the period prior to the Agreement’, the objective effect of conferring statutory rights to landlords created ‘a new type of property relations’ and a land market with no obligations to the tenants already settled on the land (Mafeje, 1979, p. 72).

Other than the 1975 presidential land decree, successive reforms in Uganda’s land policy and associated laws have sought to strengthen tenure rights for Mailo tenants, though still retaining primary tenure for landlords. A specific feature of freehold Mailo tenure, is that it legally recognises and separates the ownership of land from the ownership of developments on land made by a lawful or bona fide occupant (tenant) who may not be the legal title holder (landlord) (RoU, 2010b, p. 4987). In seeking to address vulnerabilities associated with the historical inequalities created by the 1900 Agreement,
the Land Act of 2007 and its 2010 Amendment specifically recognizes and upholds the rights of Mailo tenants and limits the powers of Mailo owners to make land management decisions without the consultation and consent of the tenants. More specifically, Uganda’s land law further defines and specifies the conditions under which one becomes a lawfully recognised Mailo tenant. Mailo tenants are classified as being either a ‘lawful tenant’, or a ‘bonafide occupant’ on plots of land known as kibanja (plural: bibanja). The Land Act Cap 227 section 29 (1), defines a ‘lawful occupant’ as a person who occupies the land with the consent of a registered owner. It also includes a person who occupied land as a customary tenant, but whose tenancy was not disclosed or compensated for by the registered owner at the time when the registered owner was acquiring the certificate of title (RoU, 2010b, p. 5008). Section 29 (2) defines a ‘bonafide occupant’ on the other hand, is defined as a person who occupied and utilised the land unchallenged by the registered owner or his agent for twelve years or more. It also refers to a person who was settled on the land by the government or an agent of the government including a local authority, or a person who purchased an interest from a bonafide occupant (RoU, 2010b, pp. 5008–5009).

Despite these statutory measures seeking to clarify and strengthen tenure rights on Mailo land, Ugandan land experts have pointed to enduring insecurities built into customary aspects of the tenure system. Obaikol (2014) for instance argues that the practice by which Mailo land is held and transmitted exclusively to male heirs as governed by Buganda law and custom, creates a ‘discriminatory disposition [which] is clearly contrary to the equalitarian ideology to which the Government of Uganda is firmly committed’ (p. 40). She further argues that by vesting similar but overlapping rights on a single plot to both the registered land owner and the lawful tenant, this results in de facto tenure insecurity characterised by ‘massive evictions of tenants on Mailo land’ (ibid). Other research results show that perceptions of tenure insecurity also prevail among registered land owners. Studies conducted on Mailo and non-Mailo land in Luweero and Masaka Districts in the mid to late 1980s found that, in contrast to non-Mailo areas operated under customary tenure systems, there was considerable uncertainty regarding future land rights especially among Mailo title holders (Barrows & Kisamba-Mugerwa, 1989).

This implies that these legal and institutional reforms notwithstanding, governance mechanisms and land relations between Mailo tenants and owners are in practice subject to different experiential realities and perceptive interpretations in ways that reflect a long history of unequal power relations and insecurities (Terra Firma, 2011). Since tenant-landlord Mailo tenure relations are governed by devolved land administration institutions at the local government level, it is therefore necessary to scrutinise the specific powers and functions vested in these authorities, and to assess how well they carry out these mandates in the governance of these complex land relations. Having explored the structure of land tenure systems in central Uganda, the following section elaborates on the institutional arrangements of land governance at the local government level.
3. Decentralisation and the limits to local governance

Decentralisation often entails the devolution of both administrative functions as well as political decision-making. The ways in which these powers are distributed and exercised at the local government level give rise to different conceptions of what decentralisation means, or ought to mean. Some researchers emphasise the primacy of administrative dimensions of decentralisation in ‘bringing the functions of the state closer to the people’ (Meinzen-Dick, Gregorio, & Dohrn, 2008, p. 2), while others perceive it as a combination of both administrative and political ‘transfer of powers from central authorities to lower levels’ (Larson & Soto, 2008, p. 216). Still others emphasise the transfer of ‘decision-making’ powers to enhance local autonomy, citizen participation and downward accountability in resource management (Hilhorst, 2010, p. 41).

These discourses reflect normative rather than objective definitions of decentralisation. In Uganda, decentralisation has both political and administrative dimensions, reflected in the existence of both statutory political as well as administrative bodies that deal with land issues at various levels of local government. Administrative decentralisation, also referred to as deconcentration or delegation, entails the transfer of central government functions from ministries or agencies to local-level government units. This is considered as having the least fundamental change in governance, as authority remains vested within the same institution, and is characterised by upward accountability mechanisms. Examples include regional or district land offices that are part of the Ministry of Lands, but do not fall under the control of local authorities.

The second and more fundamental form of decentralisation is political decentralisation, also referred to as democratic decentralisation or devolution. This entails the transfer of functions and authority to an elected local government with autonomous decision-making powers and is downwardly accountable to the local population (Hilhorst, 2010, p. 41; Meinzen-Dick et al., 2008, p. 3). Larson and Soto (2008) go further by suggesting that devolution includes ‘the transfer of authority to community organisations’ in a manner that recognises the role of such organisations in local resource management (p. 216). They further propose ‘privatisation’ as a third category of decentralisation, to further diminish the role of the state and give more control to natural resource user groups (ibid). Still other researchers consider financial decentralisation as an important corollary of the transfer of resources and responsibilities to local governments to facilitate adequate autonomous functioning and financing of local government services (Hilhorst, 2010, p. 42; Meinzen-Dick et al., 2008, p. 1).

These varied conceptualisations of decentralisations are based on certain normative assumptions about the desired effects that such structural changes would bring to societies and the ways in which they manage their resources. In order to adequately appraise the structure, functions, and effectiveness of decentralised land governance in Uganda, it is useful to further interrogate these normative assumptions and to investigate the extent to which these may be embedded (or not) within Uganda's ideology of decentralisation.
Assumptions and normative aspirations of decentralisation

The desirability of decentralisation as a preferred system of governance is based on two interrelated assumptions. First, decentralisation is often assumed to enhance participatory democracy by promoting inclusiveness of the majority of citizens at the lower levels in decision making (Crook, 2003, p. 77). Secondly, decentralisation is perceived as increasing vertical and horizontal accountability among public servants and between institutions, thus enhancing good governance and responsiveness to the needs of the majority poor, hence increasing the likelihood of poverty reduction and achieving development goals (Golola, 2001, p. 2; Steiner, 2007, p. 175). However, despite the pervasiveness of these assumptions, especially among policy-makers, research shows that there is little or at best ambiguous evidence to support causal linkages between decentralisation and poverty reduction (Meinzen-Dick et al., 2008; Ribot, 2007). It is especially problematic to prove that any form of improvement in people’s living standards can be directly, or even indirectly attributed to decentralisation. Steiner (2007) for instance, argues that since poverty is such a complex and multidimensional phenomenon, its ‘eradication cannot be achieved by any single remedy like decentralisation’ (Steiner, 2007, p. 176).

Similarly, arguments in favour of decentralisation as a means to enhancing popular democracy have been faulted for underplaying the role of vested interests, and motivations of elites to use decentralisation as channels of entrenching existing patterns of patronage, and strengthening central control of the periphery. They also fail to acknowledge the possibility that local-level power structures can, and often reflect elite dominance as it is in the centre (Crook, 2003; Francis & James, 2003; Golola, 2001). In order to better understand the role and effects of local governments in land governance, it is important to further interrogate both conceptual approaches and normative assumptions, as well as empirical antecedents of decentralised land governance.

Decentralisation and local land governance

Decentralised land governance is understood as the dispersion of powers, functions, and resources for land administration and land management to sub-national government institutions and actors. In tandem with the normative aspirations of democratic decentralisation, Liz A. Wily argues that the proximity of devolved land governance is assumed to make land services more accessible, appropriate, cost-effective and efficient (Wily, 2003, p. 1). However, decentralisation of land governance is often not a singular process, but part of wider structural reforms of governance, including local government reforms, comprehensive land (tenure) reforms, as well as reform of natural resource management (Hilhorst, 2010, p. 39; Meinzen-Dick et al., 2008, p. 1; Wily, 2003, pp. 4–5). When decentralised land governance is undertaken as part of broader land tenure reform, it is expected to have the effect of improving ‘perceptions of tenure security and reduce land-related conflicts’, as well as encourage meaningful participation, minimise the role of the central government,
and improve service delivery, hence deepening democracy and good governance, and enhancing economic development and poverty reduction (Hilhorst, 2010, p. 40).

Decentralisation is thus understood to be more than just an administrative, but also a political process which involves the distribution of power, resources and ‘systems of influence’ over land control, land use, duration of use, and conditions of land rights (Hilhorst, 2010, p. 38; Larson & Soto, 2008, pp. 216–217). The emerging structure and power distribution between institutions and actors of decentralised land governance is thus a reflection of prevailing political configurations embedded within societal values and historical relations over land. While Hilhorst (2010, p. 38) argues that the form of decentralised structures are likely to reflect the evolution of social, cultural, economic and political values, Larson and Soto (2008) adopt a more critical perspective that enquires whether decentralisation is merely technocratic or sufficiently transformative of underlying structures of inequity and exclusion (pp. 229–230). John Bruce however challenges these normative aspirations and contends that the ‘underlying developmentalist logic of decentralisation’; that local government is better than central government in responding to local needs and aspirations, is not supported by empirical reality, but produces mixed results (Bruce, 2014, p. 55). Meinzen-Dick and colleagues qualify the assumed effects of decentralisation by proposing that for decentralisation of land governance to be a transformative, it requires a combination of deep democratic decentralisation and pro-poor land policies that go beyond simple registration of land rights, to include distributive land reforms such as land redistribution, restitution and recognition, and strengthening of customary land rights (Meinzen-Dick et al., 2008).

By locating my exploration of local land governance within the broader discourse and practice of decentralisation in Uganda, my attempt in this chapter is to capture the conjuncture between (dis)continuities of socio-political dimensions of land relations discussed in the previous chapter, with the structural-institutional expression of these ideologies in the form of local land administration. This chapter thus seeks to assess in what ways the structures and processes of decentralised land governance (re)produce changes and continuities of unequal power relations over to land in central Uganda. In the rest of this chapter, I will examine the structure of local government in Uganda more generally, followed by a more detailed analysis of the institutions of local land governance and their roles. Finally, and drawing on empirical research in Nakaseke District, I will assess the effectiveness of local land governance institutions on the basis of the normative aspirations of decentralisation as well as the stated objectives of decentralised land governance in Uganda.
4. The structure of Local Government in Uganda

Uganda’s decentralised local government system is characterised by the distribution of powers along political and administrative lines. This reflects the extensive nature of democratic and administrative objectives of Uganda’s decentralisation policy: entrenching participatory democracy and enhancing service-delivery at the local level. It makes Uganda’s decentralisation programme one of the most comprehensive both institutionally, and in terms of distribution of power and authority (Steiner, 2006).

The structure of decentralisation consists of a five-tier hierarchy of Local Council (LC) units linked through a set of complex political and administrative arrangements. At the lowest level is the Village or Local Council 1 (LC1), followed by the Parish (LC2), then the Sub-County (LC3), County (LC4), and the District (LC5), which is the highest and most powerful tier of local government. The District (LC5) and sub-County (LC3) have the status of authorities (legal entities with legislative powers), while Parishes (LC2) and Villages (LC1) are regarded as administrative units supporting their upper structures (Ahmad, Brosio, & Gonzalez, 2006). The County (LC4) is not operational in rural areas, but functions in urban areas as Municipal Councils. Figure 15 below summarises key units of the decentralised government system in Uganda.

![Diagram of Local Government Structure](image)

**Figure 15**: Structure of local government in Uganda.
*Source: Natamba, Muyomba-Tamale, Ssemakula, & Asiimirwe, (2010, p. 3).*
At the political level, each tier of local government is composed of an elected council headed by a chairperson. Political decentralisation is thus ensured in part, by the fact that the chairpersons of all tiers of local government are elected through universal adult suffrage. These representatives must be residents of the district and are elected every five years, alongside other elective offices such as councillors, members of parliament, and the President during the country’s general elections. At the LC5 level, chairpersons are the political heads of the Districts and are in charge of the District Council (DC), which is composed of elected representatives (councillors) and have legislative and executive authority (RoU, 1997a, p. 581). The councillors choose from among themselves those who will constitute the various Standing Committees of the District Council. The Committees are headed by a Secretary who is elected by fellow committee members.

The District Council is the highest political authority at the local government level with both legislative and executive powers. The composition of the Council is highly regulated, with stipulations enshrined in the Local Government Act Cap. 243, that at least a third of the membership be women, with representations for the youth, persons with disabilities, and the elderly (RoU, 1997a, pp. 581–582). The structure is designed to facilitate a significant level of representative democracy for a wide cross-section of social categories as well as participation in decision making. Major land policy and land governance decisions are made by the Council, while implementation is channelled downward to appropriate departments. Although it enjoys statutory autonomy, the Council is expected to incorporate recommendations from various political and executive units of the local government. These include the District Executive Committee, and District Standing Committees and departments. Each of these subsidiary units develop their own year-plans, which form the basis of programmes, and projects, as well as services to be delivered by the entire District in a given financial year.

This structure is designed to ensure a high level of bottom-up representation and deliberative participatory democracy in decision making on laws, policies and programmes. However, in their study of decentralisation and poverty reduction in Uganda, Paul Francis and Robert James found that in practice, consultation between higher local government units and lower administrative units is limited by lack of technical and financial capacity at the lower units (Francis & James, 2003). They further observed that when this occurs, a situation of elite capture of local governments is feasible, since limited downward accountability leads to ‘ritualised performance’ where there is the appearance of participation and consultation but the effect of it is limited (Francis & James, 2003, p. 326). Similar studies conducted by Susan Steiner found that;

‘Intended increase in popular participation has only been achieved to a limited extent, especially as far as non-electoral forms of participation are concerned. Local officials generally do not provide sufficient space for citizens to get involved in decision-making, and citizens often prove to be ignorant about the opportunities offered by decentralisation’ (Steiner, 2007, p. 179).
Administrative decentralisation on the other hand is implemented through the delegation of certain functions from central ministries to the District units. Every District has a Chief Administrative Officer (CAO) who is appointed by the central government’s Public Service Commission. The CAO is the chief executive officer (CEO) of the District and is assisted by the deputy CAO. There are various heads of departments at the District also seconded from various ministries. These include: head of natural resources, head of finance, head of works, head of production, and head of education departments (RoU, 1997a, pp. 620–623). In their research, Saxena et al. (2010) found that, unlike the elected bodies discussed above, these structures of administrative decentralisation were upwardly accountable to the parent ministries but not to the local government. In addition, unlike the elected local authorities, decentralised administrative units are not corporate bodies and do not have legislative power or legal authority.

The degree of financial decentralisation is often used to assess the extent of political as well as administrative decentralisation. In the case of Uganda, some aspects of financial decentralisation are extended through the powers given to the local authorities (LC5 and LC3) to approve general administrative and financial plans. They further expand inclusive financial decentralisation by integrating plans from lower-level administrative units such as Sub-Counties. Local authorities are also granted power to collect local revenue in the form of taxes and service charge within their jurisdiction, and to retain them for offsetting administrative costs and provision of social services. However, Kampala based consultant Tim Williamson, who has worked extensively with the Ugandan Ministry of Finance and was an advisor on fiscal decentralisation, observes that the degree of financial autonomy for local governments is limited, since local revenue bases for most Districts is too low to sustain the cost of decentralisation (Williamson, 2010). Local governments, including Nakaseke, therefore rely on conditional grants from the central government earmarked for specific expenditures, and this limits decision-making power at the local government level on revenue allocation and budget prioritisation. The consequence of this is that the intended enhancement of participatory governance and inclusive decision-making, that would in turn foster horizontal accountability, is limited.

Another feature of the tension between local autonomy and central control is the level of political freedom. This is significantly compromised by the role of the Resident District Commissioner (RDC), a senior civil servant who is a direct appointee of the president. The RDC is given sweeping powers, vaguely outlined in the local government law as ‘representing the President and the Government’ (RoU, 1997a, p. 626). The wide-ranging functions of the RDC include coordinating government services in the District, monitoring and inspecting activities of local government, and sensitising the local population on government policies. This amounts to de facto central oversight and direction of local government functions as well as potentially, direct control of local citizens bypassing their local elected representatives. The RDC is also mandated to chair the District Security Committee which
is constituted by the police, intelligence, and administrative arms of government. As a personal representative accountable directly and solely to the president, the RDC occupies a powerful position of patronage through which the centre retains and exercises political and executive control. Experts have observed that the exercise of such power is likely to reverse the autonomy of local government, resulting in a process of de facto recentralisation (Hilhorst, 2010, p. 42; Larson & Soto, 2008, p. 216).

The mandate of local authorities in land governance
Uganda’s decentralised government system vests autonomous power on local authorities over the governance of all public land under their jurisdiction, where public land is defined as land ‘not owned by any person or authority’ (RoU, 2006, p. 171). Local governments therefore have control over the allocation and leasing out of all public land, as well as the exercise of administrative authority over all other types of land (customary, freehold, leasehold) within their jurisdictions. The mandates of local authorities in land governance are delineated by statutory legal instruments, which include the Constitution of the Republic of Uganda 1995 (Chapter 15), the Local Government Act (CAP 243), and the Land Act (CAP 227). Land governance is constitutive of two broadly interrelated dimensions of land management, and land administration.

Land administration
Land administration, accruing to the FAO, refers to ‘the way in which the rules of land tenure are applied and made operational’ and ‘whether formal or informal, comprises an extensive range of systems and processes’ including the allocation of land rights, land-use regulation, and land valuation and taxation (FAO, 2002, p. 12). Uganda has instituted a uniformly decentralised land administration system for all types of land tenure systems (freehold, leasehold, Mailo and customary). The registration of each tenure type may be undertaken at District level, but customary tenure rights may be registered at the lower Sub-County level (RoU, 2010b). Since land administration procedures vary depending on the type of tenure prevailing over specific parcels of land, the local government is vested with various powers over the administration and management of all land transactions in the District. The mandate includes such functions as reviewing applications and regulating the allocation of public land, collection of land administration fees, inspection, verification and surveying of land, as well as approval, allotment and issuance of lease certificates.

The effective and efficient discharge of these functions requires coordination between different political and administrative units within the local government. The District Land Board (DLB) (see section 6.1 below), initiates legislation and sets the rules regulating administrative procedures and costs and makes final decisions on allotment of public land. It relies on the administrative support of the District Land Office (DLO) for technical aspects such as surveying, mapping, sub-division, and allocation of plot numbers. Lower level
units such as Area Land Committees (ALC) are designed to facilitate downward accountability and participatory consultation at the village level, and to ensure that questions of fairness and equity are addressed. Due to their proximity to local communities, they are also mandated to deal with any local-level disputes arising from such as boundary demarcation, lease allocations, or subdivision of land.

Land management
The Ugandan government, according to its Strategic Investment Framework for Sustainable Land Management (SLM), defines sustainable land management as ‘the adoption of land use systems that, through appropriate management practices, enables land users to maximize economic and social benefits from the land while maintaining or enhancing ecological support functions of land resources’ (RoU, 2014b, p. 12). Land management is seen as having a specific development objective ‘to halt, reverse and prevent land degradation/desertification and to mitigate the effects of climate change and variability’ through targeted investments aimed at raising agricultural productivity, reducing deforestation, securing ecosystem services and enhancing biodiversity and carbon storage, and ultimately improving rural livelihoods (RoU, 2014b, p. 13).

Through decentralisation, local governments in Uganda are also mandated (by articles 242 and 245 of the constitution) to regulate the use of land and environmental protection within their jurisdictions. The Local Government Act (1997) also refers responsibility over wetlands and forests to decentralised land institutions. These powers are further elaborated in the land policy, which mandates the local government to limit ‘undesirable land use in the interest of public welfare and/or orderly development without revoking ownership interest or rights’ (RoU, 2013b, p. 13). This mandate covers a wide range of natural resource sectors including natural lakes, rivers, wetlands, forest reserves, game reserves, and national parks. The mandates of local governments however overlap with and are in principle designed to complement those of other governmental agencies and jurisdictions such as the National Environment Management Authority (NEMA), National Forestry Authority (NFA), and the National Wildlife Authority (NWA). The National Environment Act for instance, mandates the local government to appoint a District Environment Officer (DEO) and to set up a District Environmental Committee (DEC) as well as a Local Environmental Committee (LEC). The DEC and the LEC are together required to develop environmental policies, plans, and regulations for the management of natural resources such as wetlands and riverbanks, coordinating community participation in restoration of degraded environments, and carrying out awareness campaigns (RoU, 1995a).

In the exercise of these functions, the local government is accorded independence from central government and is autonomously responsible for all decisions made with respect to the administration and management of land within its jurisdiction. While this is the case in principle, empirical evidence shows that human and resource capacity challenges,
political interference, corruption and other forms of power imbalances undermine the autonomy and capacity of local governments to discharge their mandate (Steiner, 2006). These factors are discussed in the sections below. Having examined the overall mandate of local governments in relation to land administration and land management, I will now examine in detail the structure and specific roles played by these land governance institutions in Nakaseke District, in order to explore how these institutions function, and they ways in which these mandates are exercised in practice.

5. Structure and functions of District land institutions

The structure, roles and responsibilities of district land governance institutions are stipulated in the Uganda Land Act Cap 227 of 1998. The statutory institutions provided by the land act under the local government include: The District Land Board (DLB), the District Land Office (DLO), and the Area Land Committees (ALC). Overall oversight authority over land matters in the district is exercised by the district land boards (DLB) with technical assistance from the District Land Offices. The District’s natural resources department is the executive unit of the local government responsible for land matters, and this falls under the political and legislative authority of the water, works and natural resources council headed by an elected council secretary. The secretariat is equivalent to a ministry at the local government level. This structure provides for both political and administrative oversight over land matters at the local government level. Figure 16 below shows a more

![Diagram of Uganda’s Land Administration Institutional Framework](image-url)

**Figure 16**: Uganda’s Land Administration Institutional Framework.

*Source: Rukundo & Kirumira, (Rukundo & Kirumira, 2014, p. 10)*
detailed institutional structure of the land governance framework in Uganda. The following sub-sections in this chapter will describe in detail the framework and mandates of the main land administration institutions at the local government level.

**The District Land Board (DLB)**

Uganda’s land law vests ultimate authority for decentralised land administration in the District Land Boards (DLB). The Board is assisted by Area Land Committees (ALC) at the lower Sub-County level (RoU, 2010b). Both land administration institutions are legally autonomous bodies with independent legal personality and statutorily autonomous of central or local government authorities. In the discharge of their functions, the boards are only required to take into account the national and district council land policies and ‘the particular circumstances of the different systems of land tenure within the district’ (RoU, 2010b, p. 5031)

The DLB consists of a minimum of five (5) members appointed by the District Council (DC) to serve for a period of five (5) years. The land Act stipulates that at least one third of the membership of the DLB must be women and at least one member must have qualifications and experience in land matters. Such a member is usually a lawyer with legal knowhow and expertise in land administration. Members of the board are eligible for reappointment for a further one term. Although their appointment is subject to approval by the Minister for Lands, this is usually a formality. However, there are cases where central-local politics and conflicts of interest have stalled the approval of DLB for months or years.

In Kampala city for instance, a protracted power struggle between the Mayor of Kampala and Kampala District Land Board (KDLB) on one hand, and the Kampala Capital City Authority (KCCA) and its executive director on the other, led to the suspension of the land board by the central government in 2012 (Daily Monitor, 2012a). The mayor however took the government to court, which ruled in favour of the elected officials, but the government stationed a contingent of police at the land board offices in defiance of the courts (Daily Monitor, 2012b). Similarly, in 2015, a protracted tussle between councillors at Masaka District within central Uganda dragged on for month over allegations that the board was engaged in fraudulent land transactions (Daily Monitor, 2015b). More than a year later, conflict over the same conduct of the land board sucked in members of parliament who also asked for its disbandment (Daily Monitor, 2016c).

Uganda’s constitution (Article 26 and 237) grants the District Land Board several powers over the management of land in its jurisdiction. These include the power of compulsory acquisition of property ‘in the interest of defense, public safety, public order, public morality, or public health’. It however stipulates that prompt and adequate compensation should be made prior to acquisition, and it should respect the right of access to the courts for any claimants over the property (RoU, 2006, pp. 44, 169). In addition, the board has the power to purchase, hold, lease or sell land within the district on behalf of the local
government. For instance, when Nakaseke District was elevated from a sub-county of the larger Luweero district and became an autonomous district, it had to buy the land on which its headquarters is now located. In the interest of transparency and accountability, it is also required to make an annual report of its activities with input from the District Council. In Nakaseke District, the board indeed made detailed annual reports that formed some of the primary documents for this research. They contain valuable information for instance on the number, type, sizes and location of land lease requests and approvals.

With regard to land administration, the board is entrusted to hold and allocate public land. These powers are based on the constitutional provision that all land in Uganda belongs to the people of Uganda and (local) government acts as a trustee on behalf of the people. Other functions of the board include: facilitating registration and transfer of interests in land, and handling district land surveys, plans, maps and drawings. It is also mandated with overseeing revenue collection from land administration. This involves the setting and reviewing of land-rates and compensation rates payable in respect of crops, buildings of a permanent nature, and any other objects or developments on land.

District land boards have however not often exercised their powers in the public interest or in due consideration of all stakeholders. Often, the land boards have been accused of perpetrating fraudulent, illegal or corrupt land allocations or partiality in the administration of land. In the eastern Ugandan city of Jinja for example, one of the country’s leading newspapers reported in February 2016 that the Inspector General of Government (IGG) stepped in to stop the appointment of a new land board ‘amidst accusations of fraud and massive irregularities on the part of the municipal and district councils’ (Daily Monitor, 2016b). In 2014, a similar accusation was made against the district land board in the eastern town of Mbuler , where the board was allegedly ‘named in forgery of land leases and minutes of meetings to allocate land in the municipality’ (Daily Monitor, 2014).

**District Land Offices (DLO)**

The District Land Office is the primary technical institution that supports the local government in the provision of land administration services to the District’s residents. The land Act stipulates that the DLO is under the administrative authority of the District Council and should be located within the District’s jurisdiction. The land office is mandated to provide technical services to the land board. The land office is composed of technical personnel including a physical planner, a land officer, valuer, surveyor, registrar of titles and a cartographer. As civil servants, all the technical officers are seconded from the Ministry of Lands their salaries are paid by the central government.

The DLO is largely seen as serving a supporting role by providing technical services and advice to the district land board. Where the DLO does not have specialised technical staff for certain functions, it is mandated to arrange for external consultants. The land office and its staff are not empowered to make decisions regarding the allocation of land, but
Area Land Committees (ALC)

Area land committees (ALC) are constituted at the Sub-County level. The land (amendment) Act 2010 initially envisaged ALCs to be created at the Parish level, which is the lowest level of local government (hence the title Area Land Committees), but to reduce costs from a potentially high wage-bill and to improve the quality of services, this was later transferred to the higher Sub-County level. The committee consists of a chairperson and three members all appointed by the District Council upon the recommendation of the Sub-County Council. But as discussed in section 7 below, this process of often fraught with challenges including political interference, local power politics, and corruption. Due to high levels of semi-literacy, often only limited to the local Luganda language, the law requires that the chairperson be able to speak and write in English. In the interest of gender sensitivity and inclusiveness, at least one of the three members must be a woman, and to further ensure competency, at least one member of the team should be knowledgeable and experienced in matters relating to land (RoU, 2010b, pp. 5033–5034).

The main function of the ALC is to assist the District Land Board on matters such as ascertaining land rights (occupancy) and delineation of boundaries. They are often consulted and sometimes directly engage in the resolution of land related disputes. The ALC’s function is purely advisory and is not involved in policy making. It is expected that since its members enjoy proximity at the lowest level of local government and possess a wealth of indigenous knowledge, this imbues the ALC with a high level of legitimacy. By law, the District Council, with recommendation from the district executive, is mandated to determine the form and amount of remuneration to be paid to the ALCs. Furthermore, unlike staff at the District Land office, all expenses incurred by the ALCs are to be paid from the District’s own funds. At the time of conducting fieldwork, Nakaseke District had fifteen (15) sub-District units (sub-counties and town councils), each of which was entitled to have its own ALC. This meant that the District would have a minimum of 45 ALC members that required remuneration and facilitation to discharge their mandate. Senior elected officials at the District indicated that this put an enormous financial burden to an already financially overstretched local government with limited revenue sources.
At the time of carrying out fieldwork, the District Council had not come up with any funding mechanisms and guidance for the remuneration of ALCs as is required by law. In effect, the ALCs were constituted and had been functioning without any funding from the district. Consequently, the cost of land administration services offered by the ALCs was borne by citizens. Some ALCs had come up with their own fees structure, to be paid by residents who sought their services, and included such costs as transportation for committee members, lunch, and stationery. When I asked District land officials about this practice, they acknowledged that they were aware of it, and admitted to encouraging ALCs to operate with the financial support of citizens whenever their services were required.

District Natural Resources Office and the District Environment Office

Uganda’s decentralised system of governance, according to (Oosterveer & Van Vliet, 2010), was considered quite radical in part because, among the responsibilities that it shifted to the local level were human and financial resources for environment and natural resource management. Other than the land administration institutions, other offices devolved to the local government level include the District Natural Resources Office and the District Environment Office, each headed by a specifically designated officer in charge at the District level. Both offices are deconcentrated units of the Ministry of Environment and Natural Resources, but operate at the local government level as separate entities. They are charged with implementation, monitoring and evaluation of the core functions of the respective departments of the ministry. These include monitoring and enforcement of environmental regulations, advising the District Council and land Board on ecologically sound land-use systems, and overseeing the management of fragile ecosystems.

In practice, however, Rukundo and Kirumira (2014) found that there was very limited if any synergy between land administration and natural resource management institutions at the local level. Instead, they cite the existence of complex relationships and tensions between technocrats and political elites, and between ‘environment and natural resource management and other policy domains such as agriculture, education, economic development, and others’ (p. 10). In my interviews with the two officers in Nakaseke, they concurred that higher-level politicians and technocrats tended to overrule the powers of local-level offices for instance in approving potentially adverse land-use permits or land allocations in wetlands and fragile ecosystems. The two officers, like other institutions at the local level, cited the lack of sufficient financial, material, and human resources necessary for the conduct of their work which entails traversing the expansive and rough terrain in District often with barely navigable roads. These resource limitations, they pointed out, significantly compromised their effectiveness and the availability, accessibility and quality of service provided to both citizens and other governmental agencies.
6. Assessing the effectiveness of local land administration

The institutional structure, powers, and functions accorded to local authorities in land governance outlined above may appear to be comprehensive and straightforward. But as already indicated, the practice of land governance and the relationship between the various institutions are often messy and fraught with complications. The human element, the agency of actors within these institutions is what gives effect and meaning to institutional arrangements. One of the ways to assess the actual functioning of these institutions is by examining how effective they are in carrying out their mandates and achieving their stated objectives. Such an approach could also be an indicator as to how well decentralisation is implemented in practice, not only in the institutional functioning and meeting citizen expectations regarding delivery of (land) services, but also in addressing overall socio-economic challenges of inequality and vulnerability.

In technocratic terms, effective decentralisation requires the delegation of functions to be accompanied by devolution of adequate powers and resources necessary for the fulfilment of these obligations. As several researchers have observed, there is often a wide gap between the design and intentions of decentralisation and its implementation in practice (Hilhorst, 2010, p. 42; Larson & Soto, 2008, p. 218). The effectiveness of local authorities is therefore seen as a key indicator of the balance between policy design, and actual mandates transferred to the local government. Accordingly, the ability of local authorities to autonomously make and implement decisions is a critical determinant of the success of decentralisation (Ribot, Agrawal, & Larson, 2006, p. 1866).

In terms of land governance, some of the key determinants of effective decentralised governance include: increased availability and accessibility of land administration services, autonomy of local land governance institutions in decision-making, the amount of financial resources allocated for the devolved functions, the level of accountability, both horizontally between institutions and downward to citizens, as well as stakeholder engagement. This section examines these factors in closer detail in order to determine the effectiveness of decentralised land governance in Nakaseke District, and eventually to assess the potential of decentralisation to address vulnerabilities of the majority of the population that exacerbate weak land rights and create opportunities for large-scale land acquisitions.

Accessibility of land administration services

Policy demands for more secure land rights through formal registration and recording of land rights are considered to be a major driver for decentralisation of land administration in Africa (African Union, 2011, p. 19). Formal registration of land rights is expected to enhance tenure security by strengthening recognition of and claims to land rights, especially for the rural poor and other vulnerable groups such as women (Ravnborg, Bashaasha, Pedersen, Spichiger, & Turinawe, 2013). The World Bank on the other hand sees immense
economic benefits and further advocates that strengthening of land rights can lead to: ‘greater investment in land, economic growth, and increased welfare’ (Deininger, 2003, p. xviii). The African Union (AU) and the United Nations Economic Commission for Africa (UNECA) further urges African states ‘to strengthen land tenure security so as to ensure a favourable climate for investors (both local and foreign)’ as ‘this will in turn lead to high levels of economic growth and poverty reduction’ (African Union, 2011, p. 5).

Uganda’s decentralisation of land governance and the creation of local level institutions for land management is therefore seen as being in tandem with these developmental aspirations. The AU-UNECA policy proposition for meeting these objectives is to have in place clear ‘legal and regulatory frameworks’ as well as effective institutions that ‘are transparent, predictable and accountable to the people’ (African Union, 2011, p. 18). Effective land administration also requires that services should be equitably accessible in a simplified manner and at low cost. Officials at the local government in Nakaseke District were strongly in favour of, and supported the decentralisation of land administration services to the District and Sub-County level, and especially the creation of Area Land Committees as a significant attempt at achieving these objectives.

Technical land officers and a number of residents in the District were however not so positive in their assessments as they were of the opinion that institutional changes had not resulted in concurrent implementation. As the World Bank has duly observed, ‘failure of the institutions administering land rights to respond to these demands can lead to land grabbing, conflict, and resource dissipation that, in extreme circumstances, can undermine societies’ productive and economic potential (Deininger, 2003, p. xviii). Some of the failures are for instance, that although the local government is supposed to have its own lands office located within the District, Nakaseke did not have such an office by the time of completing fieldwork in 2015. Since its creation in 2005, the District had continued to rely on a regional land office shared with two other Districts (Luweero and Nakasongola) which together constituted the original larger Luweero District before it was subdivided. All three Districts now use the same facility to store their land records, process and execute applications for land registration, and administer land transactions.

The regional land office is located in neighbouring Luweero District, in an isolated building on top of a hill overlooking the sprawling government agricultural training college in Bukalasa. The office is over 50km away from Nakaseke District headquarters and more than 100 km from the northern-most reaches of the District. It takes more than three hours of travel on unpaved dusty, and during the rainy season, muddy roads that are often difficult or impossible to navigate. Despite the availability of land administration, the costs involved, the distance and time requirements, as well as difficulties with transportation, means that access to the services offered is problematic and often out of reach for most the District’s poor.

The facilities and infrastructure available for land administration in the District are also inadequate. The building housing the land offices was built in the 1950’s and is in poor
condition. It has never been refurbished and is in dire need of repairs. The entire building looks derelict with peeling paint, broken doors and windows, dust and cob-webs lining the walls, floors and ceiling. Old and broken furniture is strewn in some rooms. Filing cabinets, drawers, and storage facilities for land documents including cadastral maps, title deeds, and transaction records, appear to be over capacity and inadequate to handle the volume of documentation (see figure 17 below). As a result, records are not systematically documented, are poorly maintained and easily torn and worn out.

The Bukalasa regional land office was established in the colonial period to serve the entire northern region of the then Buganda Kingdom. It now caters for three Districts: Luweero, Nakaseke and Nakasongola with a combined population of over 830,000 people and a total surface area of 9,200 square kilometres (UBOS, 2014a). On several field visits to the land offices during fieldwork between 2013 and 2015, I observed that there was no adequate office space within the building to accommodate all the personnel from the three Districts. From interviews with several officers, I learned that each District had at least seven staff members working at the land office, including a senior land officer, physical planner, valuer, surveyor, registrar of titles, cartographer, cashier, and other support staff such as drivers and security officers. There was clearly not enough space nor furniture to accommodate them, small offices designed for a single officer with space for one desk, were crammed with up to three desks with some officers working from rickety chairs with no desks.

![Figure 17: State of facilities at Bukalasa lands offices. © Josh Maiyo, 25 June 2014](image)

Visitors seeking services stood in the little space available with more lining up at the door and spilling out into the narrow corridors within the building. The situation was so dire as to require the presence of armed police officers to maintain order and regulate the number of people allowed into the building at any given time. Consequently, some officers rendered services outside the building, sitting on tree stumps on the open compound or under trees (see figure 18 below). The situation was compounded by the fact that the land office was open to the public on only two days in the week (Tuesday and Thursday), further limiting the availability and accessibility of services to citizens. Some of the visitors
that I interviewed claimed that they often had to visit the land offices two or three times, spending the whole day before they could be attended to, and even then, their cases would often not be settled at once and would have to return several times.

Nakaseke District lands officers complained, during interviews, that the sharing of offices between three districts caused confusion among residents of all Districts as they did not know whom to address their land issues, and often ended up presenting their cases to any officer available. As a result, numerous cases were reported of employees from other districts or non-employees posing as staff members either solicited bribes from desperate citizens of carried out fraudulent land transactions such as illegal or double allocations. The practice was so serious that it hit the national headlines when Nakaseke District Council, its supreme governing organ censured their neighbouring and parent District Luweero for carrying out unapproved land transactions on the former’s territory and retaining land fees and rates meant for Nakaseke District (Daily Monitor, 2015a).

Figure 18: Residents waiting for services at Bukalasa lands office. © Josh Maiyo, June25, 2014

The complicated nature of overlapping land rights characterised by landlord-tenant relations on Mailo land were exacerbated by the prolonged history of conflict, and displacement in the region as discussed in chapter four. Coupled with low literacy levels and overall poverty, many residents in the District were historically either unaware of the need or means to formalise their land rights, or were unable to do so. Conflict, plunder and destruction of property in the Luweero War also led to the loss or destruction of land records, further exacerbating the problem of land registration in the region. However, ef-
effective recording, registration and formalisation of land rights depends on the availability and accessibility of technically accurate and up to date land records.

![Figure 19: Land records at Bukalasa lands office. © Josh Maiyo, 25 June 2014](image)

My interviews with District Land Officers from all three Districts served from Bukalasa confirmed that the state of land records in Bukalasa had deteriorated over the years and most requests for registration required that they be reconstructed afresh. Most of the documents that I saw were clearly old, torn, illegible, and poorly stored (see figure 19 above). The Nakaseke District cartographer told me that many of the cadastral maps were full of inaccuracies, and what appeared in paper did not often represent the actual boundaries on the ground.

Similarly, interviews with visitors seeking services at the land office elicited accounts of frustrations with inefficiency, delays in handling requests, inaccurate or missing land records, and overall poor service delivery. Estimates from the Uganda Ministry of Lands show that about 80% of land in the country is unregistered (Lule, 2013). The same applies to Nakaseke District, where the secretary for natural resources admitted to not knowing how much land in the District was surveyed or demarcated: “I don’t have the total acreage. During the transition, Luweero did not give us the land documents of the District because we do not have a lands office.” Consequently, without complete and up to date land records showing sizes of the different categories of tenure, and especially the amount of public land available, the local government was unable to effectively monitor the distribution and patterns of land pressure in the district. All the local officials that I interviewed conceded to not having any knowledge of the distribution of land was in the hands of foreign commercial investors, local commercial producers, or subsistence farmers.

As of 2015, Nakaseke District was in the process of completing a new office complex at its headquarters in Butalangu town council, part of which, I was informed, would house a new District land office. Officials were optimistic that once approval was obtained for a ‘strong room’ with specific security features mandated by the Ministry of Lands, office construction would be completed. This would facilitate the gathering and safe custody
of the District’s land records which would be transferred from Bukalasa. At the time of conducting fieldwork, even the chairman of the District Land Board had no dedicated office space in the District, and operated from his private legal practice in Kampala. The anticipated proximity of the land office within the District and improvement in record keeping and updating of the survey documents, was expected to ease many challenges faced by District residents. It was also expected that this would improve the local government’s revenue based due to streamlined collection of land fees and rates, hence improving access to and quality of land administration services to citizens.

According to District officials, Nakaseke was also expected to benefit from a World Bank funded Land Information Systems (LIS) project whose objective was to ‘establish an efficient land administration system in Uganda, to facilitate and to improve the delivery of basic land services to the population, and to improve land tenure security’ (Oput, Orlova, & Jacobs, 2014, p. 5). The LIS project was part of a larger US$ 102.50 million World Bank project titled ‘Competitiveness and Enterprise Development Project for Uganda’ whose objective was to improve the competitiveness of enterprises in the country (World Bank, 2017). The project was designed to provide support for the implementation of business environment reforms, including land administration reform; and contained four sub-components: (i) Improving land administration; (ii) Undertaking systematic registration of communal and individually owned land; (iii) Implementing a program of actions for strengthening institutions and mechanisms for land dispute resolution; and (iv) Implementing a program of actions for strengthening land administration and management institutions.

Within this, Uganda’s Ministry of Lands, Housing and Urban Development (MLHUD) commissioned a project for the Design, Supply, Installation and Implementation of the Land Information System and Securing of Land Records (DeSILISoR), which was tasked with rehabilitating existing land records and to secure existing titles, registrable instruments and cadastral maps from continuous degradation by converting them into digital form. The project was piloted in six districts in Uganda and entailed introduction of a Land Information System (LIS), and a geographic information system for cadastral and land-use mapping (Gil, 2012).

Although Nakaseke was not one of the pilot districts, its land officials were optimistic that digitization of existing national land records would facilitate information sharing between the Ministry of Lands and local governments so that the computerised records pertaining to Nakaseke could be shared with the District Land Office. There was however a bit of inconsistency between Nakaseke District’s desire to construct and install its own land office, and information I obtained from the Ministry headquarters in Kampala. The Ministry’s public relations officer informed me, during an interview, that plans to rehabilitate the shared regional land offices in Bukalasa and construct a new office block had been finalised and none of the three Districts using the premises would have their own land offices.
This information seemed to be corroborated by an Environmental Impact Assessment (EIA) report for the proposed office block submitted to the World Bank, and the Bank’s own ‘Implementation Status and Results Report’ for the Uganda projects (Kibirige, 2017), which indicated that Bukalasa (Luweero) was among 21 land offices to be built throughout the country. In addition, a report prepared by the Uganda Land Alliance for the World Bank Land Governance Assessment project indicates that the Ministry of Lands had formulated and was indeed implementing a policy of establishing 21 Zonal Offices (MZO) in every cadastral zone of Uganda where citizens would receive land administration services while minimizing ‘the costs of establishing District Land Offices with all the required technical officers in each district’ (Obaikol, 2014, p. 204). This would result in the transfer of all land records from the capital Kampala to the respective MZO where all land transactions would be registered, and new certificates of titles issued. Figure 20 below shows a map of the cadastral zones, including Bukalasa, where the proposed new zonal land offices would be constructed.

**Figure 20:** Uganda’s cadastral zones and corresponding administrative districts.
*Source (Obaikol, 2014, p. 205)*
The foregoing suggests that land administration in Uganda is at the cusp of major transformational changes that if successfully implemented could revolutionise access, efficiency and overall effectiveness of decentralised land governance. It however appears that despite evidence of progress, there are gaps in coordination, planning, and implementation between the central government and local governments, that stifle the autonomy of decentralised institutions, may create duplication and friction that inevitably affect the downward accountability of local land institutions and their delivery of land administration services to citizens.

**Autonomy of local land institutions**

Local authorities in Uganda are formally granted a high degree of autonomy through the statutory independence of the District Land Boards enshrined in the Land Act. The Board also enjoys constitutional protection and autonomy from national level institutions. It ‘shall not be subject to the direction or control of any person or authority’ (RoU, 2006, pp. 171–172). In effect, the district land board is the most powerful land administration organ at the district level. As Ugandan researchers Bruce Rukundo and Daniel Kirumira have observed, ‘genuine land reform objectives can also be suffocated by lack of political autonomy especially when land issues are integrated into negative power games – Some of the very conditions that drive the need for the reform process in the first place’ (Rukundo & Kirumira, 2014, p. 4).

**Political autonomy**

Although they are granted statutory legal autonomy, local authorities in Uganda, including land administration institutions, are seldom free from central government control. District land officials such as the environmental officer, the land board secretary, and the land board chairman, revealed the existence of constant pressure from political elites including senior civil servants, military officers and politicians seeking to influence the allocation of lands in the district. These officials were in concurrence that due to the high demand and shortage of arable land in the district, potential large-scale investors tended to seek the influence of national-level political elites to facilitate their entry into, and acquisition of land. The case of Chinese owned Hanhe Farm discussed in Chapter 7 exemplifies such as process initiated from ‘above’ and executed with the compliance of sections of local government officers.

One of the ways by which the autonomy of the District Land Boards could be compromised was through the mechanisms of appointment. Ugandan researchers and land specialists Rose Mwebaza and Abby Sebina Ziwa have noted with ‘grave concern that the appointments to the DLB members were politically motivated which made the new institutions susceptible to political interests and exploitation’ (Mwebaza & Ziwa, 2011, p. 12). According to this assessment, corruption and political patronage were likely to
Financial and technical autonomy

Early analyses of the decentralised land governance in Uganda showed that, if the programme was implemented as envisaged by the 1998 Land Act, projected costs would be way beyond the total combined budget of the Ministry of Lands (Bruce & Knox, 2009). Bruce and Knox argue that this resulted in a process of recentralisation, in which the state pulled back some of the powers it had devolved to the districts.

*The Land Act was amended to reduce costs...this was done by eliminating staffing categories, by providing more discretion to districts regarding the level of subsidiary land administration units to be created, and by relying more on part-time institutions with participation compensated by sitting allowances rather than salaries (ibid, p. 1364).*
CHAPTER 5

The exponential growth of local government units through creation of new districts puts more pressure on limited resources available for the financing of decentralised land administration. In Nakaseke for instance, the land board, whose sitting allowances are paid by the central government, says it has made appeals for allocation of top-up finding from local government resources to complement declining and insufficient funding from the central government. They claimed that delayed and reduced funding from the central government had caused them to reduce the frequency of their stipulated meetings due to the lack of allowances. District officials indicated that such demands could have been easily met if they could streamline and expand their land administration services, and/or increase the collection of taxes and fees levied on land transactions. However, they said that they did not have the room for manoeuvre because costs were set at the national level and they had no autonomy of decision-making.

For these reasons, Wily (2003) has noted that an ambitious land administration decentralisation such as Uganda’s, is likely to remain highly dependent upon the central government for finance and technical expertise (p. 25). He further observes that continued budgetary constraints partly contribute to the slow pace at which the Ministry of Lands is willing to approve the establishment of land administration offices at District level such as Nakaseke. This explains the decision by the ministry to rebuild and upgrade the regional land office in Bukalasa instead, and to continue serving multiple districts and associated land boards from a shared ‘zonal’ office. A study by the Uganda Land Alliance (ULA) however noted that ‘the inability of the Districts to meet the operational costs of the institutions established under the Land Act [required] strong political will to fund the implementation of the Land Act’ (Mwebaza & Ziwa, 2011, p. 11). The study also noted that the continued existence of District Land Offices in what are largely remnants of previous regional land offices that were located in only a few Districts before decentralisation, were in fact a symptom of incomplete decentralisation of land administration services (ibid, p. 11).

Whether these policy inconsistencies are the result of financial constraints or resistance by central-level actors to cede full autonomy to local authorities, the net effect is the limiting of decision-making autonomy for local land administrations, which consequently dilutes their effectiveness and capacity for service delivery (Wily, 2003, p. 25). The land board in Nakaseke also cited the lack of funding as limiting other land administration functions including the procurement and servicing of vehicles for field inspections, and a higher budget to increasing the number of sittings per year in order to deal with the high volume of cases. It also admitted to suffering from significant gaps in technical capacities, especially among Area Land Committees as well as among technical staff at the land administration office. They noted that repeated requests to the District Council for special budgetary allocation for continuous training of ALCs in such skills as record keeping, proper and accurate filling of applications, and endorsement and transmission
of land transaction forms, had not been successful. They further argue that efficiencies in
the lower-level support institutions would ease and speed up the work of the District Land
Board while reducing administrative costs.

Area land committees are the units that link the lowest community levels with higher-
level District and central government land administration authorities. However, this
perception can only be sustained if they are facilitated with sufficient funding to function
effectively. Under the land (amendment) Act of 2004, funding for ALCs is left entirely
to the discretion of the District Councils and their executive arms (RoU, 2010b, p. 66).
Due to financial constraints faced by local governments, most ALCs, if they are at all put
in place, are constituted and operate without clear-cut provision for financial support
(Mwebaza & Ziwa, 2011, p. 30). In Nakaseke District, interviews with chairpersons of two
ALCs and documents that I reviewed, showed that the District Council had not passed
local legislation determining the amount and sources of remuneration for ALC members.
A further review of the budgets of five (5) Sub-Counties within the district revealed that
no budgetary provisions were made for the funding of ALCs. This suggests that the failure
to adequately plan and provide sufficient funding for the implementation of decentralised
land administration may be the most significant obstacle to effective decentralisation. The
promise that decentralisation would bring land registration services closer to the rural
areas, reduce transaction costs, and thus safeguard land rights for the poor and vulnerable
remains questionable.

Accountability in local land administration

Downward accountability is one of the principles underlying democratic decentralisation.
Decentralised land governance institutions are expected to enhance transparency, be
more responsive to local needs and be accountable to local populations (Larson & Soto,
2008, p. 217; Meinzen-Dick et al., 2008, p. 6). However, the extent to which this is possible
is dependent on whether these bodies are elected or appointed. Accountability is also
determined by the strength and robustness of their institutional structures. Citizen partic-
ipation in the direct election of their local land governance officials and in determining
their functions, are thought to ensure higher levels of accountability (Ribot et al., 2006, p.
1865; Wily, 2003, pp. 20–21). In addition, Bruce (2009) maintains that the sources of fund-
ing for local land institutions, whether it is from the central government or local budgets,
greatly determine the accountability mechanisms at play (Bruce & Knox, 2009, p. 1362).

In Nakaseke District, local land administration institutions at the District and the
Sub-County levels do not seem to meet these conditions for downward accountability.
Although the rules requiring women representation assures gender balance, their mem-
bership is not elected but rather appointed by higher-level authorities. The mechanisms
of democratic accountability through elections is thus absent, despite the appearance of
representativeness through gender inclusivity. Since their budgets and source of funding
is also dependent on higher level institutions, namely the District Council, accountability tends to be upward in terms of power asymmetry, service provision and reporting. Land institutions are primarily seen as providing support services to higher level decision-making authorities as opposed to primarily delivering services to citizens. This is compounded by the absence of institutional mechanisms that require these land administration bodies to formally report downward to land holders. Furthermore, these institutional structures, their mandates and legal provisions were designed by the central government without consultation or direct participation of land holders.

Since the District Land Board enjoys legal autonomy, it is technically independent from and not necessarily accountable to the central government or local government. Wily (2003) observes that in practice, upward accountability predominates, driven by funding and appointment mechanisms (p. 24). Decentralised land governance institutions in Nakaseke District, including the Land Board, Area Land Committees, and technical administrators at the District Land Office, are not directly accountable to land holders, but are accountable upwards to their appointees, government agencies or individual office holders such as ministers. The lack of accountability in turn undermines the principle of open governance, leading to lack of transparency in the operations of these agencies. Local populations therefore lack avenues to hold them to account. These shortcomings put to question the legitimacy of these institutions thus negating the anticipated benefits of devolved land governance.

7. Conclusion

Decentralisation of land governance and especially land administration in Uganda, is seen as fulfilling the need to entrench participatory democratic natural resource governance and to increase accessibility of social services to rural dwellers, hence improving local livelihoods and overall wellbeing. However, evidence presented in this chapter demonstrate that the process of decentralisation is embedded within path-dependent and deeply rooted political history of state-formation and distribution of power and resources among different interests resulting in institutions, legislations, and practices that are deeply contested and counterproductive of desired normative objectives. As Steiner (2006) has observed, the ultimate result of these processes reveals the disparities inherent between the normative aspirations and practical realities of decentralisation. Critics of the country’s decentralised governance system have argued that the programme, in reality, functions more as an extensive network of patronage through which the ruling party and its elites maintain control at the local level (Green, 2010).

The failure of decentralised institutions to achieve effective local land governance is thus seen, as a consequence of flawed systems or resource gaps, as well as a deliber-
icate design of what Ribot et al. (2006) refers to as a process of recentralisation through decentralisation. Local authorities such as those in Nakaseke District, thus find themselves negotiating a delicate balance of managing local-central relations while seeking to discharge their mandates within a complex and contradictory legal, policy and institutional framework. An adequate balance of power between central government institutions and local authorities is therefore crucial in effective land governance. Similarly, Ugandan land experts also contend that the limitations of the country’s land reform programme, especially regarding the Mailo system, go deeper than the failures of technocratic capacities and resource shortages, and are instead embedded within a history of entrenched elite interests and enduring marginalisation of vulnerable groups (Barrows & Kisamba-Mugerwa, 1989; Mwebaza & Ziwa, 2011). The reinstatement of the multi-layered Mailo land tenure system, has thus been criticised as an act of formalising, rather than resolving historical injustices. According to Rukundo and Kirumira, public expectations for a transformative and redistributive land reform were betrayed, and the opportunity to overturn a disenfranchising Mailo land tenure was squandered (Rukundo & Kirumira, 2014). Consequently, a tenure system characterised by unsecure land rights persist together with low levels of land registration.

Instead of protecting and securing the rights of the majority of vulnerable rural land dwellers, the legal and technocratic land administration reforms were enacted as part of a wider package of market oriented adjustments with the explicit focus, according to Uganda’s land policy, to ‘promote efficient, effective, and equitable land markets in all land tenure regimes’ (MLHUD, 2015, p. Annex 1-Page 20). Concomitantly, the sustained role of the World Bank and other donors in financing reforms in land administration such as the Land Information Systems (LIS), so long as they occur within these prevailing structures, can only deepen inequalities and exacerbate vulnerabilities for those who cannot afford these services. It is therefore pertinent to inquire into the cost of promoting land markets in the context of social and economic vulnerability. In the midst of conflicting and unclear policy and inadequate administrative systems, how do power disparities influence access to land services, the protection of land rights and distribution of benefits of reform?

In light of the institutional and policy failures outlined above that sustain systemic social inequalities, it is important to go beyond institutional constraints and examine the role of land administration actors within local authorities. How do they understand their roles in land governance? Do they have the inclinations and capacities to effect equitable practices of land administration within their jurisdictions? While they may not have the mandate to institute radically transformative land reform, how do local government actors, especially elected representatives, by virtue of their close proximity to rural dwellers, exercise their mandates and use available resources in ways that seek to bridge the gaps created by defective policy and tenure regimes? Furthermore, in view of the considerable amount of de jure autonomy granted to local land governance institutions, and expectations of local
political accountability enforced through elective democracy, it is important to enquire whether and how local government actors seek and find room to manoeuvre in exercising their powers of land governance in ways that are responsive to local interests. The next chapter explores these questions, to examine the role of local authorities in governing land within the context of rising commercial pressures on land and the entry of in the transnational land deals, while at the same time dealing with demands for protection of local land rights in Nakaseke District.
CHAPTER 6

GOVERNING COMMERCIAL PRESSURES ON LAND
1. Introduction

Decentralised local land governance is often conceptualised alongside existing tenure systems and structured through institutions and legal frameworks of land administration. As discussed in the previous chapter, the institutional arrangements of local land governance in Nakaseke have largely failed to enhance effective tenure security and protect land rights for the vulnerable. This is largely due to the prevailing inequalities and inherent complexities of the Mailo tenure system exacerbated by rising population pressure and increased land scarcity. While in principle, the country’s land policy, its institutional frameworks and statutory provisions are designed to guarantee the protection of land rights, the actual practice of land governance fails to deliver on these promises. In the context of increasing local demand for land, alongside policy and market driven pressures for agrarian modernisation and commercial production, how do local government actors respond to changing demands on local land governance?

Uganda’s decentralised land governance is functional in orientation and is limited to providing basic land administration services of titling such as recognition, description, registration, and transfer of land rights. But as Deininger and Castagnini (2006) observe in their research on tenure and land conflicts in Uganda, these interventions, which ‘were very effective in other parts of the world, have proven inadequate in many African contexts [and] may even have led to higher levels of conflict’ (p. 1). Strictly technocratic local land administration, focused entirely on titling, has also been criticised as offering top-down diagnostic solutions that do not address real-world needs at the local level. As Easterly (2008) argues, ‘land titling brought new uncertainties into this complex system’ and instead of strengthening tenure security, land titling may have reduced transaction costs, increased commercial demand, and enhanced rewards for land transfers, thus leading to more competition and conflicts (p. 97).

According to Franco (2010), the largely technocratic nature of the roles played by these institutions result in a narrow focus on administrative efficiency, while failing to take into account questions of power relations that regulate regimes of access and control over land as a resource for wealth and power (p. 2). Klaus Deininger et al. (2011) refer to this approach as one that prioritises a ‘rule based’ determination of ‘good governance’ based on a set of indicators and linked to positive outcomes in land administration (p. 16). These structural frameworks however fail to take into consideration and account for contextual realities, such as complexities of local-central relations, and local-level shortcomings in the implementation. Deininger et al thus suggest that ‘outcome-based’ approaches, which measure indicators of institutional responsiveness and citizen participation in service delivery, may be added to complement ‘rule-based’ assessments. However, they concede that these too, are ‘costly and less actionable from a policy perspective’ (ibid).

These acknowledged limitations in the technocratic rule-based roles and functions of local land administration necessitate as assessment of the actual practices of land governance
by examining the agency of local land governance officers. An understanding of the discourses, perceptions and practices of these local stakeholders in land governance provides insights into the possibilities for engaging in transformative land governance above and beyond the limitations of technocratic mandates and institutional capacities. Such an approach may also be useful in determining the scope and ability (room to manoeuvre) of local government actors to address land rights deficiencies in the District. The principal concern in this chapter is: given the persistent weaknesses in the legal and institutional arrangements of local land governance, the failure of policy reforms to address associated vulnerabilities, and the potential downsides of increased market-driven titling reforms, what role does the local government have in managing potentially adverse consequences of commercial land acquisitions in Nakaseke?

The following section discusses in more concrete terms the limits of technocratic land governance with reference to various institutional arrangements for local land management in Uganda. This is followed by an analysis of the nature and types of land pressures in Nakaseke, including an exploration of contemporary patterns of land acquisition in the District. I draw on information from official government documents including the District Land Board’s annual reports for the three years of the fieldwork period, supplemented with key informant interviews with local land officials. Finally, I examine the discourses and perceptions of various land management authorities in the District regarding their roles, as well as their practices, in the management of commercial pressures for land, amidst competing demands from local land dwellers for better protection of their land rights.

The objective of this chapter is thus two-fold: the first is to examine the role of agency in land governance, where the notion of agency refers to the capability of social actors for discursive and practical action (consciousness) in their social interactions (Giddens, 1984, pp. 5–7) with a view to ‘devise ways of coping with life’ or ‘to “make a difference” to a pre-existing state of affairs or course of events’ (Booth, 1994, p. 65,66). More specifically, I examine whether and how individuals, groups, and institutional social actors within the local government structures navigate structural constraints of uneven and incomplete decentralisation and inadequate policy and legal frameworks, to exercise their mandate in land governance. Second, it aims to find out whether and how these governance initiatives, as manifestations of purposive action, are exercised in the interest of equitable and responsive land governance. In other words, how do local land governance authorities balance between multiple, and in particular increasing commercial pressures on land, and the demands of local land dwellers for stronger and equitable land rights? Ultimately, the chapter seeks to assess, in the absence of radically distributive land reforms and institutional ineffectiveness, whether and how decentralisation and local governance can promote and protect local land rights in a context of persistent vulnerability and new demands for agrarian modernisation.
2. The limits of technocratic land governance

The rationale for decentralising land governance is premised on its intended effects to secure land rights, especially for vulnerable land dwellers and the landless, by democratising land rights, enhancing meaningful participation, and increasing access to land administration services. The failures of land reform in central Uganda and the shortcomings of decentralised land administration in Nakaseke District reflect a pattern from other research findings showing that decentralisation ‘does not often result in transformations in underlying structures of inequality and exclusion’ due to its structural design to ‘smarten’ the central state, rather than promoting social justice in relation to land rights (Larson & Soto, 2008, p. 230). Meinzen-Dick et al. (2008) also observe that some land administration reforms such as titling, instead of securing land rights, exacerbate tenure insecurity for the poor and vulnerable by enabling elites to easily access titles, or making land easily alienable to commercial interests by facilitating easy disposal of land by the poor (pp. 10–11).

Researchers who have closely studied land relations in Uganda observe that policy changes aimed at restructuring land governance through such instruments as tenure reform and enhancing access to land administration services, paradoxically, go hand in hand with state-mediated commercialisation processes that promote large-scale land acquisitions (Byamugisha, 2014; Coldham, 2000; Hilhorst, 2010; Hunt, 2004). These state-sanctioned land reform initiatives also reflect global patterns embedded within strategies of agrarian transformation, as seen in countries like Ethiopia (Lavers, 2012b). These reform initiatives are also mediated by development organisations such as the World Bank, whose 2007 Uganda Human Development Report ‘Rediscovering Agriculture for Human Development’, advances policy perspectives towards land as a key factor for production and whose economic distribution and utilisation should be a matter of policy and strategic importance (World Bank, 2008, p. 7). In line with this thinking, government technocrats concur with World Bank country advisors, to advocate for the strengthening land tenure security as a first step to raising incentives for commercial agriculture and ‘enlargement of scale of farming’ (World Bank, 2012).

To further advance the modernisation agenda of agrarian commercialisation, a two-pronged approach towards land governance has been promoted by state and non-state development actors such as the World Bank, FAO, and other multilateral donors. The first is a state-centred approach that seeks to remedy the failure of national land administration reforms to address issues of inequality and vulnerability, by further entrenching technocratic managerial instruments. One such instrument is the proposed World Bank Land Governance Assessment Framework (LGAF), designed to provide a global framework for domesticking effective ‘good governance’ indicators for land management (World Bank, 2008, p. 7). The authors of the framework promote it as an all-encompassing and comprehensive tool for evaluating institutional and legal frameworks of land use planning,
land management, and taxation, as well as dispute resolution and conflict management (Deininger et al., 2011, pp. 27–37). Furthermore, they argue that the LGAF provides ‘new’ and innovative frameworks that enhance of existing governance indicators while developing more robust assessment tools that provide objectively measurable information, rather than ‘value judgements and subjective perception’ (ibid, p. 21).

A second approach is one that seeks to remedy the failings of state-centred land governance arrangements by proposing alternative mechanisms to share regulatory initiatives between the state and private sector actors, or to transfer them entirely to the market. These initiatives include the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, simply known as the Voluntary Guidelines, and the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources, also known as the RAI Principles (FAO, 2010, 2011b). These are self-regulatory codes of conduct and are largely aimed at private-sector actors involved in transnational land acquisitions. They are also mediated by multilateral development agencies, including the International Fund for Agricultural Development (IFAD), World Bank, the United Nations Food and Agriculture Organisation (FAO).

Local partners in Uganda have enthusiastically embraced these global governance frameworks. By 2014, the Uganda Land Alliance had already piloted and adopted the World Bank’s LGAF framework to ‘enhance’ its own land rights assessment mechanisms (Obaikol, 2014). The FAO also reports that in 2015, government policy-makers in Uganda had piloted the Voluntary Guidelines in several Districts, and the Ministry of Lands had established a national ‘Land Development Partners Group’, co-chaired by the European Union and FAO, ‘to ensure more coordinated support in the land sector’ (FAO, 2016). Furthermore, Uganda’s land policy implementation framework, states that one of its key objectives is to ‘promote compliance to the Food and Agriculture Organisation’s (FAO) and other international organisations’ guidelines on responsible investment in land resources [and] domesticate and implement Voluntary Guidelines on tenure governance of natural resources’ (MLHUD, 2015, p. 18). However, even if these codes of conduct were to be domesticated in national law and implemented, advocates of rights based approaches to land governance such as the former United Nations Special Rapporteur on the right to food, Olivier de Schutter (2011) argue that, in the face of increased commercial pressures, these regulations do not go far enough in protecting and ensuring the rights to food security, cultural land rights, autonomy and sovereignty for rural land dwellers.

Ugandan government officials as well as their international partners have indeed acknowledged the potential adverse effects of titling reforms that could, in part, lead to accelerated commercial land acquisitions and further erosion of tenure rights. Deininger et al. (2011) for instance concede that within Uganda’s decentralised land governance structure, ‘the division of responsibility between central and local government institutions, adds further complexity that often results in uncoordinated actions and high transaction costs’
(p. 21). While it acknowledges that governance mechanisms often do not provide for ‘local knowledge’, but instead ‘impose one-size-fits-all solutions’ the LGAF seems to contradict this view by advocating for ‘standardization’ while at the same time appealing for amplifying locally specific responsiveness necessary for securing land rights in an ‘accessible and transparent process’ (ibid). The LGAF therefore remains technocratic in approach, and fails to address questions of power, competing interests, inequality, and marginalisation.

Similarly, the Voluntary Guidelines and RAI principles have been faulted for lacking sufficiently robust monitoring and enforcement mechanisms (Borras Jr & Franco, 2010a). In Uganda, the policy and regulatory environment for local land governance, as well as the role of these global compacts within it, remains vague and inconsistent. Other found no evidence for the existence of any systematic mechanism for tracking, supervising, and monitoring of transnational land acquisitions, while policy and regulatory gaps have been identified across relevant government agencies such as the Ministry of Lands and the Uganda Investment Authority (FAO, 2013; Stickler, 2012). My own interviews at central government level, with officers in the Ministries of Lands and that of Agriculture, found that no records tracking the sources, sizes, and distribution of transnational land acquisitions in the country were being kept. It would thus appear that institutional arrangements as well as regulatory mechanisms that govern commercial acquisitions of agricultural land in Uganda are inadequate, which could have significant implications for the protection of rights and interests of rural land dwellers, the majority of who have unregistered and insecure land rights.

It is also important to note that such global compacts, negotiated in western capitals and ‘domesticated’ at the national level, did not trickle down to the local authorities or rural communities as interviews with large-scale transnational farmers and local land officials in Nakaseke District revealed. During discussions at a stakeholders’ workshop consisting of local government officials and politicians, central government policy officers and transnational investors that I organised as part of my fieldwork, I found that none of the participants were conversant with these principles. None of them could recall ever reading these codes of conduct or even hearing of their existence. Even if these codes of conduct were to be widely disseminated, despite the lack of a clearly defined pathway of achieving this, the guidelines are by design voluntary and not binding on any stakeholders. Under prevailing neoliberal economic orthodoxy, commercial investors are thus at liberty to determine the degree to which they may comply, but since adherence to stipulated social and environmental standards entail high costs, compliance is likely to be at a minimum while costs are externalised (Clapp & Dauvergne, 2011, pp. 94–95), in this case to public institutions such as local governments or the less powerful stakeholders such as individuals or communities of rural land dwellers. As will be discussed in more detail in chapter seven, the top-down implementation structure of these codes of conduct are less likely to succeed where relations of patronage exist between investors and powerful elites whose attitude towards natural resources are characterised by practices of extractive rent-seeking.
Put together, both the state-centred and market oriented measures of land governance are, according to Borras and Franco (2010a), largely technocratic and apolitical ‘rule based’ approaches, that fail to take into account the complex political environment in which land access, control, and exclusion is exercised. These frameworks position the state as just one, among multiple actors with legitimate stakes in the control and management of land, and according to Hunt (2004), they are more likely to be designed by, and for those that have the capacities to profit from them. Franco (2010) further contends that these practices promote market-oriented private property rights in land, and thus do not challenge, but rather take for granted underlying structural inequalities. The social and environmental injustices inherent in the ensuing expansion of market relations and commodification of land are thus left unaddressed. Ultimately, these measures underline the convergence of trans(national) state-capital interests that, according to Wolford, Borras, Hall, Scoones, and White (2013), tend to order the rural landscape and set parameters for control and access to land in ways that are likely to disadvantage less powerful stakeholders while (re) producing subjectivity and vulnerability (p. 193).

Advocates for rights-based approaches to land governance propose that only bold and visionary governance frameworks, and redistributive reforms that protect rural land rights, can expand access for the land-poor and landless (De Schutter, 2011a). Such drastic reforms require a prominent, rather than a diminished role for the state in land governance. Such a role puts to the test the scope of local authorities in exercising pro-poor land governance, since devolved powers are largely meant for service delivery and policy implementation rather than policy-making. This is more critical in Uganda where institutions and actors in the central government are criticised for weakening the powers of local land governance and ‘have worked hard to frustrate and undermine decentralisation and prove it cannot work and have been behind efforts to centralise certain functions from the local governments’ (Bainomugisha et al., 2015, p. 6). Considering the failure of radical land reform and the inadequacies of broad-based regulatory frameworks, it is pertinent to inquire whether and how Uganda’s local authorities exercise autonomy in local land governance to fill these gaps.

3. Trends in commercial land acquisitions in Nakaseke District

Increased commercial pressure on land

Nakaseke District, like many parts of rural Uganda, is generally perceived and characterised as having land that is ‘abundant, available and sometimes characterized as “empty”’ and thus should be opened up for “development”’ (Mabikke, 2011, p. 20). This perception, according to District officials, is based on the fact that more than two thirds of its land area
We have large pieces of land owned by the rich who are in urban areas and are not interested in farming so it is left idle. However, in the cattle corridor we have massive land belonging to the natives who are involved in indigenous cattle which is not good for milk production but meat, but it is still underutilised so we still hope to involve them in the mechanised modern farming (interview, June 12, 2013).

These assertions were supported by data from a series of District Land Board reports that were made available during fieldwork, which show that the local government handled applications for allocation or extensions of leases for land sizes measuring up to 2,000 acres (Nakaseke District, 2014). The same data showed an average increase in the size of land lease requests rising from an average of between 80 to 90 acres in 2009 and 2011, to an average of 270 acres in 2012 and 335 acres in 2013.

Land distribution in the district is however uneven, with the lower agro-ecological crop-production zone characterised by ‘very small land holdings averaging between 1 and 2.5 acres per household’ according to local government documents (Nakaseke District, 2011, p. 23). Requests for land allocations in this zone had an average of less than one acre, meaning that most large-scale land lease applications by local residents targeted the sparsely populated and less agriculturally productive pastoralist zones of the District. These disparities notwithstanding, district land officers reported that they received a large number of requests for land which they believed was fuelled by perceptions that land in the rural interior was abundant and relatively cheap compared to regions closer to nearby urban centres such as Luweero of the capital Kampala with well-developed infrastructure and services.

![Figure 21: Land Lease Applications in Nakaseke District (2009–2013).](image)

*Source: Nakaseke District Land Board Reports*
Figure 21 above shows that the total amount of land lease requests steadily increased from a low of 850 acres in 2009 to a high of over 15,800 acres annually in 2013 (the dotted line shows average projected trends). There is however conflicting information regarding the level of non-local pressure for land in the district. All the local government land officials that I interviewed conceded that they did not keep any specific data, nor were they tracking the existing or new acquisitions of land by foreign or international investors. Data from the Land Board reports shows that out of over 200 applications and actual approval for land leases and subdivisions in 2010/2011, only 6 were from applicants whose addresses were outside the district, all in Kampala. In 2011/2012, this figure rose to 12 out of 167 entries with addresses in Kampala. There was also no evidence to show that any of these six were of non-Ugandan nationality. It is in fact possible that those with contact addresses Kampala, may still be residents of the District, but either work or have dual reside outside the District, for instance through kinship, or as business people, professionals or civil servants.

While almost all entries in the land reports show that applications were received from individual persons, rather than companies or institutions, it is also possible that individual Ugandan citizens could apply for land on behalf of local or foreign companies or shareholders for ease of access and to avoid regulatory red-tape. A District Land Board official disclosed that they had not received any foreign investors interested in acquiring public land in the district. But after a keen study of the data from the Land Board reports, I found that a well-known Indian owned company, Sameer Agriculture & Livestock Ltd, that operates in the east African region including Kenya and Uganda, through a local subsidiary registered in Kampala, had applied for 2 acres of land in Ngoma town, the largest urban centre in the ‘cattle corridor’. I later learned that the company sought to build an abattoir for beef processing.

Contrary to what one Land Board official had indicated, a member of the District’s governing Council disclosed, during an interview, that he knew of an alleged allocation of 18 square miles (11,520 acres) of land to Turkish investors in a deal that was directly sanctioned by the country’s president. This was corroborated by several newspaper reports that on the alleged deal that awarded a Turkish company, ASB Group, 49-year lease to establish a special economic zone and to inject US$300 million ‘to invest in livestock, coffee, cotton and other agro based processing’ for export (Business Week, 2016; New Vision, 2014e). The absence of local government involvement in this deal became clear when it later emerged that the land in question was owned by the military, and the transfer to the Turkish company had been arranged at the central government level. The magnitude of the investment was underscored by the presence of the President himself during a ground-breaking ceremony to launching the project in February 2014 (New Vision, 2014b). The deal also highlights the role that the military plays in large-scale land acquisitions in the district, a subject that will be discussed in more detail in the following chapter.
For instance, the land occupied by the Hanhe Farm, one of the foreign-owned farms that forms part of the case-studies in this research, was initially owned by the military and had been allocated to war veterans before it was transferred to the Chinese investor on a 49-year lease.

Another reason for the inability of local officials to have a complete picture of large-scale land deals in the District, has to do with multiplicity of tenure and the restrictive mandates on local authorities over different tenure types. By law, local governments are authorised to undertake transactions only on public land. Most of the land in the district falls under Mailo tenure and is controlled by landlords. Private leases or sales between these landlords and investors are thus beyond the purview of local officials. District land officers could therefore only provide anecdotal reports of transnational land deals in the district. Three of the four large-scale commercial farms that constitute the case studies in this research were acquired through private sale or lease arrangements with Mailo land owners. Without a systematic process of documenting and tracking all forms of both the scale and distribution of domestic and transnational land deals across all tenure types, it remains impossible to obtain accurate statistics and to assess the actual scale of commercial land pressure in the district.

Elites and political pressure for land in Nakaseke
Despite the legal autonomy granted to local authorities in land governance, central government elites and institutions such as the military continue to play a major role in land acquisitions in the District. As one member of the District Land Board confided during an interview, a high number of requests for allocation of public land came from local and national politicians, senior civil servants, and businessmen interested in venturing into commercial farming. Although I could not independently verify these assertions, newspaper reports and anecdotal observations provided glimpses into the murky world of power and influence in land deals in the district. In one example, I was scheduled to have an interview with the Chairman of the District Land Board, who also happened to be a practicing lawyer, at his offices in the capital Kampala. On the scheduled afternoon of the interview in May 2014, I arrived at the office to find the chairman and a senior military officer in his uniform inspecting a cadastral map of the district laid out in the table and discussing the locations of various pieces of land that were available for lease. Knowing the nature of my research, the Chairman expressed discomfort about my presence and asked me to leave. He promised to call me later for to reschedule the interview and when a week later, I inquired about the incident, he said that it was confidential and he couldn’t talk about it.

In another case, during the first months of my fieldwork, I came across newspaper reports that the then Resident District Commissioner (RDC) for Nakaseke, who is the President’s directly appointed representative, had been allegedly accused of ‘grabbing’
land from local residents in the district (Luwaga, 2011a). According to the report, over 50 villagers had complained that the RDC allegedly bought the land, covering a whole village, from a former landlord and had ‘embarked on annexing their plots to his farm without compensation and is threatening to evict them to pave way for expansion’ (ibid). In a follow-up interview that I had with him, the RDC told me that he had subsequently resolved the issue with the villagers. It was also reported in the media that he had indeed ‘relocated’ his farm following the complaints, but the same newspaper report cited residents who allegedly contradicted the RDCs claims, stating that ‘the RDC addressed a minor issue of animals that trespass on their food crops but failed to addresses the fate of their land that he annexed to his farm without compensating the owners (Luwaga, 2011b).

Another case that attracted national attention in the press was that of the Prime Minister of the Buganda Kingdom, a title and office known in the local Luganda language as the Katikkiro. He is reputed as allegedly being embroiled in a land feud with 10 families in Nakaseke District over 100 acres of public land, of which he allegedly claimed ownership without the knowledge or consent of the District Land Board (Daily Monitor, 2016d). The same reports indicate that, to secure possession of the land, the Katikkiro sent guards to demolish and set ablaze a farm house, fenced off parts local residents’ farms, and even assaulted other land dwellers. Furthermore, local land officials were reported as complaining that the Katikkiro was attempting to evict the occupants without compensation. The Katikkiro’s aides reportedly lodged complaints with the local police over the demolition of his farm house and a fence, but instead of fairly investigating the case and protecting the claims of the original land dwellers, the Nakaseke District Police Commander was reportedly pursuing a case of malicious damage to property against the local residents whom he termed as ‘the suspects [who] are on the run’.

Although the facts of the latter case could not be verified as they emerged long after I had left the field, the two cases involving the RDC and the Katikkiro are not isolated incidences, but rather symptomatic of a pervasive trend. In August 2012, another newspaper report alleged that the Uganda army had threatened to evict 300 residents to pave way for the expansion of a military training camp in the district (Daily Monitor, 2012c). The President was later reported as having intervened to stop the eviction following complaints by residents who were former members of the President’s NRA militia group, but “we are surprised that it is President Museveni whom we shielded from government forces who were hunting for him at Kabalega Camp here in Kisimula Parish [that wants us evicted]” (ibid).

These cases illustrate the significant power imbalances and the pervasive influence that powerful political elites and state institutions have over local land authorities. They also highlight the limits of technocratic and statutory measures of decentralised land governance without sufficient political autonomy and authority. This results in the negation and further weakening of the land rights of rural land-dwellers under the Mailo system
in Nakaseke District. The reliance on personal influence, embodied by the President’s intervention in the alleged threat to evict ‘military land’ dwellers, rather than resort to institutional mechanisms and legal procedure, is a symptom of both systemic institutional weakness and deliberate disempowerment and delegitimisation of institutions of land governance. These conditions therefore raise the stakes for local land governance authorities at the District level, as they navigate between powerful state-market forces and the interests of local land dwellers and their land rights.

Land fragmentation

Increasing demand for land and associated pressures are not a factor of commercial interests only. District officials argue that rising population growth and high poverty levels are significant factors that generate continuous pressure on land. As discussed above, Nakaseke is characterised disparities in patterns of land ownership, where large-scale land acquisitions exist side by side with small-scale fragmented land holdings and, according to official District reports, increasing but undetermined cases of landlessness (Nakaseke District, 2011, p. 23). The Chairman of the District Council, the highest elected official in the district, expressed deep concerns that more people, especially the youth were at risk of landlessness due to increased land fragmentation ‘as they sell off their land and then migrate to urban centres’. He conceded that it was a challenge to find appropriate solutions to discourage the selling of land, but instead to promote a culture of leasing, since the latter fetched very low prices.

The District Land Officer (DLO), on the other hand, observed that land fragmentation was so extensive and pervasive that it may be too late to reverse its effects, especially in the crop producing agro-ecological areas. He pointed out that large household sizes led to subdivision of land among family members, while high levels of poverty and declining incomes led to increasing land sales. He concluded that land fragmentation had led to diminished land holdings that cannot sustain livelihoods for a large number of households. These perceptions are in line with results of other studies conducted on the relationship between land fragmentation and poverty in Uganda, which show that the highest contributors of landlessness among rural communities were sale of land (50 percent), and demographic pressures (47 percent) (Nayenga, 2003, p. 18).

The DLO also affirmed observations by the District Chairman that in search for alternative and more productive livelihoods, some residents, especially young people, sold off their land to buy motorbikes and migrate to urban centres to run motor-taxi businesses known locally as boda boda. The same narrative was offered by young people in several villages that I visited during my fieldwork. Simon (not his real name), chose to abandon the motor-taxi business and concentrate on farming. He decried the unfortunate fate that befell his contemporaries who sold their land, but failed to succeed in their motor-taxi businesses and ended up being landless and homeless:
I have friends who have done that, they sell a small piece of land their fathers give them, they buy boda bodas and go to town to begin renting houses; they don’t make a lot of money since they pay rent, school fees; they want a simple life but time will come when they will regret. They complain, but nothing to do, since the land is no longer in their hands, people today don’t treasure land the way our fathers did. Some who bought boda bodas had them stolen, now they have nothing (interview, 24 July 2014).

Interviews with district land officials and village residents also revealed that another factor that drives land fragmentation is that wealthy land owners and powerful individuals who own land adjacent to small-scale land holders, tend to put pressure on the poor to sell their land so that the wealthy neighbours can expand and consolidate their land holdings. As the District land officer explained during an interview on May 12, 2014, these wealthy people ‘can harass you, sometimes if you have a small garden they can let their cows to keep eating your food and put pressure on you until you give up easily and sell the land to them’.

Fragmented land holdings result in intensive land use and over cultivation of small plots, which exacerbates loss of soil fertility and overall land degradation (Olson & Berry, 2003). According to Uganda’s National Environment Authority, high population growth rates is directly responsible for environmental degradation, which directly impacts the productivity of the country’s land resources (NEMA, 2016, p. 47). With declining productivity, residents then resort to selling off their land in the hope of either buying more fertile land elsewhere, or venturing into alternative off-farm livelihood activities. According to the District Environment Officer, due to the lack of financial literacy and of sufficiently robust off-farm alternative livelihood strategies, ‘these people end up encroaching on and exploiting fragile ecosystems such as forests and wetlands’. Consequently, officials urge that awareness campaigns about sustainable land use practices and sound land management methods are necessary to mitigate the most adverse effects of land fragmentation (Nakaseke District, 2012a).

**Land Conflicts**

The increased fragmentation of land and declining land sizes has put pressure on land relations in the District, as increasingly high population levels depend on diminishing resources. This, according to land officials, has led to a rise in incidences of land conflicts. The notion of conflict here draws on sociological conceptualisations of conflict as inherent to societal relations and as Coser (1957) argues from a functionalist perspective, necessary for generating processes of social change. In this analysis of land conflicts however, the interactionalist approach is more apt as, according to Oberschall (1978), social conflict entails a purposeful and competitive interaction between parties in a situation of incompatible positions, goals, or interests (Oberschall, 1978, p. 291). According to Oberschall therefore, a social conflict perspective allows us to explore three dimensions of conflict;
the first of which is its structural sources such as power, values, and resources, the second being the identification of social groups involved and their group formation, and third, the dynamics and processes of interaction within and between conflicting parties (p. 292).

It is important to acknowledge here existence of conceptual and terminological fuzziness and inconsistency in the theory and practice of social conflict, as Fink (1968) extensively argues. To this end, I found that my research participants interchangeably used the concepts of ‘land conflicts’, ‘land disputes’, or ‘land wrangles’ to explain various forms of competition for land access, ownership, use and control. For the purposes of this research, I concur with Babette Wehrmann’s attempt at a comprehensive definition of land conflict:

‘as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land’ (Wehrmann, 2008, p. 9).

The social conditions that underlie the prevalence of land conflicts in central Uganda appear to be consistent with factors experienced elsewhere in Africa including perceptions of inequality in Zimbabwe and South Africa (Schweitzer, 2008), and ill-defined property rights and tenure security in Ethiopia (Di Falco, Laurent-Lucchetti, Veronesi, & Kohlin, 2016). In Nakaseke, the secretary of the Land Board noted during an interview in June 2014 that they received complaints and reports of land related conflicts ‘on a daily basis and some of them have become violent’. In these interviews, local officials also used the terms ‘conflict’ and ‘dispute’ interchangeably, to describe all forms of inter-personal disagreements over ownership, user rights, transfer, demarcation, or inheritance of land. They further pointed out that the intensity of these conflicts could range from mild, sporadic disputes, often resolved through local-level processes of mediation, to protracted and violent conflicts that involve higher-level authorities, law-enforcement officers or the courts.

The local government in Nakaseke doesn’t however keep any records of such disputes, but the District Land Officer stated that the seriousness and prevalence of land conflicts countrywide, necessitated the creation of a special unit of the Uganda Police, known as the Land Protection Police Unit (LPPU), to ‘handle high cases of land conflicts and sometimes, they call me and other officials for advice’. The regional office of the Land Protection Police Unit is located in Luweero Town, in the neighbouring Luweero District. It is thus not easily accessible to residents of Nakaseke District as the villages furthest from administrative centres are the ones most likely to experience protracted and escalating conflicts do to the scant presence of the state. Most land-related disputes are thus brought before local-level Area Land Committees or traditional village elders, while intractable conflicts
are escalated upward to the District Land Board, or other higher-level official authorities or ordinary police units.

Officials reported that most of the land disputes occurred between and within families, often associated with subdivision of land or poorly demarcated and contested boundaries. The majority of these were said to occur in the densely-populated crop-production zone in the southern parts of the District. Most of these types of land conflicts were successfully mediated and resolved by village elders, local politicians, and in some cases district officials. Still, cases of violent land conflicts have been reported, some of which are said to arise between tenants fighting over claims to the same piece of land, and often in the absence of landlords who may be deceased or not easily available to manage affairs on their land. Other cases involve incomplete land transactions where claimants or their descendants may have inherited, bought, or leased land but never registered their interests nor acquired titles. Other cases involve fraud where people may buy or lease land from fraudsters who, in the absence of registered land owners or clear land records, falsely claim to own the land and proceed to transact on it with counterfeit documentation. Figure 22 below shows a typical newspaper story depicting the rampant presence of fake land titles that could be used to fraudulently sell or lease out land in Uganda.

Figure 22: Typical newspaper report showing rampant presence of fake land titles in Uganda. Source: Sunday Monitor April 13, 2014.
Other causes of conflicts include incomplete land administration processes where an applicant who is successfully granted a lease, proceeds to occupy a piece of land, but fails to complete the documentation process. The same piece of land may still appear in the district’s land records as being available, and the Land Board may offer it to another applicant. This often occurs due to the poor state of land records and the inefficient and complex process of land registration in the District. Such failures end up generating conflicts arising from overlapping claims over the same pieces of land.

Rather than take responsibility for inefficient land administration systems, officials that I interviewed attributed the many high incidences of land conflicts to illiteracy and ignorance of land regulations on the part of the citizens. The secretary of the Board presented a scenario in which when farmers either deliberately or inadvertently fail to pay the required annual ground rent to the local government, it becomes impossible to reach them since because most ‘either have no post office box addresses, are either illiterate, or don’t want to read even if you write to them’. This, according to him, necessitates face to face contact between district land officers and the farmers, a feat which he says, is beyond the resource capacity of land officials. Since the local government was constantly operating under financial constraints and had an urgent need to increase revenue streams, district officials found it frustrating and undesirable to lease more land to such residents and were instead prioritising allocation of some land to commercial investors who have the capacity and readiness to pay land rates to the district.

Squatters
As discussed in Chapter 4, the Mailo land tenure system prevalent in central Uganda, including Nakaseke District, has historically been characterised by absentee landlords with large tracts of land, often occupied by squatters. When Mailo title holders wish to (re) occupy, sell, or lease out their land, it is often the case that squatters who occupy part, or all of the land, may be relocated or dispossessed in one form or another. In principle, Uganda’s land law, specifically the Land Amendment Act of 2010 under section 35A and B, protects the rights of lawful occupants, by giving the tenant right of first option to any transaction engaged in by the landlord such as lease or sale of the occupied land.

A lawful occupant can thus, only be evicted for non-payment of the annual nominal ground rent to the title holder. But the tenant is given six months between the date of the issuance of an eviction ruling, and the implementation of the same. A landlord wishing to evict a tenant for purposes of selling the land is thus barred from doing so, and faces stiff penalties including imprisonment of up to seven years and payment of fines and restitution and compensation to the evictee. However, cases of forceful and sometimes violent displacement, often with inadequate or no compensation, are common.

In Nakaseke District, local land officers that I interviewed reported frequent incidences of forceful eviction of occupants, often with minimal or no compensation. Some officers
however seemed to sympathise with landlords, arguing that the law gives undue advantage to the tenants and diminishes the rights of land owners; and in the process, impedes the potential for investment in the district. According to this argument, the presence of occupants on either public or Mailo land earmarked for lease attracts little interest from potential investors due to the often chaotic and protracted process of ‘ridding the land of occupants’.

![Image](image-url)

Figure 23: Newspaper report depicting a typical story of rampant eviction of squatters in central Uganda. Source: Daily Monitor, October 29, 2012.

Similarly, the burden of compensation and displacement, which often falls on the original title holder, is seen as a disincentive to primary title holders either investing their own capital, or finding external shareholders to invest. As the chairman of the District Land Board explained:

*There are so many people who have applied for public land for commercial use but the land may be having so many squatters which means it may be very expensive*
to compensate those people since the responsibility for compensating squatters on public land lies with the beneficiary of the allotment, so which means investors are discouraged and they prefer to deal in private Mailo land; but you can also find that although Mailo land with a title and no squatters reduces the cost of compensating the squatters, that land is very expensive, which also means that some investors are discouraged. So, in the end, they prefer public land because it is cheaper and sometimes they can get assistance from the government through subsidised rates (interview May 13, 2014)

Some critics of the protections afforded to tenants under the land law, such as Muyomba Nicholas a valuation surveyor, argue that squatters (illegal occupants) ‘usually disguise themselves as lawful occupants and as such become legally protected by law hence further fuelling land conflicts between landlords and their tenants’ (Muyomba, 2015). The same argument was used by the President of Uganda in 2014, to dismiss the claims of 146 families who were allegedly displaced by the allocation of 18 square miles of land, part of which they occupied, to the Turkish investors in Nakaseke District.

According to a newspaper report on the story, ‘President Museveni wondered why they would be compensated since they are the ones who encroached on government land’ (New Vision, 2014b). Local land officials also say that cases of illegal squatters tend to frustrate the efforts of the local government to protect the interests of genuine occupants. However, due to the poor state of land records, the lack of registration of occupancy by tenants, and unwillingness of landlords to cooperate with local authorities, it is often difficult to distinguish between genuine occupants and illegal squatters. These challenges further compound problems in the governance of land in the District and raise pertinent questions on the role, and room for manoeuvre, for local authorities in governing commercial pressures on land.

4. Governing commercial pressures on land

Monitoring of land acquisitions
As part of their land governance mandate, District Land Boards are required to produce annual land reports. These reports serve several functions, among which is to facilitate transparency and to provide accountability to all stakeholders within both local and central government as well as the public in general. These reports are therefore available for public scrutiny and were made available, on request, for research purposes. Each of the four annual land reports for the years 2009/2010, 2010/2011, 2011/2012 and 2012/2013 contain detailed records of all land transactions carried out by the Board within the year. These include entries for new land lease applications (for public land), approved requests
for lease allocations, applications for subdivisions and/or transfer of proprietorship, approval and confirmation of leasehold offers, as well as lease renewals and extensions. The records contain detailed information on the names and contact addresses of the applicants, plot numbers (where available), and the location and sizes of lands transacted.

Since the land law is very specific on jurisdictional authority of local governments with regard to tenure, the Land Board is only permitted to hold and allocate public land within the District. Consequently, the annual land reports only contain transactions in relation to ‘public land’. Although the local government is additionally mandated to facilitate the registration and transfer of interests in land, this mandate is only exercised by the technical officers in the District Land Office, which is structurally and functionally separate from the District Land Board. Through the land office, the local government only provides land administration services for non-public land such as freehold or Mailo, pertaining to registration of land transactions, without powers of allocation or transfer of tenure. Transactions on privately held land are therefore not captured in the District Land Board reports; hence, data on transfers between private landowners and for instance transnational commercial investors are not unavailable.

Furthermore, despite the detailed entries in the District’s land reports, information on the nationalities of the applicants is not recorded; neither do they indicate the land-use purpose for which the transactions are requested or approved, whether for residential, urban businesses, or commercial agriculture ventures. It is therefore difficult to determine from these records, the scale and types of local or transnational land deals in Nakaseke. The information gap was exacerbated by claims by the secretary to the District Land Board, that once leases were approved and user certificates issued, applicants ‘do not want to come back to pay their annual ground rent and so there is no follow-up to know what exactly they do with the land’ (interview April 29, 2014). This is compounded by the limited resources and lack of capacity at the local government to conduct regular and exhaustive field visits for purposes of monitoring. With no mechanisms for self-reporting or established private sector associations such as farmers’ cooperatives, the local government loses almost all contact with the allottees and thus cannot track on-farm activities and land-use practices within its jurisdiction.

Structural gaps and capacity challenges, part of which have to do with the local government’s lack of its own land office, inhibit effective monitoring of all land transactions in the District. According to the District Land Officer (DLO), effective land monitoring depends on the availability of regular, accurate, and up to date land transaction and ownership information. In order to establish the scale and distribution of transnational commercial land acquisitions, the DLO would have to conduct a physical inventory by visiting every location where foreigners allegedly own land in the district. In the absence of this, he said that such information only came to light when investors approached the local government for advice or services, but this, according to him, rarely occurs. And even when such
information may come to his attention, no official records are readily available to verify the formal details of ownership type and contractual terms. When I pressed him that it seemed odd that he had no knowledge of the true nature of land issues nor systems of obtaining such information, the DLO claimed to have recognised the gap and had been in the process of registering foreign investors, but could not complete the exercise due to lack of funds. I was unable to independently verify whether such an exercise had indeed been carried out, and my sense was that he was simply trying to save face, as he could not provide any documentary proof to support his claims.

**Regulating (public) land allocations**

The legal autonomy granted to the District Land Board gives it discretionary powers in the allocation of public land in the district. It can decide whom to allocate what land size, in which location, for what lease duration, and for how much. In addition, by virtue of having access to land records, the Board is privy to information on lease durations and expiry dates on every block of public land. It therefore enjoys significant power of determining who can access such information in order to either apply for renewal of leases already held, or make information available to new applicants for the same land. The board can also determine the conditions under which a lease can be extended beyond the initial interim 5-year probationary period following a lease offer, as well as assessing whether such conditions have been met, triggering either a withdrawal of the lease offer, or confirmation and extension.

Interviews with board officials indicated that applications for land allocations were received from a wide variety of interested parties, including residents and non-residents as well as foreign investors. District land reports show that most applications targeted specific pieces of land, with applicants citing precise plot numbers and acreage. Applications from local residents were directly submitted to the Board by individual applicants. But according to officials, the Board also received requests of an unspecified nature from non-residents, inquiring about the availability of ‘suitable’ land. Board officials say such demands for commercial-size arable land usually came from land speculators or brokers (known in Uganda as dealers), military officers, and government officials or politicians. According to the chairman of the Land Board:

> Those ones who are resident in the district they apply directly to us. Others come through government officials, they come thinking we have large pieces of free land waiting but when I tell them that land is occupied by squatters who require compensation and it is the mandate of the government to compensate them yet we have no money, they say that we are frustrating investors but they are not willing to compensate those people themselves (interview, May 13, 2014).
The Land Board regulates these increasing land pressures in two ways: Firstly, by limiting the amount of land allocated to individual applicants and calibrating between commercial and subsistence farmers; and secondly, by managing and resisting political pressures and influence from central government elites.

On the first count, although there is no official land-size cap in Uganda nor in Nakaseke, the chairman of the Land Board says that they use ‘sound judgement’ in determining the sizes of land to be approved and allocated, regardless of the sizes requested by applicants. According to the Board chairman, if an applicant, for instance, requested for 100 acres, or if two persons applied for the same 100-acre piece of land, the board may approve only 50 acres per applicant ‘because there is a high demand and we want to ensure other applicants also get some land’. According to the Land Board, factors considered in approving land applications include:

i. Assessing the capacity of the prospective investor to effectively use the land. This is necessary to avoid allocation of land to brokers who may want to hold the land for speculative purposes.

ii. Applicants are allocated land for an initial probationary period of five years. This is to determine their ability to effectively use the entire land allocated. Upon expiry of this period, the lease may then be renewed, or the area size reduced and the rest allocated to other users. During this five-year period, the applicant may not sublease the land.

According to the Land Board chairman, there are instances when preference is given to large-scale commercial investors, if the local government assesses and is satisfied that the investors ‘are going to put up a big investment that can lead to employment, and are going to pay taxes for revenue to the District because we are interested in development’. He however concedes that in some cases, this has led to complaints from local residents that the Land Board was giving away too much land to foreigners.

*Sometimes we have complaints from the residents who complain that we give a lot of land to investors either local or foreign, but so long as we know you are going to put up a big investment that can lead to employment, and you are going to pay taxes for revenue to the district, and because we are interested in development, sometimes we consider the investors more (interview, May 13, 2014).*

Considering that the only arable land in the district lies in the densely populated one-third of its total area, which is also characterised by extensive land fragmentation, the presence of large-scale land acquisitions in these villages stand out in stark contrast with the smaller and often unsustainable land sizes held by local residents. Nonetheless, local officials give the justification that, since Nakaseke is a rural district with no industrial base, large-scale commercial farmers are preferable because:
i. They are likely to create much needed employment for local communities.

ii. They can lease out their farm machinery at subsidised cost to local farmers, and donate heavy earth-moving machinery to the community for infrastructure improvements such as road-clearance, bridge construction, or digging dams.

iii. They sell their farm products to local residents at below-market prices, hence supporting food security.

iv. They also buy produce from, or develop out-grower schemes with, the local community, thus creating markets for local small-scale farmers.

Although these benefits outlined above may not translate to direct revenue streams to the local government, officials value the investors’ potential contribution to local communities. Further interviews with residents of villages adjacent to the large-scale foreign-owned farms and farm managers in the large-scale farms under study, revealed that these anticipated benefits did not usually materialise in practice. It thus appeared that these were optimistic projections on the part of local government officials. Farm managers on two separate large-scale farms indicated that the risks of leasing out their equipment to local farmers were too high because, allegedly, the small-scale farmers lacked the knowledge to operate the equipment. They also argued that the small-scale farms were not adequately prepared for mechanised tilling, and would cause damage or breakage of expensive machinery, whose repair costs would either be too high or that replacement parts were not available locally. The promise of local benefits from large-scale investors therefore appeared mixed at best, and in the most part, doubtful.

On the second count, members of the District Land Board, during individual interviews cited interference from central government elites as threatening their autonomy in carrying out equitable land management in the district. These assertions confirmed a prevalent trend that I observed during the period of my fieldwork where several conflicts between local officials and central government elites were extensively reported in the national press. One such tussle, that had been dragging on since 2010, concerned a directive by the country’s President to Nakaseke local government, to provide land to investors for the construction of a meat factory (Luwaga, 2013). Although the local government agreed to lease 40 acres of land to the consortium of investors that allegedly included a Norwegian company, the conflict arose, according to local government officials, over the investors’ insistence on being granted a freehold, rather than leasehold title to the land. The local government in Nakaseke rejected the request, arguing that a leasehold title would be more appropriate in order to safeguard against total loss of public land, should the proposed investment fail.

In June 2013, I was present at a public rally that was held in at Nakase district headquarters, part of an annual ‘heroes’ day’ commemoration of the NRA victory in the 1980s-civil war. I witnessed the President reprimanding local government officials for allegedly
‘frustrating investors’ by delaying to facilitate the allocation of land to the proposed meat factory. At the same event, (see figure 24 below), the President (in hat) rewarded the local area Member of Parliament and a long-time ally with a commendation medal for her ‘unwavering loyalty’.

The chairman of the District Council (the highest elected officer at the local government) attempted to clarify the issues during the rally, and later told me that they would continue to resist such pressure and maintain their position. He pointed out that political patronage, such as the President’s direct intervention, was often abused by unscrupulous speculators who seek to impose unacceptable demands on the district. However, as another local government official in charge of natural resources explained, in the contest between local officers trying to follow legal procedures or local priorities, and central government elites wanting to have their way, the local government does not always win.

*If you get involved in those issues, they would say that you are preventing development. So, if the minister involved says that these are my investors, they must go on with their work. So as long as an investor has a big power behind him, he can carry out what he wants (interview, March 20, 2014).*

![Figure 24: Heroes Day celebrations in Nakaseke. © Josh Maiyo, June09, 2013.](image)

Other cases of higher-level political pressure for land allocations in the District involved the military and individual army officers who allegedly encroached on land occupied by local residents, while some were reported in the national press as having threatened to ‘evict’ public institutions located on land that members of the military lay claim to (Luwaga, 2012a; Wandera, 2010). In one other case involving the military, a senior army officer with the rank of Major General was allegedly under investigation for corruption involving an alleged acquisition of over 300 acres of land in the District (Daily Monitor, 2013).

The case captured national attention, not just because the officer was under investigation, but also due to the fact that the land was acquired from the family of a local area resident who died during the 1980’s NRA rebel war. As discussed in the Chapter 4, the NRA
insurgency was led by the incumbent President (Yoweri Museveni) who has continued to stake his political legitimacy as a protector of the interests of those who sacrificed their lives in the ‘bush war’ to liberate the country from alleged tyranny of past governments. This popular narrative is further supported by press reports indicating that in both land cases involving military officers in Nakaseke District, the President or his office, the State House, have directly intervened allegedly in favour of area residents (Luwaga, 2012c).

Local elites are themselves not beyond reproach, as they too can use their considerably influential positions to profit from land allocations. The case of the Resident District Commissioner (RDC), the President’s personal representative in the District, that has been explained above is one such example. The national press reported alleged high-handedness and impunity in the illegal acquiring land claimed by local residents and using his authority and control of security forces to intimidate complainants (Luwaga, 2011a). Local government officials are thus caught between a complex web of interests between central government elites, private investors, their own individual interests as well as expectations from local residents. Still, they claim that the paramount interest is that of the local government and its residents and justify their attempts at balancing both equitable land governance and investments by arguing that land is the main, if not the only, source of livelihood for the majority of rural poor in the District as well as revenue streams for the local government.

Local officials especially cite increasing population pressure in the District as the main reason why they see their key role as protecting the local communities’ equitable access to land both for the present and future generations. They particularly stress that arable land scarcity and fragmentation leading to most the residents having progressively small plots as a worrying trend which is exacerbated by increasing commercial pressure on land. As the District Secretary for natural resources out it:

Land will not always be there in future as we are increasing in number...but we will help our people get land because there will always be expiring lease holds...as a district we are trying to balance that there is uniformity in land ownership between those who have money and who don’t (interview, April 29, 2014).

Responding to my questions on concrete and practical actions taken to ensure equitable land access, the Land Board Secretary said that they provided information to local residents about available land or land whose leases were about to expire, and encourage them to apply. He further stressed that members of the Land board clearly understood that in their leadership capacity, they had a ‘responsibility to make sure that not all the land in the District ended up in the hands of foreigners’.
CHAPTER 6

Protection of land rights

The predominant Mailo tenure system in the district is characterised by tenant occupancy on land without primary title. Uganda’s land law gives the local government the mandate to protect the land rights of vulnerable groups such as Mailo tenants. The Land Act (Cap 227 Sections 31 to 38), and specifically, the Land Amendment Act (2000), specifically recognises, and provides for the protection of the rights of tenants on registered land. By extension, and based on its jurisdiction over land within its borders, the local government has the responsibility to protect the rights and enhance the security of lawful occupants (RoU, 2010b). These sets of laws delineate the rights of the tenant vis-à-vis the landlord and stipulate conditions under which a tenant may be evicted. Some of the protections accorded a lawful tenant by residency include:

i. Protection against unlawful eviction, permissible only for failure to pay ground rent
ii. Recourse to the courts to challenge unlawful eviction
iii. The right to a certificate of occupancy from the landlord
iv. Rights to assign, sublet, subdivide and undertake any other lawful transaction in respect of the occupancy
v. The right to exercise first option of buying should the landlord wish to sell the land
vi. The right to acquire any other forms of registerable tenure on the occupied piece of land such as freehold; Mailo; lease; or sublease.

Despite these provisions, a large number of the residents of Nakaseke District enjoy very little tenure security on their occupancy rights, since most do not have registered title of interests on the land that they occupy. Local officials that I interviewed attributed this to high levels of poverty and illiteracy among most of the residents who are either unable to pay to access land administration services, or are uninformed of the possibilities available and the need to register their land rights. They also attribute reluctance to register title to long-standing cultural attitudes of inherent distrust and suspicion of written documentation.

Registration of land tenure is also seen as exposing the occupant to payment of land rates demanded by the local council, a cost that many land dwellers prefer not to incur unless compelled to. They suggest that for these reasons, many local residents do not care to obtain official registration of occupancy. Furthermore, officials emphasised that many residents are unaware of the legal protections accorded to them by law, nor are they aware that they have legal rights to obtain certificates of tenancy from their landlords. These official narratives were largely confirmed during focus group interviews with local farmers, though they also cited deliberate evasive practices outright refusal to facilitate the registration of tenancy by landlords.

The arguments offered by District officials above appear to be an attempt to apportion responsibility for the low levels of tenure security on the citizens, yet as discussed Chapter
Managing land conflicts

The *Mailo* tenure system prevalent in Nakaseke District, as has been discussed, is characterised by overlapping rights to the same plot that creates conditions leading to land conflicts. Additionally, Deininger and Castagnini (2006), as well as Rugadya (2009), in their extensive research on the incidence and consequences of land conflicts in Uganda, found that the high level of population growth, rising land values, and uneven distribution have led to increased land scarcity and rising cases of land conflicts. The same research also established that vulnerable groups such as female headed households, especially those headed by widows and separated women were more likely to have a land conflict (Deininger & Castagnini, 2006, p. 14). Furthermore, Nayenga (2003) argues that increases in land conflicts are leading to loss of land or ‘asset depletion’ particularly among the chronically poor households and those that are moving into poverty, leading to rising cases of landlessness (p. 5).
From interviews that I conducted with district, sub-country, and village-level land officials, it emerged that conflicts arising from transfer of land-user rights in Nakaseke often escalated to conflict characterised by resistance, open confrontation or violence as land dwellers are faced with threats of eviction or actual dispossession in part or in full. While the land law clearly stipulates the conditions and procedures for compensation in the event that displacement becomes necessary, the reality on the ground, according to land officers, is characterised by rights violations on various levels. Land advocates contend that the primary reason behind the lack of recognition of the rights of occupants and failures in compensation is institutional weaknesses in the enforcement of the law. Uganda’s national land policy recognises that the rising commercial interest in land and associated acquisition processes do not always adhere to the principles of ‘prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property’ (RoU, 2013b, p. 13).

Officially, local authorities have no legal powers over settlement of land conflicts. However, various actors and institutions within the local government do intervene to resolve disputes, depending on the consent of conflicting parties. Although such mediated agreements are not legally binding, most land disputes are settled in this way. Owing to the large number and variety of land conflicts, multiple institutions and personalities, including both informal authorities such as traditional chiefs, as well as elected and appointed officers of the local government are involved on a regular basis in settling land disputes.8

The case of Reverend Wilson (RIP), an evangelical preacher and respected village elder, best exemplifies the role of alternative informal mechanisms of local-level land administration and conflict resolution. He was the first resident in one of the villages close to the Chinese-owned Hanhe Farm that I met and interviewed. We subsequently developed a close relationship and his home, which was located quite close to the road to Hanhe Farm, became a regular stop-over on my regular visits. The Reverend had lived through the ravages of the 1980-85 Luweero Triangle war, at the height of which he and his family abandoned their homes and sought refuge with relatives in Kampala until the war ended.

He also bore witness to the many land wrangles that ensued as returnees came back to claim their land over successive decades. He subsequently emerged as a trusted, fair and just arbiter in the land disputes, owing to his religious faith and long memory of the history of land ownership and occupancy in the village. To inform the public of his voluntary services, he set up a board outside his house facing the road, inviting anyone who had questions about the various blocks of land to seek his advice.

8 A detailed discussion of cases of land conflicts and mechanisms of resolution is presented in chapters seven and eight.
The Message on the board, written in the local Luganda language reads:

KIGOMBE own (private) Mailo land, Yayiro Kyebalya Block No. 632 Scale: 110,000.
Every person using this land and would like to know the truth (John 8:32) about the
person responsible for it or the owner of the land title of the land which you occupy
(on which you are working), come with 2000/= (Uganda shillings), we will also give
you a receipt and you will get a clear understanding of the laws that authorise you
and confirm us to be good neighbours (good residents with others). Then you can
settle firmly!! We develop our village Kigombe. Long live the king of Buganda.

This multiplicity of local actors is one of the major hindrances to the efforts of local
authorities to intervene in land conflicts. Almost every local official involved in land
administration in the District admitted to being involved in mediation of land disputes.
Recent research done in northern Uganda shows that the multiplicity of actors in local
land dispute resolution generates problems that include inefficiency, duplication of roles,
and interest competition that often compound rather than solve the problem (Kobusingye
et al., 2016).
The crowded mediation field creates confusion among conflicting parties regarding the right procedures and relevant institutions to resort to in addressing their grievances. It often creates inefficiencies, generates possibilities for manipulation due to conflicting interests or bias on the part of mediators, and in some cases collusion between mediating officials and some parties in the conflict for personal gain. One Area Land Committee chairman cited the involvement of higher level Sub-County politicians in local level conflicts as being motivated by partisan political interests as opposed to delivering justice for the aggrieved:

*Instead of that chairman directing the concerned person to the Area Land Committee, he comes in to handle the issue himself. We have heard about him sitting in land meetings, which is bad because that is not his job but he does it because of politics. The bad thing about our politics is that they will always be on the side of the majority even though they are wrong, because they are looking for votes, whereas on our side we will not side with anyone since we don’t mind the votes (interview June 24, 2014).*

Another major obstacle to effective resolution of land conflicts is the lack of adequate information. Local government officials concur that despite protections in law, residents are often not aware of their rights and how to seek protection. They suggested that translating the land law into local languages and making simpler public versions would make it more accessible. When I made inquiries and observations at the District land offices in Nakaseke and the regional land offices in Bukalasa, it was evident that there were no leaflets, brochures, or others forms of information available to the public. As figure 28 below shows, a few posters, most of them in English were pasted to the walls, but only very few residents in the district are literate in English and even fewer of them had reason, or means to travel to the district headquarters. Local government officials proposed that the Ministry of Lands should scale up implementation of its training and awareness-raising mandate, as they themselves had no budget for this, in order to educate Area Land Committees (the lowest level of land administrators) and citizens on land laws and their rights within them.

The lack of legal legitimacy and enforcement capacity is another major hindrance to effectiveness of local governments in managing land disputes. The creation of the Land Protection Police Unit was meant to provide an enforcement authority in the protection of land rights and management of land conflicts. However, these are under-resourced and stretched thin, staffed with a few personnel based at regional offices responsible for clusters of districts. The local chief and residents of Kasambya village adjacent to Hanhe Farm said that they often had to pay the police to fuel their vehicle so that law-enforcement officers could travel to their village to inspect and collect evidence on land disputes. They lamented that even after paying the money, the police often never showed up.
The fact that the Land Protection Police Unit is not under the jurisdiction of the local government, avenues for coordination are not well structured, leading to incidences of duplication and inefficiency. Local officials expressed their frustrations and conceded that all the local government could do was to educate the public on the proper legal and administrative procedures for dispute resolution, and where possible, arbitrate disputes in cases where all parties accepted and the local government’s intervention.

While most land disputes are resolved extra-judicially, some end up in court. But court processes are lengthy and expensive, with several dragging on for years. One case I followed extensively during fieldwork involved a Norwegian investor who acquired a piece of land from a Ugandan Mailo title holder. When he moved in to start farming operations, a third party, another Ugandan national, went to court to contest the deal on the basis that he too had title to the land and was the rightful owner. According to the Norwegian investor, the court put an injunction on the land and none of the conflicting parties was allowed to extend claims nor carry out any activities further than the area of the land they had already cultivated. By the conclusion of the fieldwork, the case had been in court for more than four years without resolution. A local government land official in Nakaseke said
cases could even take up to ten years in court, hence the likelihood that conflicting parties resort to extra-judicial means, including political influence, police forces, or violence to resolve disputes.

![Image of the Land Protection Police Unit Offices in Luweero Town.](image)

**Figure 27:** The Land Protection Police Unit Offices in Luweero Town. © Josh Maiyo, 26 June 2014

The cost and duration of court cases can put access to rights protection, and redress for rights violations out of reach for the poor. Perceptions of absence or delay of justice can thus lead vulnerable parties such as the poor to either resort to violent resistance, or simply walking away from the dispute. Those with access to power may either wait and wear out the weak, or use the state’s instruments of force such as the police or even the courts to have their way. Local government officials however say that the most effective way to manage conflict is to pursue equity and address potential points of contention using stakeholder consultations before conflict arises.

**Stakeholder consultations**

Where access restriction occasioned by large-scale land acquisition is accompanied by perceived lack of direct benefits from the ‘investments’, tensions and forms of subtle resistance begin to emerge. In Nakaseke, cases of ‘illegal harvesting’, or theft of maize and other crops, as well as livestock from large-scale farms were reported. When I visited the
Land Protection Police Unit in Luweero, I was informed of a case of a young man who was detained allegedly for stealing a heifer from a large-scale rancher. In order to deter such practices, farm managers have harshly treated alleged offenders, including anyone caught ‘trespassing’ on the investors’ land. These include severe beatings, on-farm detention, as well as being taken into police custody.

By the time local officials are called in to intervene, tensions would have escalated leading to strained relations between investors and adjacent local dwellers. The case of the alleged illegal acquisition of 100 acres by the Buganda Kingdom’s Prime Minister (Katikkiro) in Nakaseke District is illustrative: Newspaper reports allege that there were spates of retaliatory property damage sparked by the fencing off of local residents’ plots by the Katikkiro’s agents (Daily Monitor, 2016d). Since the powerful actors usually do not themselves carry out the physical acts of enclosure, but deploy their agents, local dwellers often do not have access to the authoritative actors in order to communicate their grievances, hence the resort to acts of violent resistance. In this case, as is also common, local government officials were completely left out of the acquisition process. Conflicts are thus compounded by the lack of direct communication between local government officers, commercial investors, and local communities in the district.

To manage stakeholder conflicts, the Chairman of the District Council (LCS) told of a plan that was mooted to encourage commercial large-scale investors in the district to meet with local government officers for dialogue. Invitations were allegedly sent out, but only five of the fifty who were invited are said to have responded. During interviews with farm managers at two of the commercial farms, they told me that they objected to the language in which the letters were written, alleging that they felt that they had been summoned to appear before the local government without a clear agenda or purpose and found it not worth their time to attend. Other than the summons, the farm managers pointed out that District officials did not engage with them, nor offered any services that would warrant the development of a useful reciprocal relationship with the local authorities. One farm manager complained that District officials only attempted contact when they wished to ‘dictate’ environmental restrictions on farm developments.

Local officials were thus perceived, by the commercial investors, as being obstructionist. This led to an environment of mutual suspicion and mistrust, but the District Council (LCS) Chairman maintained his determination to meet with the commercial farmers in order to ‘exchange information on their activities and discuss their obligations to the local government in terms of taxes and corporate social responsibility’. In his view, part of the responsibility for the state of affairs lay with the central government which, he argued, gave commercial farmers ‘the mandate so they feel they are answerable to the central government and not the District, so the District needs to be empowered by the central government’. It was however not clear how he envisaged this to be done.
Other than the lack of mutual trust, the failure of collaborative consultation can be attributed to other factors, such as the absence of structured institutional arrangements for mutual engagement between the public and private sector actors. It was also clear that there were deep divergences in expectations and perceptions about relations of interdependence between public and private actors. In addition, the low level of development and limited institutional capacities of the state at the local government level diminished the depth of state-society relations demanded by an emerging private market represented by the entry of large-scale land investors in the District. To bridge this gap, the District Council Chairman (LCS) proposed the creation of byelaws that would compel the farmers to engage with the local government. These, he suggested, would include requirements for the investors to undertake ‘social responsibility projects like building a school or health unit’. It however remains doubtful whether the local government has the authority to make such byelaws or enforce them. Although the LCS Chairman remained optimistic, he conceded that they would have an enforcement challenge ‘because we get interference from above’ (interview, June 12, 2013).

Neither the District Council Chairman nor any of his colleagues, proposed any path towards constructive stakeholder engagement that would bring together and address the needs and grievances of local land dwellers and large-scale investors in the District. At a stakeholders’ workshop that I organised at the conclusion of the fieldwork to discuss my research results, I learned that this was the first ever event in the District where local government officers, central government technocrats, large-scale foreign investors and their farm managers, and local politicians to meet each other. All parties expressed appreciation for the opportunity, and indicated the intention to build on it to structure future processes of engagement. However, there were no concrete proposals, nor a clear framework of engagement discussed at the meeting. I however learned that lower-level technical officers from the District had had limited interactions with some of the commercial farms and had visited them on a few occasions. Although these visits were within the narrow mandates of environmental inspection or coordination of extension services, they perhaps represent an opportunity for the organic and bottom-up development of relations of engagement between large-scale investors and the local government.

**Land management and environmental protection**

Large-scale land acquisitions for commercial farming lead to land use-changes characterised by extensive clearing of vegetation cover, including the clearance of all trees, levelling of the terrain, and draining of swamps to facilitate mechanised operations. Farming in Nakaseke, as in the rest of the Uganda, relies on rain-fed agriculture, but due to erratic rainfall variability, some commercial farms excavate large valley dams or water pans to

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9 See chapters 7 and 8 for a detailed discussion of stakeholder relations.
ensure availability of water in the dry seasons. According to the District natural resources officer, such practices have significant environmental impacts such as exposing soils to erosion, destruction of natural habitats, ecosystem changes, and endangerment of fragile landscapes such as wetlands. A report on large-scale land acquisitions in Uganda by the non-governmental organisation Friends of the Earth provides case-studies to back up claims that ‘forests have been cleared to make way for the plantations and wetlands have been drained, damaging the rich natural biodiversity’ (FoE, 2012, p. 5).

Uganda’s environmental laws require that, before any major land-use changes are carried out, environmental and social impact assessments must be conducted. For areas with fragile ecosystems, such as wetlands and riverbanks, the National Environment Management Authority (NEMA) must issue user certificates before any planned operations can take place (NEMA, 2000). But as officials disclosed, most commercial farmers undertake these on-farm operations without carrying out impact assessments or being issued with user certificates by NEMA. And whenever these are conducted, they usually serve as a formality since NEMA, which is only located in the capital city with no presence in the districts, has limited capacity to carry out field inspections at every single project location countrywide. Approvals, permits and user certificates are therefore granted, often on the strength of the impact assessments which are conducted by the agents selected by the investors themselves. This creates the possibility of conflicts of interest and lack of accountability at both national and local government levels. Such a parallel structure appears to completely bypass and undermine the authority of local governments in land and environmental management.

At the local government level, Nakaseke District has an environmental action plan (2012–2017) which states that its priority environmental issues are: water scarcity, deforestation, bush burning, soil erosion, reduced soil fertility, and degradation of wetlands (Nakaseke District, 2012, pp. 12–20). A significant number of these impacts are directly attributed to land-use practices associated with large-scale commercial farming. The District’s environment plan proposes to address these crises through a number of measures such as: promoting agro-forestry, encouraging tree planting, establishing tree-nurseries, and formulating local laws against deforestation. These proposals do not however, specifically address direct engagement with large-scale farmers. The District environment officer informed me that the local government had passed a resolution requiring large-scale commercial investors to reserve part of their land for tree planting. But it wasn’t clear whether this was part of the general byelaws proposed in the environment plan, or that they were specifically designed for large-scale investors.

Interviews with commercial farmers revealed that they were unaware of such proposals or guidelines. They again cited the lack of consultation with the local government and the lack of participatory decision-making regarding regulations that would affect their farm practices and operations. Despite their ignorance of these rules and the lack of consul-
tation, three of the four farms studied had, on their own accord, left sections of their land uncleared and retained them as ‘tree reserves’. It was however uncertain whether this would be a long-term or permanent situation, since all of the farms in this study had just been established and were still undergoing expansion. All farm managers that I interviewed talked of plans to extend clearance and expand cultivation. Asked how they intended to enforce these guidelines, the District environment officer hesitated and cited significant imbalances between the financially and politically powerful investors, and the under-resourced local officials as creating an uneven relationship that places local officers at a disadvantage. This admission also reveals that challenges of managing land-use in the District are not just external, but are also constitutive of inherent weaknesses within the local government structure.

Interviews across different departments and offices revealed institutional gaps and interpersonal relational rifts between different officers which also contributed to weaknesses in proper and effective synergies between land governance and environmental management. For instance, although the District Land Office, which is composed of technical officers, and the District Land Board comprising mostly elected officials, were aware of the mandate and activities of the District Environment Office, which is a separate department, there was no evidence of close collaboration and synergy between them in terms of environmental management. The Land Board was for instance alleged to be violating environmental regulations by allocating land in fragile ecosystems including wetlands for commercial exploitation, despite objections from environmental officers. Conversely, I observed on several visits to the farms under study that ecologically harmful and environmentally degrading land-use practices, such as the application of pesticides and herbicides in wetlands, as well as bush clearance by burning, occurred without the awareness or effective monitoring by the environment office. Land-use changes and environmental effects are discussed in more detail in chapter 8.

The anticipated establishment of a District Land Office at the District headquarters, the officers suggested, was expected to offer an opportunity for the concerned departments to work more closely in order to ensure effective environmental protection and enhancing proper land governance practice in the District. Still, I observed that it remained doubtful whether structural proximity would change inter-personal relations and institutional culture to create more cooperative synergies, not just between land administration and environmental governance, but in the overall effectiveness of local land governance in the context of increasing pressures on land.
5. Conclusion

Recognising the huge disparities between institutional and legal provisions of decentralised land administration and actual practices of land governance on the ground, this chapter set out to examine the ways in which local government institutions and actors in Nakaseke District fill these gaps in the course of carrying out their land governance mandates. Analysis of the perceptions, discourses, and practices of everyday land governance exposed the depth of inadequacies in existing institutional arrangements to address insecure land rights for the vulnerable. It also revealed the challenges and dilemmas faced by land governance officials at the district level to navigate between commercial pressures for land and local resident’s demand for stronger tenure rights and increased access to diminishing land amidst institutional failure.

This chapter addresses several salient features of decentralised land governance in central Uganda. Firstly, I argue that in the absence of radically distributive and pro-poor tenure reform, technocratic solutions to insecure tenure have their limits since they impose inappropriate and inadequate solutions to complex and intractable structural deficiencies in land tenure systems, which are exacerbated by economic inequalities and widespread vulnerabilities. Secondly, I critically explore increasing trends of commercial land pressures in order to highlight their compounding effect on already scarce and dwindling land resources characterised by uneven distribution and ineffective mechanisms of redress for vulnerable groups. The role of political elites and other powerful actors in increasing demand for land, further weakens tenure security and exacerbate violation of land rights for the poor by undermining legal and institutional structures of land governance at the local level.

These processes highlight the crucial role that local land governance actors have in managing these pitfalls, and seeking room to manoeuvre in order to mitigate the most adverse effects of commercial land pressures and to protect the land rights of local residents. Faced with the challenges of poor revenue streams amidst increasing demands for social services, local governments thus have to navigate a tightrope between investing in potential revenue generating commercial land deals, and their downsides in diminishing land access for local residents facing land scarcity. As forestry resources, such as timber and wood-charcoal, which are the main sources of revenue collection continue to diminish due to land degradation, the local government will increasingly look to large-scale agriculture in the hope that increasing agricultural output will propel private investment in infrastructure development, enhance job creation and market access for local farmers.

While these projected benefits remained aspirational, local officials were keen to market the district as an attractive investment destination, arguing that their land rates were comparatively cheaper and the district had better access to markets due to proximity to the capital Kampala. Recent improvements in rural electrification seemed to boost
this confidence-building discourse, while the entry of large-scale agro-production and processing ventures suggest that these aspirations were not mere projections. But with limited arable land available for large-scale commercial crop production, particularly public land under the control of local governments, previously protected ecosystems such as wetlands, are opened up for investors or encroached upon by local residents. These pressures further raise social and environmental costs of ‘development’, exemplified by the allocation of a wetland to the Chinese-owned Hanhe Farm, which is discussed in detail in the following chapter.

The disconnect between legal-institutional and practical realities of local land governance in Nakaseke District depict more significant structural contests between centre and periphery in the incomplete and contested arena of decentralisation in Uganda. These struggles are embodied in processes of stakeholder interactions mediated by conflicting ideologies, motivations and interests that ultimately shape processes and outcomes of commercial land deals in the district. In the following chapter, I take a deeper look at these processes using the four case study farms to analyse the role of ideologies, discourses and stakeholder practices in transnational land deals in Nakaseke District.
CHAPTER 7

STAKEHOLDERS, DISCOURSES AND PRACTICES IN LAND DEALS

“Farming - from penalty to profession”
An important milestone is reached when the first young Ugandan farm entrepreneur, inspired and trained by this project, has made enough money from farming to build a nice brick house for his family, with a solar panel to charge his smartphone, and provide all his children with a strong education.

- GLAD Farm mission statement
1. **Introduction**

The occurrence of transnational land deals involves processes of claim-making in which various actors including individuals, social groups, authorities, and institutions define and defend often overlapping interests on land. The pursuit of such competing claims involves competition over the power of control which is embedded within localised contexts of the (re)production of authority and subjectivity. Stakeholders exert these claims of authority ‘through varying discursive, legal, social, cultural and economic practices’ (Wolford et al., 2013b, p. 203). These stakeholders use various media and relate with other stakeholders in ways that (re)produce multiple and complex power configurations. While recognising the embeddedness of transnational land deals within specific legal, political, economic and historical contexts, an actor oriented approach with a focus on discursive and relational practices of stakeholders addresses the shortcomings of structural-institutional approaches in explaining the social dynamics of land relations. By examining these processes of claim-making through the discourses and practices of various stakeholders, we are able to refine our understanding of the role of competing and overlapping interests in the social production of actors’ strategies, within specific contexts, in shaping processes and outcomes of transnational land deals.

Drawing on further empirical evidence from cases in Nakaseke District, this chapter explores two main dimensions of claim-making in the construction of transnational land deals. The first involves the production and mediation of discourses of legitimisation, focusing on the discursive strategies of various stakeholders in developing or challenging various claims over land. The second dimension involves an analysis of the dynamics of stakeholder relations between various actors involved in the processes of transnational land deals. It is important to note there that the analytical distinction between the discursive and relational dimensions are, for the purpose of this research, subsumed in the broader conceptual framework of the social practice approach in which discourse is constitutive and practices of claim making. I therefore draw on the unifying analytical framework referred to as the **Zones of intermediality** approach developed by Sandra Evers (2013b) to comprehensively examine the discourses and relational practices of various stakeholders and the ways in which their ideas, perceptions, and practices shape practices of land access. Through the **Zones of intermediality** approach, Evers (2013b) conceptualises transnational land deals as an interactive space where competing narratives and claims are (re)produced and contested through various discursive processes and practices of control.

As fleshed out in more detail in section two below, the **Zones of intermediality** approach allows for a comprehensive analysis of contextual spatially and temporally specific social dynamics of transnational land deals through such questions as: a). How do various stakeholders involved in transnational land deals (re)produce and shape discourses, ideas and practices that legitimise land acquisitions? b). What dynamics of stakeholder relations
emerge and how do various actors actively negotiate and position themselves within and across different networks of power and authority to access and control land? c). How are multi-level institutional arrangements mutually constitutive of processes of transnational land deals and how do various actors within and without these arrangements navigate structural constraints in staking their claims? And d). How do stakeholder contestations re(configure) power relations at the local level and what implications do these gave for land and broader social relations in the context of transnational land deals?

After detailing the conceptual and analytical framework of the Zones of intermediality approach in the section below, the rest of this chapter is thus organised as follows: First, I outline the legal and institutional procedures for transnational land deals in central Uganda. Secondly, I present empirical results detailing discursive practices and the construction of discourses of legitimation by various stakeholders to articulate and stake their claims. Thirdly, I analyse stakeholder characteristics empirical results of stakeholder relations and strategies of access from cases studies of transnational land deals in the District. It is important to note there that in the stakeholder analysis in this chapter I have chosen to use the real names of institutions, organisations, farms and persons whose identity is a matter of public record, either through published media sources, company websites, or public documents. This choice is based on the fact since these real identities and locations of institutions and organisations including the farms under study are already available in various published sources, anonymising them, especially with the use of aliases serves no useful ethical purpose. Instead, it may compromise the credibility of the publication among the wider public, and especially those already in the know. However, following ethical guidelines approved by the American Anthropological Association (AAA, 1998), I protect the identities of research participants who did not give consent for publication of their identities. This includes those who may have granted consent, but in my assessment of present or possible future circumstances, revealing their identities may cause them personal, professional or reputational harm.

2. Land deals as Zones of Intermediality

Transnational land deals are not just shaped by the structuring effects of institutions and statutes, but are a product of shifting power relations and dynamic terrains of struggle. They are socially constructed processes, and constitute what Norman Long (1989) describes as an arena of social interaction and of the agency of social actors characterised by (dis)continuities in the interface of their interests, values, knowledge, and power (p. 82). Since power relations are at the centre of stakeholder relations in transnational land deals, it raises important questions about the discourses and representations (what is said or written) of these power hierarchies as well as stakeholder practices (what people
do) (Leander, 2008, p. 14). The role of media and mediation processes and the ways in which stakeholders construct and deploy discourses to legitimise claims, as Evers argues, is central to the critical understanding of discursive structuring of land deals (Evers, 2013b, pp. 3–4). Understood as Zones of intermediality where ideas, worldviews, interests and motivations behind land access and control are constructed and contested, land deals are not merely outcomes of institutional-legal arrangements. They are rather generated by, and in turn reproduce, complex processes of interaction between multiple realities and different life-worlds of heterogeneous social groups (ibid).

The Zones of intermediality approach builds on and consolidates the ‘Fields, Habitus, and Practices’ approach advanced by French sociologist Pierre Bourdieu (Leander, 2008, p. 15). To paraphrase Anna Leander, the ‘field’ of transnational land deals is thus understood, as consisting fluid social systems or interrelated ‘sub-systems’ of a social logic in which actors occupy various positions according to their capital endowments, or what Ribot and Peluso (2003) refer to as their ‘bundles of power’ (Ribot & Peluso, 2003, p. 158). Stakeholders in transnational land deals can also be said to occupy a habitus of ‘taken for granted understandings, or “dispositions” that guide how they act’ and are ‘essential for power relations’ (Leander, 2008, p. 17). If the field represents the ‘context’ in which transnational land deals occur, then habitus is produced and reproduced within specific fields and ‘reflects the values and discourses of a field, which in turn are shaped and reproduced by people in that field’ through specific discourses and practices (ibid, 2008, pp. 17–18). By consolidating and advancing the ‘field-habitus-practice’ nexus to include dimensions and processes of discursive mediation, land deals are thus conceptualised as Zones of intermediality, defined by Evers (2013b) as a ‘conceptual field’ in which ‘cultural paradigms/preferences, discourses, practices, and land claims are mediated’ (p. 1).

In this chapter, transnational land deals are understood as emerging through processes of discursive construction and mediation of ideas, world views and ideologies that generate and are reinforced through particular practices of stakeholder relations within complex dynamics of shifting power relations. Location-specific outcomes are thus not simply the results of technocratic procedures, but are rather constitutive of what Michel Foucault in his 1978 treatise on the organisation and politics of space –Sécurité, Territoire, Population- refers to as a process of governmentality by which the organisation of space requires the (governmental) management of people, ideas, and force (security) to produce a specific ordering of state-society relations (Elden, 2007, p. 30). Land deals are thus constitutive of shifting rationalities and power relations among and between stakeholders including state and non-state actors interacting within what Chabal and Daloz (1999) refer to as spaces of both formal and informal political (dis)order. Rather than focusing purely on an actor oriented practice approach, I approach the empirical analysis of land deals by tracing the links between discursive practices and relational dynamics within socially constructed structures to develop a holistic understanding of the alternately divergent and convergent interests in land.
3. Formal procedures of access

Processes of transnational land deals are structured by what Wendt (1999) refers to as both ‘individualist’ human action as well as ‘structuralist’ effects of society and state (p. 1). Among the latter are various forms of formal procedures that shape land deals as social practices of symbolic power and violence. Stakeholders thus deploy their capital within specific Zones of intermediality that influence their practices and produce new structures of power. In central Uganda, practices of transnational land deals are structured by socially constructed parameters of land governance institutions, legal procedures and policy ideologies of agrarian modernization.

Uganda’s decentralised land governance system aspires for a clear-cut delineation of local-central relations in the powers and responsibilities for the governance of land in general. However, when it comes to the realm of transnational land deals, existing formal procedures depict a complex, vague, and convoluted process of overlapping power relations. These create opportunities for individual stakeholders to exercise power and deploy diverse strategies to position themselves in multiple networks involved in facilitating access and control of land. These stakeholders then occupy various positions between the formal and informal realms as well traversing multiple as levels between the centre and periphery of local-central relations.

Power of compulsory acquisition

Uganda’s land laws vest land rights on the citizens of Uganda, and authorises the government to hold the land in trust ‘for the common good of all citizens’ (RoU, 2006, p. 169). It also stipulates conditions under which the government may review any land held in trust, or acquire it for other purposes. The Ugandan Constitution (Section 237, part (1) (b)), grants authority to the local government to compulsorily ‘acquire land in the public interest’ under conditions that may be prescribed by parliament. Uganda’s national land policy further elaborates that such compulsory acquisition may occur provided such public use is in the interest of defence, public safety, public order, public morality or public health (RoU, 2013b, p. 13).

There are however no clear guidelines for assessing whether and how these conditions are sufficiently met to warrant compulsory acquisition. This loophole gives considerable discretion to politicians and other government agents to determine sufficient thresholds to trigger the provision. Furthermore, while the law stipulates that compulsory acquisition may be carried out subject to prompt payment of a fair and adequate compensation prior to the taking of possession or acquisition of the property (RoU, 2013b), there is equally no clear-cut criteria for determining levels of ‘fair’ and ‘adequate’ compensation or when such may be determined as having been processed in a prompt fashion.
Procedures of land acquisition

Uganda’s land laws do not allow foreigners, defined as non-citizens, to own land in the country, according to the Uganda Investment Code Act (2000) and the Land (Amendment) Act 2010 (GoU, 2010). However, under certain conditions, foreign investors can hold leasehold land titles for up to 99 years (GoU, 2001). Additionally, the Investment Code Act prohibits foreign investors from engaging in crop or animal production, and they cannot be granted lease land for the purpose of agricultural production (GoU, 2001). It would therefore seem that these provisions give Ugandan farmers protection from undue competition from foreign investors, as well as safeguards against loss of land. On paper, these provisions are in line with the Ugandan constitution which in Article 237(1) states that land belongs to the citizens of Uganda and thus vests ‘radical title’ in them.

The same law, however, grants the Minister for Lands discretionary powers to overwrite these restrictions, without giving any clear guidelines on when and how this waiver may be applied. It is in such cases that section 42 of the Land Act, which authorises the government to acquire land for a variety of unspecified reasons such as ‘defence, public safety or public use’, may be invoked. In this way, government, through the Uganda Investment Authority (UIA), the sole regulator for foreign investments in the country, or other authorised agencies may compulsorily acquire land for allocation to foreign investors. Foreigners may also (sub) lease private land under freehold or leasehold tenure. Consequently, it appears that this section of law is disregarded, as public officials including cabinet ministers are on record for encouraging foreign investors to invest in agricultural production in the country.

The Minister for Agriculture has for instance been quoted in the national press encouraging Chinese investors to grow crops in the country (Nakaweesi, 2013). The country’s own policy assessments of the ways in which the state has exercised its custodianship of land that it is entrusted to hold for the citizens, show that the central government has not exercised this power responsibly and strictly in the public interest (RoU, 2013b, p. 13).

The result is that any foreign investor can obtain land and engage in any form of agriculture enterprise subject to obtaining the requisite permits from the Uganda Investment authority. But these provisions and exceptions notwithstanding, foreigners still have to actually go through the arduous task of identifying and securely acquiring land specifically for this purpose, before they can commence their agriculture projects. As has been discussed extensively in preceding chapters, the complicated nature of Uganda’s land tenure system renders this an intricate and often challenging endeavour fraught with many pitfalls. Despite these challenges, research reports by land rights organisations as well as independent researchers show that since 2009, there has been a significant increase in acquisitions of large tracts of land by foreign interests in Uganda (Daniel & Mittal, 2009; Mabikke, 2011b; Oxfam, 2011).

From the foregoing, critical questions arise regarding the ways in which transnational land deals occur within such a complex and unclear policy and regulatory environment
fraught with inconsistencies and overlapping jurisdictions. How do international investors overcome regulatory impediments and navigate a complicated and multi-layered tenure system to acquire land? What kind of tenure rights are they able to secure and under what conditions? What is the role of various stakeholders in the regulatory environment, the land market, and other centres of power and influence in impacting the outcome of land deals? How do these actors navigate across multiple levels of government and jurisdictional boundaries? What are the ideological bases, discursive legitimations, and cultural notions that shape the practices of various stakeholders and how do these interact with each other and to what effect?

4. The social construction of transnational land deals

Discursive legitimation of transnational land deals in Nakaseke District

Processes of transnational land acquisition begin with the mobilization of ideas, worldviews, and narratives that render the subsequent practice of acquisition legitimate and acceptable, at least among certain sections of stakeholders. Other than policy prescriptions for investment, improved production and economic growth, other discursive justifications are constructed around a variety of claims, both personal and structural. All investors in the four Ugandan farms studied constructed and reproduced narratives of previous individual experiences in farming and ties to the land. These are then projected as being relevant identifying markers of the investors’ affinity with the land to either match or counter local land-dwellers’ own narratives of historical ties to the land granting them stronger land claims. Investors therefore construct these narratives to legitimise both practices of acquisition and control as well as intended land-use practices.

The wife of the Chinese proprietor of Hanhe Farm, for instance, claimed during an interview that they chose to invest in Uganda, partly due to the people’s generously hospitable character. She however stressed that the possibility to engage in agribusiness in Uganda, offered them the opportunity to replicate and build on their previous experience in diversified agribusiness enterprises back home in China. Talking about her husband’s decision to invest in Uganda, Ms Jessy said:

*When he saw Uganda for the first time, he felt heart-love and passion here because we are also doing agriculture and forestry in China; he felt the climate was very good for agriculture farming. Even the country is beautiful and the people are friendly (interview, August 8, 2014).*

Similarly, the proprietors of all the other farms in this study repeatedly cited the logic that previous farming experience in the country of origin legitimised their acquisition and
investment practices in Uganda. On the website of GLAD Farm, the founder and general manager indicates that he has ‘20 years farming experience in Norway [and] owned and operated 560 DA farm specializing in seed production and livestock breeding’ (GLAD Farm, n.d.-c). Likewise, the owner of Balaji farm, during an interview, referred to his family’s agricultural roots in Gujarat, India as having endowed him with a natural affinity with farming and motivated his decision to engage in agriculture in Uganda.

These personal references construct narratives of personal professional competency in farming, but also reinforce notions of personal intimacy with the land. In so doing, they deflect criticisms that their practices may displace local residents with land claims rooted in historical legacies of heritage. The investors also deploy developmental discourses of economic gain and modernisation, complimentary to government policy pronouncement, as the most prominent claims of legitimacy. Having appropriated the title of ‘investors’ and their practices as ‘enterprises’, the new actors frequently cite propositions that their activities would benefit local communities, primarily through job creation, knowledge and technology transfer, and by facilitating access to markets.

On their websites, GLAD Farm and Amfri Farm profile themselves as model farms while Hanhe Farm’s general manager, during interviews, gave prominence to their intention to be a demonstration farm. GLAD Farm, for instance, promises to demonstrate in practice the ‘profitability of modern farming’ through the use of mechanised farming ‘using the best equipment, fertilizer, and storage methods’. It goes further to state that its overall mission is:

_To raise the status of farming in Uganda. We will do this by developing a modern Model Farm and demonstrate the profitability of modern farming. The Model Farm will go into diversified crop and livestock production, utilizing modern and mechanized farming methods and the best available equipment, fertilizer, plant protection, storage methods, and livestock feeding and breeding methods. The Model Farm will serve as a demonstration ground for Ugandan agricultural entrepreneurs, as well as a testing ground for modern and environmental-friendly farming practices (GLAD Farm, n.d.-b)._

Amfri Farm, which also trades under the brand name ‘African Organic’, states that its vision is ‘to contribute to poverty eradication, capacity building and the overall development of Uganda’ (Amfri Farms Ltd, 2016). By promising to utilise modern agricultural technologies and farming practices as well as opening up markets for the country’s produce and contributing to overall development, transnational investors adopt and deploy discourses of convergence with the Ugandan government’s policy agenda of agricultural modernisation and transformation of rural livelihoods (RoU, 2013a). Not only do transnational investors seek to acquire legitimacy among local land dwellers and the public in general, but also
within the governmental bureaucracy. The farms complement the use of the internet with powerful visual symbols and imagery to reinforce their discourses of legitimation. To this end, Hanhe Farm went as far as erecting a signpost on its farm compound directing visitors to a ‘mushroom demonstration centre’ where local farmers and clients would receive training on mushroom cultivation.

Three of the farms also highlight their use of out-grower schemes by which local satellite farmers are assisted through provision of seeds, training, and quality controls, to achieve higher productivity and access to markets. Amfri Farm for instance, claims on its website to be working with over 100 out-growers throughout Uganda.\textsuperscript{10} It was not possible to independently verify the exact number of beneficiaries of training and contract farming (out-grower ) programmes, although during participant observation at GLAD Farm, Amfri Farms and Hanhe Farm, I witnessed incidences of local farmer support including familiarisation tours, demonstration ‘open’ days, buying of contracted farmers’ maize crop and training of out-growers on organic farming practices. In figure 28 below, I joined a group of Ugandan farmers who attended a ‘grain post-harvest handling’ field day at GLAD Farm. The event was incidentally organised by the Nakaseke District agriculture extension officer with minimal participation by the farm’s management.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure28.jpg}
\caption{Figure 28: Farmers field day at GLAD Farm. © Josh Maiyo July 31, 2014.}
\end{figure}

During one of several field trips to Hanhe Farm, I observed a visit by local farmers, including women and youth, undertaking a ‘study tour’ of recently installed fishponds to learn about aquaculture. In a subsequent focus group interview, a group of about 30 villagers said they were curious to learn about aquaculture methods, though a good number admitted that the initial capital outlay was beyond their means. At a different field visit to GLAD Farm, I interacted with over 50 farmers selected from five districts in Uganda. They were participating in a government organised study-tour to learn about grain post-harvest handling technologies. In both cases, it appeared that the farm visits were made possible on the initiative of elected local officials or government officers as opposed to a structured private initiative of the farms themselves. As such, it wasn’t immediately possible to determine the active agency of the investors in engaging with local communities in such practices.

Through these discourses deployed in both official documentation and verbal communication, transnational land investment ventures seek to portray a convergence of worldviews and intended outcomes that are in tandem with the policy objectives of political elites and the developmental aspirations of local communities so as to claim legitimacy and relevance for their practices. By profiling and positioning themselves as agents of positive social change through partnerships with state and society, these farms also draw on the rhetoric of development finance institutions (DFIs) and international commodity chains to further their own interests. Chinese-owned Hanhe Farm has, for instance, received favourable coverage in Chinese media outlets, which have profiled Hanhe Farm as a successful example of the Chinese government’s ‘going out policy’ of encouraging its citizens and companies to invest abroad (Moody & Yarong, 2013; Sandrey & Edinger, 2009). On the strength of this framing of its identity, Hanhe Farm has sought assistance from international financial networks, such as the Chinese government’s African Development Fund under the China Development Bank (Fan, 2011).

Similarly, in 2012, the founder and director of GLAD Farm deployed his personal transnational credentials of ‘extensive experience in Africa as well as having run a ‘mixed arable farm in Norway’ to obtain financing from Norfund, the Norwegian investment fund for developing countries.\(^\text{11}\) Amfri Farm on the other hand positions itself as an ethical, socially and environmentally responsible investment. On its website, it celebrates its range of international certifications for organic, fair-for-life, biodynamic and Demeter farming practices to position itself as a legitimate supplier for niche international markets in Europe, the Middle East and North America. Furthermore, Amfri Farm proprietors highlight their transnational identity as a family of ‘Ugandan-born Canadians who have been operating the Farm since the 1960s’ to legitimise their connection to Uganda while at the same time

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positioning the enterprise as a global player. Amfri Farm has subsequently earned itself global industry certifications, international awards and entry into premier international marketing fairs while raising its profile locally in Uganda through media coverage of its story as an example of a ‘successful’ return and rise of Ugandan-Asian industry after they were expelled by President Idi Amin in the 1970s (Daily Monitor, 2016a).

**Figure 29**: Newspaper coverage of Amfri Farm in a leading national daily in Uganda

*Source: The Daily Monitor, Jan 12, 2016*

The narratives that construct these investments as transnationally credible enterprises and their appropriation of developmental discourses may be necessary, but not in and of themselves sufficient to claim legitimacy and thus rightful access to land in Uganda. Despite the existence of elaborate institutional procedures, the nature of the state, the role of state elites and stakeholder relations play a significant role in the process of transnational land deals in Uganda.

It would thus appear that these visually elaborate narratives are deployed as symbolic representations designed to not only claim, but also maintain legitimacy after the process

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12 See Amfri Farm’s website http://www.african-organic.com/ accessed February 5, 2017
of land acquisition has taken place. This suggests the precarious and insecure nature of perceptions of legitimacy, that require continuous reinforcement in the face of potentially evolving challenges to the rights and claims of transnational land deals. If indeed this is the case, does the process of actualising transnational land deals contribute to this precarious legitimacy? What is the role of various stakeholders in the land deals in the construction of this architecture of legitimacy? How do the nature of the state and the role of elites facilitate these processes? The next section explores these questions through an analysis of the role of stakeholder relations in strategies of transnational land deals, using the case studies of the four farms in Nakaseke District.

5. Stakeholder relations and strategies of access

Conceptualising stakeholders

Processes of transnational land deals are shaped by ideas and practices of various stakeholders as purposive actors (Wendt, 1999, p. 1). The discursive and practice-oriented relational dynamics between various stakeholder are defined by Grimble and Wellard (1997) as ‘any group of people, organised or unorganised, who share a common interest or stake in a particular issue or system; they can be at any level or position in society, from global, national and regional concerns down to the level of household or intra-household, and be groups of any size or aggregation’ (p. 175). In this research, I adopt a more expanded definition of stakeholders to include non-personal entities such as state institutions and authorities, and thus conceive of stakeholders as constituting what Reed and colleagues define as ‘any naturally occurring entity that is affected by organisational performance’ (Reed et al., 2009, p. 1934).

Processes of land access and control in Nakaseke District are characterised by stakeholder interactions involving complex formal and informal networks of power constructed along multiple ethnic, political, familial, or economic linkages. Figure 30 below, gives a visual representation of the stakeholder networks based on of the case studies of transnational land deals in Nakaseke District. Stakeholders occupy multiple fields of hierarchy and power, and hold varying understandings and values about land. Local landlords who own private Mailo land may, for instance, be approached by speculators interested in leasing or buying land for onward transfer to wealthier investors. The same speculators may also lease public land from local governments and then sub-lease the same to private investors, as was the case with Hanhe Farm. Beneath these speculators are myriad other middlemen, including intermediary and local-level brokers as well as local government officers or politicians who may act in their informal or formal capacities as facilitators for land deals.
Figure 30: Chart showing the structure of stakeholder connectivity in land deals in Nakaseke District.

Alternatively, land-deal processes may be initiated by transnational investors who typically first go to higher level political elites, including government ministers, top military or even the Presidency. If their investment plans are viewed favourably, then orders are given to lower-level intermediary brokers which may include formal or informal actors in a cascading chain of command that trickles all the way to the local-level, where land may be identified, secured and information transmitted up the ladder to higher-level decision-makers. Land deals are inherently transactional processes where stakeholders motivated by varying interests either pursue or derive various benefits - which may include power and influence, financial compensation, political favour or social capital. These transactional relations are mediated through a variety of overlapping rationalities about valuation and desirable use of land such as development, investment, food security, enhanced production, or poverty eradication. In the transactional process, these rationalities are continuously constructed and negotiated through various discourses.

Since land deals are, in practice, constructed alongside the production and negotiation of meanings, stakeholder interactions, as Arce and Long (2000) suggested, have different significance for the various actors involved. In the process of land-deal interactions, stakeholders not only re(create) world-views and meanings, but also (re)produce structures of power within which they shift and (re)align themselves. Stakeholder relations are this not fixed in time and place, nor are they linear and straightforward as the chart above suggests. They are in reality fluid, negotiated and contested. Stakeholders are thus actively engaged either consciously or subconsciously and formally or informally within a given context in ways that are, to paraphrase Anna Leander, ‘generative’ and thus ‘recreate meanings, entities and power relations’ (Leander, 2008, p. 18).
Patronage and clientelism in land deals

Patrick Chabal and Jean-Pascal Daloz (1999) have characterised the African state as being patrimonial and clientelist in nature, thriving on instrumental informalisation of politics that feeds on the personalised nature of prestige and status (pp. 1–2). According to this model, there is hardly a distinction between the civic and the personal spheres of the state. Political leaders develop a patron-client relationship between the state and society based on practices of redistribution at both national and local levels. State-society relations in Uganda, at the time of the study, appeared to be no different. A’ili Mari Tripp, who has extensively studied Ugandan politics, contends that ‘the relationship among the government and the grassroots is established primarily through mechanisms…which basically have to do with patronage’ (Tripp, 2010, p. 111). The practice of transnational land deals is also characterised by politics of patronage and influence peddling. The exercise of power and authority by various stakeholders in facilitating transnational land deals tends to follow the same pattern, as illustrated in the strategies of access deployed by the transnational investors in the farms under study.

During an interview at her residence in Kampala in March 2014, Ms Jessy, the manager of Hanhe Farm and wife of the proprietor, proudly showed a framed photograph of her husband, taken together with the President of Uganda at the State House in Entebbe. The photograph was prominently displayed on the living-room wall and immediately visible upon entry. This celebrated and conveyed the closeness that the investor shared with the highest political office and seat of power in Uganda. As a politician in his own right and a member of parliament for Hebei Province in China, Qiu Lijun, the proprietor of Hanhe Farm, whose identity is publicly known through a variety of press reports (Luwaga, 2012b), had come in contact with Ugandan government officials as part of official bilateral state delegations. That he went ahead to negotiate a private agriculture investment demonstrates the blurring of the official and private in the manner in which elites use their official positions to pursue personal interests.

According to Ms Jessy, the President’s personal intervention facilitated the identification and access to the land through directives given to lower ranking bureaucrats. This was not an isolated incident, but rather demonstrative of a practice of direct presidential involvement in facilitating transnational land deals in Uganda, as has been widely reported in Ugandan press (Mukasa, 2011; New Vision, 2015). A political culture has thus been cultivated in Uganda whereby direct access to the President and his associates is expected to pay dividends for potential investors. This elite intervention is not limited to facilitating access to land but further extends to political endorsement and cultivation of legitimacy throughout the enterprise’s implementation process. The President often personally commissions such major investment initiatives (New Vision, 2014b). The photograph in figure 31 below, taken during the President’s visit to inaugurate agro-processing plants
on Hanhe Farm, was among a dozen others provided by the Hanhe Farm management to demonstrate the political support that they enjoyed.

The President’s involvement is often constructed as a demonstration of the government’s, or the President’s own personal efforts to bring about development, while urging citizens and bureaucrats to support such development initiatives (New Vision, 2014a, 2014d). For Hanhe Farm’s investors, this personal connection with the President and his endorsement of the venture was publicly demonstrated on February 2014 when President Museveni visited the farm to commission a maize milling plant.

![Figure 31](image)

**Figure 31**: Uganda’s president, Yoweri Museveni and his entourage visit Hanhe Farm on February 18, 2014. © Hanhe Farm, Uganda.

A presidential visit in Uganda is highly symbolic of state approval and high-level support for the recipient. The visit was widely publicised in the national media and was framed as part of an important presidential tour to showcase new foreign investment flows into large-scale agriculture and agro-processing projects in Nakaseke district (Mugalu, 2014). Together with three other large-scale agribusiness ventures, Hanhe Farm was cited as being part of ‘an emerging special economic zone (SEZs) in Nakaseke District’. Furthermore, the projects were celebrated as examples of progressive achievement of the government’s agriculture modernisation policy ‘to transform agriculture and the economy in general’ (Nabakooza, 2014).
The proprietor of Amfri Farm, Nazim Shivji, also constructed a similar narrative depicting an even closer and more personal relationship with the President, dating it back to the mid-1980’s. The narrative goes that when President Yoweri Museveni had just assumed office in 1986 after prevailing in the 5-year Luweero triangle civil war, he needed IMF and World Bank loans to shore-up the bankrupt government. The proprietor, who was then exiled and resident in Canada, allegedly met the young President in New York and personally accompanied him to the Bretton Woods institutions in Washington. Subsequently, the President reciprocated the generous gesture by personally inviting the exiled family to return to Uganda and repossess their properties that, according to him, had been abandoned, looted and destroyed following the expulsion of Ugandan Indians by the Idi Amin regime in 1972.

The exiled Ugandan-Indian family returned to repossess their land in 1992 with the President’s personal guarantees and government assurances under the Expropriated Properties Act of 1983, that directed government ‘to transfer property or business to a former owner [who] shall physically return to Uganda, repossess and effectively manage the property or business’ (RoU, 1983). According to the company’s website, Amfri Farms subsequently began operations in 1996. During my field visits to Amfri Farm in 2013, a simmering boundary dispute erupted between Amfri Farm and a neighbouring farm also owned by an Indian investor. The proprietor of Amfri Farms appeared unperturbed and exuded confidence that he would win the case. He however stated that if it became necessary he would rely on his personal networks of access to the president. Furthermore, he asserted that his status as a second-generation Ugandan Indian accorded him more legitimacy over his neighbour, who was a first-generation immigrant. This anecdote serves to illustrate the complexity of notions of transnationality, the foreign, and the local and the role of power and networks of patronage in framing questions of legitimacy and belonging associated with transnational land deals.

The Hanhe and Amfri cases fit a pattern of direct presidential involvement in facilitating access to land for transnational investors in Uganda. Some of the land deals in which the state or the presidency has been allegedly involved have often been controversial and contested. For example, the allocation of land in Mubende district of central Uganda to the German Neumann Gruppe for the establishment of Kaweri coffee plantation has received widespread national and international attention and condemnation (FIAN, 2012). The deal is alleged to have led to the violent eviction of 2,000 villagers (Falk & Sterk, 2004). Another case that caught international headlines was the allocation of part of a protected national forest to the British ‘New Forest Company’ for carbon offsetting (Grainger & Geary, 2011). There was also the case attributed to the President, involving his alleged attempt to give away large sections of the Mabira forest in eastern Uganda to a sugar corporation (Zoomers et al., 2012). The Mabira forest case also highlighted government elites’ determination to push ahead with their land deals regardless of criticism or op-
position from affected stakeholders. Campaigns by a coalition of local and international NGOs, including the Uganda Land Alliance (ULA) and Oxfam International, to challenge the proposed allocation of Mabira forest, citing social and environmental violations, led to threats from the government to deregister or expel the civil society organisations (Vidal, 2012). In their own logic, government elites are keen to shore up investor confidence and silence opposing voices that weaken government control over the investment climate (New Vision, 2014d; Njihia, 2011).

The patron-client relations between political elites and foreign investors is often complex and multidirectional. Certain political elites, depending on their position in the hierarchy of power, facilitate and seek to control foreign investment projects for rent-seeking either for personal economic or political gain. On their part, foreign investors cultivate relations with certain elites in order to obtain access to resources as well as political legitimacy, and depending on their relative power, may (attempt) to exercise control over the elites as well. As illustrated below, this complex web of relations played out in some of the case studies in this research, demonstrating how patron-client relations are constructed through discourses, practices and symbols of proximity to power. Furthermore, stakeholders at all levels of the power hierarchy of transnational land deals actively pursue relations that are likely to enhance or project power, construct an identity of belonging and acceptance, and legitimacy for their claims.

These symbiotic relationships between investors and politicians can also cascade down to the local level. A web of power and influence that cuts across different hierarchical levels is created. This is aptly demonstrated by the way in which Hanhe Farm was co-opted, during campaigns for the 2011 general elections, as a symbol of development that would bring jobs, infrastructure, and transform the livelihoods of local communities. According media reports and my own interviews with local councillors, some candidates for local council and the national assembly allegedly sought to take credit for playing a role in facilitating the presence of the Chinese investment. Turning it into a political tool, various actors constructed narratives associating the potentially transformative symbolism of project with their own political ambitions for transformative leadership that would ‘bring development to the people’ (Fan, 2011). For instance, rivals for the position of Member of Parliament for the constituency made ambitious promises to facilitate associated infrastructure developments, such as electricity and better roads to serve the new investments and to benefit local communities.

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13 The executive director of ULA later recounted, during an informal conversation, that they were eventually summoned to the office of the President to give an explanation for their opposition to the President’s directives and after admonition to tone down their ‘confrontational’ approach, they were let go with a stern warning to be careful going forward.
The instrumentalisation of Hanhe Farm as a political showcase and the unwitting alignment by the investors with sections of the political elite did not endear it to competing camps in the political duels. The effects of transnational land deals such as Hanhe Farm may go beyond symbolic power by transforming the configuration of power relations at the local council. After the 2011 elections, divisions emerged among elected officials in the local council between those who supported the project and those who didn’t, resulting in the co-optation of some in a symbiotic relationship and active opposition from others. These differences spilled over into the community and concerns about ‘undesirable’ aspects of the investment, such as environmental violations, led to demonstrations that hit national news (Luwaga, 2012b). Although the widely-publicised rejection of the investment by sections of the local population may have abated over time, a tense and uneasy relationship remained. During interviews with residents in the local community around the farm, some of them stated that they had refused to work at the farm because they did not agree with its presence in their community.

This case exemplifies the risks associated with the politicisation of strategies of access for transnational land deals and the potential effects it may have on the legitimacy and eventual success of these ventures. While it may ease processes of access, political patronage in transnational land deals appears to bear both benefits and costs for the investors, but also for other stakeholders and the affected communities. Patronage channels are, however, not constructed around political elites alone. Depending on the nature of the state and the distribution of power, other state or non-state actors have significant influence in the structuring of transnational land deals. This results in what Wolford et al. (2013b) refer to as an ‘overlap between official goals and the desires of people on the ground’ (p. 196).

**The military-political nexus in transnational land deals in Nakaseke**

The long history of armed conflict throughout Uganda’s post-colonial history has resulted in the construction of a state in which the military plays a major role. Uganda has subsequently been described as a hybrid semi-authoritarian regime in which power rests ‘with the security forces’ and the ‘army exerts undue influence behind the scenes’ (Tripp, 2010, p. 12,31). The Ugandan state has also been characterised as having been shaped by political practices that include the utilisation of the state for ‘primitive accumulation’ by political elites (Chabal & Daloz, 1999, p. 10). Cases of military officers engaging in controversial and often violent land acquisitions constantly appear in Ugandan newspapers (Daily Monitor, 2013; Wandera, 2010).
Figure 32: Stories of military officers engaged in land conflicts as reported in different Ugandan newspapers.

The acquisition of land by the Hanhe Uganda Company for its agriculture operations has been credited to the influence of actors within the top echelons of Uganda’s military. Their involvement is attributed to claims that although the land was registered as public land it was controlled by the military and had been initially allocated to WWII veterans before it changed hand and subsequently ended with the Chinese. In an interview, a local youth leader in the Luweero area, where Hanhe Farm is located, alleged that a retired army general who is a senior adviser to the President was instrumental in facilitating the land acquisition by the Chinese. Six other interviewees also mentioned the general by name in relation to the land deal. These include the Nakaseke District Secretary for Lands, a former Area Land Committee (ALC) chairman, and a District Environment Officer (DEO). During an interview in February 2013, the former ALC chair was specific on exactly what role the general may have played in the land deal:

*I don’t know how they got [the land] but I think Major General Elly Tumwine is the one who dealt with them, because he’s the one involved with the Chinese, so am not sure about that land which belonged to the war veterans (interview, July 31, 2014).*

A constant narrative that emerged during these interviews is that the general was perceived to wield significant power through the influential positions he occupied as a member of parliament representing the Ugandan military in the national assembly, as well as being a presidential advisor on military affairs. In addition, a local youth leader who also worked at Hanhe Farm confirmed that the same general was the patron of the veterans’ youth association in the District, an organisation of young people descended from the WWII veterans. I could not access the general to confirm the veracity of these allegations,
as he declined to grant me an interview and failed to answer my subsequent calls nor respond to my text messages.

Another influential ex-military officer involved in transnational land deals is a close family relative of the President. This retired general, also an advisor to the President on military affairs, is the owner of three square miles of farmland (almost 2,000 acres) at Kapeeka in Nakaseke District, among other land holdings across the country. Part of the large tract of land in Kapeeka town in is leased by the Norwegian-owned GLAD Farm. An interview with the District agriculture extension officer, the proprietor of GLAD Farm, Mr. Bent Ronsen, as well as farm workers all affirmed this. During an interview on May 7, 2014, a farm manager confirmed that:

> Mr. Bent is leasing about 500 acres from General Salim Saleh from 2010. As per now we have only cleared about 240 acres. We are still planning to clear it by next year (interview, July 26, 2013).

I was also informed by a Nakaseke District official that the same retired general is also a primary supplier of maize flour, a staple in Uganda, to the military. The manager at Hanhe Farm confirmed that General Saleh was their client and used their maize mill to process maize flour. General Saleh therefore plays the double role of being a facilitator for land acquisitions, from which he collects rent, as well as a client of both GLAD Farm, from where he sources maize, and Hanhe Farm, where he processes the grain for onward supply to the market. Using his position of influence as a senior military officer and relationship with the President, the general has cultivated an extensive client network and a built up a vast business empire from which he derives private gain.

The pattern of military officers with links to the political elite using their positions to acquire or facilitate land deals has, according to Elliot Green, become an institutionalised practice (2006, p. 381). In his detailed analysis of the role of ethnicity and patronage in the politics of land reform in central Uganda, Green cites numerous cases where President Yoweri Museveni’s co-ethnics, close relatives and extended family members and particularly military chiefs, all from western Uganda, are accused of rampant and contentious land acquisitions in central Uganda. These military officers strategically position themselves at various levels, between the state and the market, and use their official positions of power to informal coercive authority for influence peddling or private gain. By virtue of their positions and authority, they acquire information and build networks of alliances to facilitate land deals and extract rent through supply of goods and services.

The military-political nexus thus creates an intermediary but informal class of brokers straddling the divide between state and society in land deals. The lines between categories of stakeholders – military, government and private enterprises – becomes fuzzy. By deliberately obfuscating the separation of powers and blurring institutional hierarchies
of state-society relations, these actors orchestrate a ‘state of disorder’ that, according to Chabal and Daloz (1999), perpetuates a neopatrimonial political system that thrives through a deliberate construction of corrupt and ineffective institutions (ibid).

The informalisation of processes of transnational land deals therefore occurs through a convergence of the interests of various stakeholders who deploy their positions of political power, access to capital, and control of state bureaucracy. These interests are, however, realised through an extensive patronage network involving other lower-level actors whose own interests converge with those of higher-level elites and investors and act as intermediaries, agents or brokers between state-military-market elites and other levels of society, such as the local authorities and communities of land-dwellers. The next section explores the roles of this intermediary category of stakeholders in transnational land deals in Nakaseke District.

**Brokers as agents of Intermediality**

The decentralisation of land governance, the rise of a private market for land and the complexity of processes of land acquisition and control give rise to a variety of actors who perform intermediary roles to either facilitate or constrain these processes. Brokers also play an important role as foot-soldiers for interested parties in land deals in the cumbersome process of realising land titles. This function is crucial to the development of a reliable land-market for would-be investors, since Uganda’s land administration system is replete with overlapping ownership claims and double titling largely due to the poor state of land registries (Meinzen-Dick et al., 2008; RoU, 2013b, p. 3). The overlap of rights and interests in land has ‘led to a history of forced evictions, dispossession, land disputes, and sometimes violent conflict’ (Rugadya & Scalise, 2013, p. 1). It is usually the task of brokers to sift through the maze and establish what pieces of land are free of ownership disputes and thus ‘sellable’ to investors who prefer not to deal with localised conflicts over land. For this reason, brokers affirmed that it was virtually impossible for a foreigner to find and acquire land without the facilitation of intermediaries.

According to Bierschenk et al. (2002), the rise of brokers is occasioned by neoliberal reforms that diminish the role of the state and decentralise services in ways that further diversify sources of power and influence through intermediary networks. In the context of post-apartheid neoliberal land-reform for example, James (2011) argues that brokers and mediators emerge to embody and actively shape relations between the state, market, and traditional political authorities (p. 1). Also, Olivier de Sardan focusses attention on the role of brokers in social processes and negotiations of meaning and identity in heterogeneous social arenas. Due to the structural position that they occupy within networks, brokers

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14 According to Mosse and Lewis (2006), intermediary actors or brokers play an important role in negotiating relationships and representations by virtue of the positions they occupy ‘at the “interfaces” of
are central actors who have access to individual or group specific information which puts
them in a position of influence and power. By learning ‘about the inner life of many of
the different groups’ the broker achieves ‘an advantage in knowing which groups or indi-
viduals to connect and not to connect, how to connect them, and when’ (Bodin, Crona, &
Ernstson, 2006).

Some researchers such as Eric Wolf, in his work on the role of brokerage between
community and state in Mexico, has portrayed brokers as powerful yet marginal and
vulnerable actors occupying the fault lines and connection points within complex systems
and relationships (Wolf, 1956, p. 4). Rather than being conceived as mere intermediaries
acting within structurally constrained environments, Bierschenk et al. (2002) argue that
brokers operate as active agents building social, political, and economic roles rather than
simply following normative scripts. Brokers can occupy a central position in land-deal
networks and embody important bridging links by connecting otherwise disconnected
groups. While Burt (2002) defines brokers as individual or organizational actors who pos-
sess a variety of exclusive links to groups that would otherwise not be in direct contact
with each other (p. 209), this approach tends to minimise the role of brokers to mere
facilitators of connectivity between more powerful actors. In this research, I concur with
the view of brokers as possessing a range of organizational, linguistic, presentational, and
relational competencies that enable them to deal more broadly in the maintenance of
coherent representations of social realities and in the shaping of their own social identities
(Bierschenk et al. 2002: 24).

In her exploration of the role of brokers in global land deals, Sud (2014), defines brokers
as middlemen who perform functions as ‘go-betweens, mediators and negotiators’ and
may either facilitate or obstruct linkages in the land economy between ‘sellers or buyers,
or act on behalf of government representatives as gatekeepers or fixers, or they can be
independent consultants who deal with several parties in a land deal’ (p. 594). She further
points out that although the term ‘brokerage’ is often used as an ‘umbrella’ to describe
the work of a variety of middlemen, brokers can also be defined as a sub-category of
middlemen depending on the complexity of local contexts. On this basis, Sud’s research
reveals a cascade of metaphors used to describe various types of brokers as defined by the
roles they play and levels at which they operate within land-deal networks. While using
the terms intermediaries and brokers interchangeably she builds on these metaphoric
references to develop a typology of brokers that include: government representative,
party representative, consultant, land aggregator, land broker, local broker, musclemen
and enforcer, and touts (ibid, pp. 600–604).

Consequently, land dealers can be seen as crucial agents who use their expert knowl-
dge and contacts to minimise transactional risk and enhance land rights. However, they
different world-views and knowledge systems’ (p. 10).
may also be seen as unscrupulous profiteers taking advantage of an unregulated market and deficient land administration system to profit themselves or their clients. In Uganda, various types of land brokers may include national-level and local-level politicians, government bureaucrats and members of the uniformed forces who, by virtue of their power and authority, act (often informally) facilitate land deals at various levels. These brokers often provide the power of political authority or coercive force behind official processes of land deals. They are also close to the highest authorities of the state and potentially possess the power to influence or circumvent established rules and procedures pertaining to land deals. The role of the President, (retired) army officers and local government officers and local council politicians in facilitating the Hanhe land deal and interventions in the restoration of the Amfri farm are cases in point.

Next to this is a category of professional consultants such as lawyers, land surveyors, or other professionals who may or may not have registered brokerage firms or real-estate agencies. This category of brokers provides legal legitimacy in the lengthy and complex process of registering interests, access and tenure security for purposes of land control. They are often based in towns or large commercial centres across the country such as District or regional headquarters with physical office-space. They also function as links between investors and political elites, and the vast bureaucratic network of actors that provide administrative land services. In some cases, they may even provide services to their clients within government offices as I observed during my field visits to Bukalasa Zonal Land offices in Luweero District and found that some influential brokers occupied designated desks or hawked their professional services to residents who often were intimidated by the complicated bureaucracy of land administration. Ugandan media is replete with reports of complaints from citizens who claim to have been conned or otherwise lost huge sums of money through dubious land deals with brokers (New Vision, 2014c). Similar complaints regarding the unscrupulous conduct of brokers were made by citizens and officers that I interviewed at the Bukalasa office. According to the Land Supervisor for neighbouring Wobulenzi District that shares land offices with Luweero and Nakaseke, the brokers were beginning to act as cartels heightening competition in a rapidly escalating land market in the region.

Many are Ugandans from all regions are now buying land here because foreigners are few. They buy here because the central region is a commercial hub near Kampala, even the brokers are the ones who cause it by encouraging people to sell and they also set the price. In the next ten years, someone will be a Muganda with no piece of land because all those selling off their land don’t have any money left to buy more land since its becoming more expensive (interview, June 26, 2014).
The cases discussed above suggest that the high incidences of fraudulent land transfers and ensuing land conflicts in Uganda may be an indicator of the role of questionable brokerage practices. This is an area that requires more inquiry since little research has been done on the role of brokers in Uganda as ‘economic gangsters’, to borrow a concept suggested by Sud (2014). But as Sud and James found in their research on the role of brokers in land deals in India and South Africa, there is a high likelihood that middlemen may constitute part of networks of patronage, corruption, or violence that prey on the vulnerabilities of local land dwellers (James, 2011, p. 320; Sud, 2014, p. 600).

Beneath the category of professional consultants discussed above, is a diffuse network of brokers who are popularly known in Uganda as dealers. These are agents or speculators whose role is to scour the countryside, often traversing different Districts, scouting for any pieces of land that may be available for lease or sale. Some of them may be members of the same communities and reside in localities where they operate and thus utilise their local knowledge, kinship or ethnic ties, as well as other networks to access information and influence with which they use to generate relations of trust and dependency to facilitate their roles. One such example is Joyce, the daughter of Reverend Wilson whom I discussed earlier. I was referred to her by her father, and during an extensive interview at her home in Luweero town, she introduced herself as a dealer, involved in land as well as other forms of natural resources including gemstones. She admitted to building a successful business network cutting across various Districts together with her husband, owing to her previous position as an elected councillor in the local government.

The centrality of brokers’ practices of mediating transnational land deals can be understood not just through their performative practices in land transactions, but also in mediating conceptual ideas and valuations as well as spatial understandings about land and land use in different contexts. Those that occupy official positions in public service, such as politicians, government bureaucrats and uniformed officers may carry out brokerage roles as part of their official functions and thus convey specific policy ideas about desirable land administration and land use. They also act informally as brokers outside the purview of their designated functions to advance private interests through networks of patronage. These formal and informal dealings thus create webs of relationships that obfuscate the nature of the state and blur the lines between state, market, and society. Although such brokers may only perform intermediary roles sporadically, Bruno Latour suggests that these powerful actors produce interpretations, and offer scripts into which others can be recruited, and are thus able to transform society in conformity with their normative perspective on the world (Latour & Porter, 1996, pp. 194–195).

**Brokerage of transnational land deals in Nakaseke District**

In Uganda, the unregulated land market enables brokers to occupy an undefined and unofficial position in the vast network of stakeholders in transnational land deals. They
thus have access to valuable (sources of) information, or positions of authority to shape discourses, policy and influence decision-making. In a typical transnational land deal for instance, foreign investors may approach well connected political brokers, who engage politicians or senior government officers, who then authorise or direct junior officers to secure and facilitate land acquisition. The chain of command cascades further down to ‘dealers’ whose task is to identify available land and are often positioned between the rural landowner, Ministry of Lands officials who authenticate titles, and legal officers who draw up lease or sale contracts. The loop then circles back to the senior officers or politicians who then give their seal of political approval for the deal to proceed.

One such broker was Mr. Lubega, to whom I was referred to by the Member of Parliament (MP) representing Nakaseke South constituency in which Hanhe Farm is located. Mr Lubega initially profiled himself as a spokesperson for, and a local shareholder in the Hanhe Uganda Company. He claimed, during an interview in Kampala in October 2012, that he was part of a politically well-connected and influential network of investment brokers whose links extended to the office of the President. He also claimed that he was responsible for bringing the Chinese investors to Uganda, and facilitated their access to highly placed politicians and military elites who sanctioned the land acquisitions.

*I am the one who brought the company from China and the other investors. I came to know about them through their commercial attaché. He’s the one who gave me the contact. The only other shareholder is Mr Qiu Lijun, the other workers don’t have shares, they work here on contract and then they leave. We are only two shareholders (interview, October 3, 2012).*

Although Mr Lubega carried himself with an air of extreme confidence and drove an expensive car, the symbolic power of aspirational affluence, I was initially sceptical of his claims, based a common understanding that many brokers tend to inflate their access credentials. My doubts were dispelled when almost two years later, I observed that Mr Lubega, who occupied no formal position in government, was in the personal entourage that escorted the President of Uganda during his visit to inaugurate a maize mill at the Hanhe Farm in February 2014. Bierschenk describes these forms of brokerage as ‘the product of a weak state that is unable to impose its rationality on local areas, and enlisting patron-client relationships to reduce the unpredictability of the state’s efforts at intervention and control’ (Bierschenk et al., 2002, p. 11).

Some brokers may not be involved from the outset in the facilitation of transnational land deals, but due to the constant shifts in stakeholder configurations, actors who may have been initially involved in an official capacity may end up being drawn into different relational networks of brokerage. A good example is that of the relationship between Mr Mbowa, a local councillor in Nakaseke District and Hanhe Farm. Mr Mbowa was one of the
first contacts that I was referred to by the area’s Member of Parliament for information on Hanhe Farm and the process by which its Chinese owners came to acquire the land. During an interview in October 2012, I asked Mr Mbowa about his relationship with the Chinese-owned farm and without any hesitation, he declared that he was working for the farm as a ‘consultant’ and overall political fixer and proceeded to speak in glowing terms about it:

Hanhe Farm is a modern farm. In Nakaseke, it’s the best one. I know a bit about local crops and I have been trained in Uganda and in Nairobi... I work there on contract basis. I can’t call myself a consultant, but they consult me on how to grow local crops. That’s my business...I have skills in agriculture (interview, September 26, 2012).

By rationalising his relationship with Hanhe as being necessary to ensure the investment project’s success and downplaying his own personal profit, Mr Mbowa’s relationship with Hanhe Farm typifies how, according to Mosse and Lewis (2006), brokerage requires ‘the co-existence of different rationalities, interests, and meanings, so as to produce order, legitimacy, and “success” (p. 16). They further argue that such brokerage relations highlight the prominence of ‘unscripted interinstitutional, intercultural brokerage roles that exist at many different levels’ (ibid).

While there exist a wide variety of intermediary facilitators of land deals in Uganda, a specific category of land brokers occupies a distinct and narrowly delineated zone and are referred to as ‘dealers’. This term defines their role as entrepreneurial middle-men, perceived as occupying the space between the state and the market, often operating in unregulated informal networks that link land sellers to buyers as well as facilitating and influencing the conduct of land-transfer services. In an environment characterised by intense competition for land, inadequate land administration services, poor or absent land records and numerous land wrangles, land brokers are indispensable in land acquisition processes. Two ‘dealers’ that I interviewed complained that due to the informal nature of their functions, they had no protection under the law and were often at the mercy of businessmen who might choose not to fully honour their contractual agreements and obligations to the brokers for services rendered once the deal was sealed. Joyce, a former local councillor-turned land broker based in Luweero town, described herself as a land dealer and explained the situation, during an interview in July 2013.

So, 80% of them don’t pay us the agents. Most of these foreigners don’t want to make agreements between them and their workers so there are no contracts. They don’t want paper work at all, they just come and say we are going to give you this, but there is no agreement. Like me I worked for them but at the end of the day, I was not paid I just agreed with them by word of mouth, am still demanding my 5 million (Uganda Shillings) but they haven’t paid me now for two years. And I can’t take them to court because I have no papers to show for it (interview, July 21, 2013).
She also pointed out that due to the high demand for land and intense competition between brokers, it was not uncommon that some brokers resorted to underhand methods to undercut their competitors while others might engage in outright fraud. She further elaborated by citing instances where some brokers used their privileged position to mislead unsuspecting landowners to sell or leasing off their land at unfavourable terms, while the brokers received a higher commission from their client for depressing land prices. Conversely, brokers who side with land owners may mislead investors into ‘buying’ land whose records are not authentic while other brokers may commit fraud by obtaining false duplicate land titles without the consent of the legal and rightful owners, and proceed to sell the same to unsuspecting investors.

As Deborah James postulates in the context of South Africa’s land reforms, brokers construct multiple identities in which ‘they embody the local concerns of ordinary people; drawing on ideas of free choice and competition, they embody ‘the market’ [and] simultaneously, they endorse and perform some of the bureaucratic characteristics of ‘the state’ (James, 2011, p. 319). James argues that by combining all these attributes, s/he provides a legitimating framework for these merged – but often contradictory – frameworks’, thus presenting a figure of moral uncertainty (ibid).

![Figure 33: Membership card of the Uganda ex-servicemen’s association](image)

Brokers can also engage in contentious practices of speculative land acquisitions, where they can secure leasehold titles to land with the objective of eventually transferring them to transnational investors at inflated prices. The process by which Hanhe Farm was transferred to the Chinese proprietor is a case in point. The land was initially allocated to and occupied by descendants of Ugandan World War I & II veterans.
Documents that were made available to me by one former resident indicated that the allocation was pursuant to a colonial-era agreement that the independent state of Uganda would resettle the veterans and their descendants as a form of compensation for their services to the British Crown. According to copies of documents that a representative of the war veterans made available to me (see figure 34 below), the veterans appear to have applied for a lease of the land in 1992 and were granted a 49-year lease, which was not due to expire until the year 2041. The representative of the ex-servicemen and their families who occupied the land, claimed that the they were persuaded to sell their lease rights to a wealthy Ugandan national, known in the local area as a ‘doctor’ who allegedly operated an unknown number of medical clinics in the neighbouring town of Luweero.

Figure 34: Copy of land lease application by a member of the Uganda ex-servicemen’s association dated February 9, 1992.
Three other people that I interviewed further alleged that this wealthy Ugandan businessman doctor Samuel (not his real name) was a co-ethnic of the then Minister for Lands, and this might have played a role in his acquisition of the land that was eventually transferred to the Chinese. During an interview at his home, the chairman at the Kasambya village, where Hanhe Farm is located, stated:

> Dr Samuel is a Musoga\(^{15}\), also the Minister for Lands is a Musoga who connected him and gave him the information about that land. He took a loan from the bank and then he defaulted, so they wanted to take the land, so that is how he sold it to the Chinese (interview, July 25, 2014).

When I finally tracked him down and secured an interview with him in June 2013, Dr Samuel appeared wary and evasive but strenuously denied any links to the Minister for Lands, or that he acquired the land for speculative purposes. He was also categorical that the occupants of the land in question voluntarily accepted to transfer their lease rights to him without any form of coercion or deception. I could not however verify these claims and counterclaims, but among local residents around the farm, perceptions persisted that pressure from political elites, ethnic favouritism, and powerful economic interests all coalesced into a powerful network of interests that through deception and coercion played a role in compelling the land dwellers to transfer their rights to the businessman. Secondly, many local residents claimed that since Dr Samuel never developed the land after acquiring it, they believed that he was only interested in acquiring it for speculative reasons; a perception that in their view was confirmed when the land was transferred to the Chinese investors.

6. Conclusion

This chapter set out to examine processes of transnational land deals by analysing strategies of claim-making by various actors through their discursive and relational practices. By exploring the role of actors as stakeholders in land deals, the chapter presents empirical evidence to account for the role of individual or group interests and motivations in the social production of transnational land deals. The objective was thus to supplement the structural-institutional processes of land governance and their role in the land deals discussed in the previous two chapters, with grounded analysis of empirical data on the roles and practices of specific actors involved in particular land deals that constitute the case studies in the research project.

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\(^{15}\) A Musoga (plural: Basoga) is a person from the Busoga (Soga) ethnic group of eastern Uganda.
The analytical approach of *Zones of intermediality* applied in this discussion bridges the gap between the limitations of structural-institutional approaches that focus on formal processes of land governance, and the shortcomings of purely actor-oriented approaches that have been criticized for neglecting broader issues of power and structure. While the former fails to account for the complex and messy realities of real-world experiences at the local level, the practice oriented focus of the latter may fail to capture the broader political and power related dynamics underlying process of the transnational land deals. Empirical evidence presented here demonstrates that transnational land deals are thus not merely the outcomes of structural forces of economic relations, but rather as constitutive of processes of social construction involving the prominent roles of stakeholder practices rather than formal procedures alone.

The *Zones of intermediality* approach deepens our understanding of processes underlying transnational land deals by exploring two interrelated stakeholder perspectives: the discursive construction of rationalities or motivations for the legitimization of transnational land deals, and the purposive actions of actors embedded within stakeholder networks. By integrating discourses of foreign direct investment, rural development, capacity building and empowerment, food security and poverty alleviation, transnational investors, governmental officers and elites, and intermediary brokers can all be seen as engaging in discursive practices that are constitutive of a broader process of world-making. The combined relative power of these actors and the confluence of their overlapping interests result in a hegemonic discourse that promotes normative ideas about tenure, proper land use, and promotion of land markets that in turn structure the production of commercial or transnational land deals.

Viewed as emerging from social processes involving diverse overlapping and often competing interests, I argue that transnational land deals are thus constitutive of a complex terrain of the (re)production of power and authority, mediated through both discourses of legitimation and enacted through relational networks of patronage and clientelism. The central role played by state actors both formally and informally as stakeholders and brokers, and the fuzzy relations between state elites and investors reveal the limits of structuralist perspectives and binary dichotomies of belonging, place and scale. Through the *Zones of intermediality* approach, we are able to analyse of land-deal processes below the local government level, while transcending scale oriented multi-level analysis to show that the terrain of transnational land deals involves shifting discourses, actors and networks that cut across multiple levels, institutions and social groups. To illustrate this point, extensive empirical evidence details the role of state and non-state elites in the privatisation or subversion of the state through private networks for personal gain. This approach provides a more nuanced understanding of the ways in which the state is embedded within competing social and cultural practices of patronage and clientelism across various levels and between different groups of stakeholders in transnational land
deals. The boundaries between the state and society, central versus local, and elite versus ordinary citizens thus become nuanced, and a more complex picture emerges of how individual interests and patronage networks shape stakeholder relations in processes and outcomes of transnational land deals.

The embeddedness of brokers within more complex stakeholder networks straddling the society-market-state divide, further reveals the ways in which processes of transnational land deals are socially pervasive, defying simplistic dichotomies between winners and losers. As embedded in a *habitus* that they occupy, as well as being active entrepreneurial agents of the stakeholder configuration, brokers embody what Bierschenk et al (2002, p. 12) refer to as ‘the fragmented politics of the postcolonial state, where power is exercised both through formal bureaucratic logics and through a diverse range of “supra-local” associations and networks’. Brokers are thus powerful stakeholders in facilitating as well as legitimizing transnational land deals in central Uganda.

Although this chapter depicts the interconnectedness and mutual dependency of complex stakeholder discourses and networks, it might be misleading to think of them as being constant, stable and mutually reinforcing. To the contrary, shifting positions and alliances, fractures and fissures of contestation, and even conflict are part of the process of stakeholder relations. Without taking into account the shifts in interests, discourses, motivations and power dynamics over time and place, visual representation and temporally specific portrayal of stakeholder networks is thus insufficient and may be misleading. The next chapter explores the social dynamics of conflicts arising from ruptures in stakeholder discourses and interactions occasioned by, among others, disjunctures in political and material interests and the uneven distribution of benefits and rewards of transnational land deals.
CHAPTER 8

LIVED EXPERIENCES AND RESPONSES TO LAND DEALS
1. Introduction

In Uganda, transnational land deals occur as part of wider processes of increasing commercial interest in land amid relative growing land scarcity and increased population growth. Together with government policies promoting more efficient and productive use of land (RoU, 1999, 2010a), as well as reforms in land governance (RoU, 2013b), these changes constitute normative ideas mediated through influential discourses promoting grand schemes for rural transformation with potentially significant implications for human-environmental relations. Furthermore, when such grand discourses converge with elite-capital interests amidst competing interests of land dwellers, these social changes occur within a politicised environment mediated by uneven power relations whose outcomes have diverse social and ecological consequences, often adversely affecting the poor (Deininger & Castagnini, 2006; Kobusingye et al., 2016; Mabikke, 2011b).

Transnational land deals are understood as being constitutive of asymmetric power relations, characterised by various forms of negotiation, contestation and in some cases resistance by affected stakeholders. According to Borras and Franco (2013), stakeholder groups that are often seen as being adversely affected by these deals are ‘local communities’, usually assumed to be stakeholders existing in ‘homogeneous spaces’, with ‘very similar (if not identical) interests, identities and aspirations for the future’ (p. 3). They however contend that affected populations are more likely to be socially differentiated and ‘will perceive and interpret the experience differently, based on a whole range of variable and relative economic, political, social and cultural factors, conditions and calculations that are often not well understood’ (p. 3). The consequence of this differential ‘impact’ is that different stakeholders are likely to engage in diverse responses to land deals. Borras and Franco (2013) have conceptualised these varying modes of stakeholder engagement as ‘reactions from below’, to refer to the ways in which ‘groups of poor, vulnerable and marginalised people and peoples who are affected by large-scale land deals...actually perceive and react to these large-scale land deals and why’ (p. 3).

The ‘Zones of intermediality’ approach critiques such a hierarchical categorisation of stakeholder groups along neo-Marxist class differentiation. Instead, I build on the notion of differentiated stakeholder responses proposed by Brorras and Franco, to conceptualise stakeholder relations as constituting dynamic fields within Zones of intermediality where individuals and groups of stakeholders may shift positions depending on changes in the configuration of power or distribution of benefits. Consequently, this chapter approaches the location specific analysis of strategies of stakeholder responses to transnational land deals as a dynamic zone of change rather than a hierarchical construction of stakeholders.

Since transnational land deals take place at the conjuncture of human-environment relations, transformations of access and control at the local level is likely to have transformative effects on the environment and livelihood structures. Questions of land access therefore incorporate various dimensions of resource distribution, hence the scrutiny of transnational land deals requires what Juan Martinez-Alier (2003, p. 73) refers to as the study of ecological distribution conflicts. The conjuncture between the political economy of transnational land deals and
socio-ecological effects associated with land-use change and access restriction, are therefore at the centre of inquiry in this chapter. The chapter further contends that a comprehensive understanding of the multifaceted impacts of transnational land deals at the local level, would be incomplete without an analysis of place-specific socio-ecological effects.

To operationalise the place-specific social and ecological dimensions of transnational land deals, I draw on analytical approaches from Political Ecology to account for the interrelated local-level social and political dynamics between land users and their environments. According to Walker (1998, p. 132) Political Ecology provides an analytical lens with which to examine the ways in which practices of resource use are shaped by social relations, and the ways that these relations shape and are shaped by the physical environment. Furthermore, Escobar (2006) proposes that it is important to interrogate the relationship between difference and equality (rights and power) in order to better understand relationships of access and control of land (p. 7). The dialectics of rights and powers in land access and control are articulated in the uneven social effects of transnational land deals and according to Escobar (2006, p. 7), a critical examination of their economic, ecological and cultural effects is necessary in the interest of seeking a just and balanced world.

Consequently, in this chapter, I use empirical results from the research to examine how practices of land acquisition, ensuing land-use changes and environmental effects shape perceptions and lived realities of stakeholders affected by transnational land deals. Secondly, I analyse how distributive variations of access influence strategies of engagement and responses of affected stakeholders. Due to the politicised nature of transnational land deals in central Uganda, questions of political power and the ecological and cultural dimensions of distribution and inequality are thus at the core of the analysis. This inquiry is thus guided by the question: *What are the perceptions and experiences of changing regimes of access, land-use change and environmental effects of transnational land deals at the local level, and how do these changes affect stakeholder relations and response strategies at the local level?* Rather than focusing only on responses of those perceived to be disproportionately disadvantaged and not able to participate at an equal level in decision-making, this analysis concerned with the everyday politics of strategies of stakeholder responses to transnational land deals at the local level. By focusing on all categories of stakeholders, we are able to examine forms of engagement by all groups of stakeholders, which according to Kerkvliet (2009), may range from support, compliance, modifications, evasions, and resistance (p. 233).

Following this introduction, the chapter begins with a discussion of the challenges of environmental governance in relation to specific cases of transnational land deals examined in this study. The purpose of which is to contextualise subsequent discussions of stakeholder relations and response strategies within the broader Political Ecology of transnational land deals in the District. This is followed by a critical examination of the politics of land acquisition at the local level and the consequences of displacement and access restriction as a manifestation of asymmetries of power among various categories of stakeholders. In section four, I
describe the land-use changes occasioned by transnational land acquisitions, and examine failures in environmental governance and potential ecological consequences. Section five discusses local-level stakeholder relations and the diversity of in responses to new regimes of access and control. In section six I discuss the political effects of transnational land deals in re-configuring power relations, delineating winners and losers and exacerbating social cleavages and vulnerability at the local level. In section seven I summarise the main findings by arguing that local-level dimensions of transnational land deals go beyond governance regimes and technocratic administrative procedures and are instead experienced through differentiated socio-ecological effects rooted within power disparities that generate winners and losers and reconfigure power relations at the local level.

2. Environmental governance

The land occupied by Hanhe Farm is located in a former swamp along the Lugogo river that originates slightly north of Kampala and flows northwards to feed the larger Kafi (Kabi) river which flows southwest, forming the dense river system in central Uganda before flowing into Lake Albert, the source of the Albert Nile. The river has significant ecological and livelihood impacts as part of a large ecosystem in central Uganda, and serves as a source of water for farming communities along four districts in the northern regions of central Uganda. Figure 35 below shows a map of the main rivers and lakes in Uganda and indicates the approximate location of Hanhe Farm on the lower reaches of river Lugogo.

Figure 35: Main Rivers and Lakes of Uganda showing the location of Hanhe Farm on River Lugogo.
Source: Encyclopaedia of Earth.

According to Uganda’s wetlands policy, wetlands are defined as ‘an area where plants and animals have become adapted to temporary or permanent flooding by saline, brackish or fresh water. These include permanently flooded areas with sedge or grass swamp, swamp forest or high altitude mountain bog, as well as seasonal flood plains and depressions without flow’ (RoU, 1995b, p. 6). Figure 36 below shows that the land occupied by Hanhe Farm is located in a wetland. The map was generated using geocoded data collected on site and georeferenced with cadastral data provided by Uganda’s Ministry of Lands.

Figure 36: Map showing location of Hanhe Farm on Lugogo river wetland. 

Source: Uganda Ministry of Lands.

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Wetlands are protected ecosystems under Uganda’s environmental laws governing the management and use of fragile ecosystems (NEMA, 2000). In principle, wetlands and other fragile ecosystems that are officially recognised as such are by law protected from allocation for commercial activities. Uganda’s Land Act and the Environment Act (Cap 153) states that ‘government or a local government shall not lease out or otherwise alienate any wetland’ (NEMA, 2000, p. part II:3; RoU, 2010b, p. 5024). In addition to the administration of wetlands, the day-to-day management of these resources is also placed at the hands of local government authorities. The Environment Act (Cap 153 section 107/7) stipulates that the district environmental committee and local environmental committees are the implementing organs for the management and conservation of wetlands at the local level. Furthermore, Uganda’s national policy on the management of wetlands grants authority to local government to manage all wetlands within their jurisdiction. These provisions therefore invest local authorities with the responsibility and authority to monitor and regulate any developments on wetlands in the district (RoU, 1995b, p. 16).

Since the land occupied by Hanhe Farm was designated as public land, it falls under the administrative jurisdiction of the local government in Nakaseke District. Interviews with district land officials, former land dwellers, subsequent lease-holders and the Chinese proprietors of Hanhe Farm all confirm that the land occupied by Hanhe Farm was allocated with the facilitation and approval of the local district land board (see section 3 below). It could therefore be argued that the allocation of the land may have been carried out in disregard of both national laws regulating the use of wetlands and obligations of local governments to properly manage and protect the fragile ecosystems. For instance, the country’s policy guidelines indicate that any human activity on wetlands should ‘ensure that only non-destructive uses are carried out and must be subject to environmental impact assessment and audit’ (RoU, 1995b, p. 5). Furthermore, the country’s environment law (Cap 153) Section 5 (b) of 2000 requires that a mandatory Environmental Impact Assessment (EIA) must be carried out before any activities in wetlands that are likely to have an adverse impact on the wetland can be approved (NEMA, 2000).

According to the stipulated procedures, Hanhe Farm was therefore required to undertake an environmental impact assessment (EIA) and submit the report to the National Environment Management Authority (NEMA) to obtain a certificate of use before commencing farming operations. Part II Section 12 of the National Environmental Act (Cap 153) stipulates that ‘a person shall not carry out any activity in a wetland without a permit issued by the Executive Director of NEMA’, and that ‘any person intending to carry out an activity on a wetland shall apply to the Executive Director for a permit’ (NEMA, 2000, p. 9). However, on-site observations and inquiries at the local government and the National Environment Management Authority (NEMA) in Kampala revealed that the farm had been operating without a mandatory wetland user permit. When I first arrived on the farm in October 2012, various farming activities and land-use changes had been going on for more
than two years, yet the company had not obtained a user certificate from NEMA. Some of these included a 70-acre field of maize, a vegetable garden, a mushroom seed production business, and livestock production.

I first came across the information regarding Hanhe Farm’s lack of a wetland user certificate and its failure to conduct an EIA through newspaper reports, alleging that some members of the local community in the area around the farm had protested the farm’s environmentally questionable operations (Luwaga, 2012b). The report was corroborated by the district environment officer in Nakaseke, who said during an interview that the company only submitted its EIA in August 2012, at the insistence of the local district environment office. Further documentary evidence, by way of a document bearing Hanhe Farm’s letterhead, showed that the company indeed submitted the EIA in August 2012 (see figure 37 below).

Figure 37: Copy of Hanhe Farm EIA, submitted on August 30, 2012.
Source: Nakaseke District Environment Office.

When I interviewed him in early 2013, the Hanhe Farm manager blamed the failure on poor communication from relevant governmental authorities and slow bureaucracy at NEMA for subsequent delays in issuing the user certificate. He expressed anxiety as, according to him, a delegation of investors from China was due to visit the farm, and he
was afraid that the lack of a wetland user certificate might cause him problems with the authorities. He even wondered whether I could assist him to secure the permit in time.

When I visited the offices of NEMA in Kampala in June 2013, I learned that Hanhe Farm was eventually issued with an environmental user certificate also known as a wetland permit, in February 2013. This meant that it was about four years after the company began farming operations that it was legally permitted to operate on the wetland. A copy of the certificate, made available to me (see figure 38), showed that the permit came with a long list of caveats and prohibitions on land-use practices. The certificate of approval specified that, among others:

i. The permit was only issued for crop growing activities,

ii. Hanhe Farm must carry out a separate Environmental Impact Assessment (EIA) for other planned components of the project, such as the maize mill, small-scale factories and other auxiliary activities,

iii. Ensure that no activities were undertaken within a buffer of 200m from Lugogo wetland,

iv. Ensure that permanent and seasonal wetlands are not encroached upon or degraded,

v. Ensure minimum loss of indigenous tree cover and retain tree stumps and shrubs to preserve soil structure,

vi. Ensure that any use of fertilisers, herbicides, and pesticides are approved.

Figure 38: NEMA Environmental User Certificate issued to Hanhe Farm on February 7, 2013.
Despite the strict guidelines designed to ensure ecologically sustainable land-use, the monitoring, evaluation and enforcement appeared to be lacking, thus defeating the purpose of the set guidelines. I was interested to learn whether NEMA had been at the farm in Nakaseke to inspect and confirm that the company’s land-use activities on the farm were in accordance with the assessments indicated in the EIA before the land-use application was approved and the certificate of use issued. An officer at NEMA admitted, during an interview, that due to inadequate financial and human resources, they had to rely where possible on local government agencies or on self-regulation on the part of the investor to follow stipulated environmental guidelines even without supervision.

When I brought to the attention of officer at NEMA, that my observations at Hanhe Farm seemed to indicate that the company was already in violation of most if not all of the prohibitions contained in the user certificate, he admitted that the Hanhe matter was not an isolated case. He however blamed such environmental management failures on institutional weaknesses at the local government level, thus absolving NEMA of any culpability. On their part, officers at the level of local authorities insisted that NEMA was responsible for authorisation and licensing of wetland activities and hence were accountable for proper use of wetland resources.

The local district environment officer in Nakaseke disclosed during an interview that he was willing to complement NEMA’s role at the local level. However, he lamented that his office could not effectively discharge such a mandate, as its capacity was severely hampered by, among others, lack of adequate financial and human resources for effective monitoring and supervision of wetland use throughout the district. He insisted that these resource constraints were further exacerbated by lack of support from NEMA and relevant ministries in the enforcement of regulations. NEMA has often come under scrutiny for failure to effectively uphold environmental regulations and protection of wetlands in the face of increased commercial pressure by investors. Among such detailed critiques of the environmental body was an extensive investigation carried out by the Ugandan weekly magazine The Independent (March 2014), in which NEMA was accused of unlawfully approving industrial developments on several wetlands in Kampala. The paper quoted the then NEMA executive director justifying this practice by stating “I strongly believe that development and conservation can still co-exist although someone has to lose in the process” (Musoke, 2014).

Environmental governance and ecological dimensions of transnational land deals thus appear to be juxtaposed between competing interests, motivations and ideologies and different categories of stakeholders position themselves at opposing ends while others find themselves caught in between these complex processes. The local environment officer in Nakaseke District, for instance, disclosed during a follow-up interview in August 2013, that he was more concerned about political interference from central government and political elites and in some cases intimidation and threats to his life. He cited his attempts to require Hanhe Farm to carry out stringent environmental impact assessments and obtain
user certification before commencing farming operations as having been frustrated by interference from higher level elites:

*If you got involved in those issues, they would say that you are preventing development. So, the Minister involved says that these are my investors, they must go on with their work. So as long as an investor has a big power behind him, he can carry out what he wants* (interview, March 20, 2014).

Environmental dimensions of transnational land deals are thus not neutral technocratic procedures, but rather a manifestation of contested normative ideas between development and conservation, power relations, and socio-ecological control. Procedural complexities, such as the individual and institutional duplication of roles, unclear levels of authority, bureaucratic turf wars, suspicion and mistrust between national agencies and local government authorities create gaps in environmental governance. Whether these arise by default or design, they can, and are often exploited by different stakeholders in pursuit of competing interests that may result in detrimental social and ecological consequences for the environment and local land dwellers.

### 3. Messy realities: The governance of displacement in land deals

The transfer of land use rights on public land in Uganda requires the approval of multiple land governance institutions, from the lowest village-level Area Land Committees (ALCs) up to the District Land Board, which is the final formal authority on public land allocations in the local government. The continuous splitting and creation of new administrative districts in Uganda and the associated processes of setting up and delineating institutional functions between old and new local authorities often result in confusion and chaotic land administration systems at the local level. The Hanhe case is typical of such a scenario. The land allocation to Hanhe Company occurred in 2009, just two years after the creation of Nakaseke District in 2007 from the larger Luweero district. Interviews with local land officials revealed that at the time of the land transfer, not all statutory local land administration institutions had been set up in Nakaseke District. While the district land board was in place, the ALC was neither legally constituted nor operational.

Institutional weaknesses such as that which prevailed in Nakaseke District at the time tend to create opportunities for powerful stakeholders to exercise undue influence in land acquisition procedures. A former chairman of the local Area Land Committee in the village where Hanhe Farm is located, disclosed during an interview in June 2014 that when the District land officers received an application from the Ugandan investor Dr Samuel to lease the land occupied by Ugandan war veterans, the ALC at the local village had not been set up.
The Land Board quickly moved to constitute the ALC and the chosen committee members were immediately sworn into office. According to the former ALC chair, they were then given a short half-day training, and tasked with surveying and approving the lease application.

When they were applying for that land, our committee had not yet been recognised by the district land board; within a matter of few days we got appointment letters confirming our committee. We were forced to go to Bukalasa [the regional] land office for training...they gave us a brief training of 1 day for about 4 hrs (interview, July 31, 2014).

Local land administration institutions at the district level thus appear vulnerable and prone to manipulation to serve the interests of influential stakeholders in land deals. District land administration officers in Nakaseke appear to have been compelled, or at least prompted, to take action on an administrative issue that they ought to have undertaken as part of their mandate, but specifically did so to accommodate the interests and demands of a powerful investor. The former ALC chairman also revealed that the investor paid for the land administration services from his own funds, thus influencing the process in his favour.

A few days after [the training], the man came back, and asked us if we should go on [to survey the land], we told him that we have no equipment like stationery. Then we were called back to Bukalasa [District Land Office] where we met again the land board; they told us: we are ready to give you the equipment, the books, the stamps. The man who bought the land is the one who bought the books and all the equipment we needed, then we set an appointment to meet him (interview, July 31, 2014).

The financial and institutional vulnerabilities of local land institutions and their reliance on certain stakeholders to facilitate administration services compromises their authority and independence. When access to services is determined by the user’s ability to pay, then the vulnerable that need these services the most are further disadvantaged, while the power and influence of financially capable stakeholders determine the terms of land transfers and further erode the legitimacy of local land administration.

If local land institutions are prone to elite capture, land dwellers that might not be able to afford the high cost of land administration services and the wherewithal to pursue the course of justice, are likely to suffer loss of their land rights. Former residents on the land allocated to Hanhe Farm claimed in several interviews that they did not receive fair and full compensation for the land and had had no access to adequate information to make informed decisions about the transfer of their land rights to the Ugandan intermediary investor Dr Samuel. Furthermore, they claimed not to have been fully conversant with the
proper administrative procedures involved in the transfer in order to secure their rights to adequate and full compensation.

Before the land was transferred to Hanhe Farm, it was accessible to the community for grazing, especially during dry seasons when pastures became scarce, and for fishing, harvesting of reeds for making mats and roofing houses, as well as collecting clay soil for brick making. These are essential ecological resources that the wetland provided for the livelihoods of a large number of users. This was corroborated during interviews with local government officials, including the district environment officer and the district secretary for natural resources. Satellite pictures dating back to 2004 show that the land remained under considerable vegetation cover until 2009, when the Chinese began extensive clearance and cultivation, thus depriving the community access to common-use resources. The allocation and subsequent enclosure is contrary to the country’s policy provision that wetland use should ‘maintain an optimum diversity of uses and users and consideration for other stakeholders when using a wetland’ (RoU, 1995b, p. 5).

According to individual interviews with former Hanhe Farm land-dwellers and records in the custody of their group leader, the war veterans and their descendants had applied in 1992 for land grants and were allocated 30 acres each, for a lease period of 49 years. According to Uganda’s land law, leaseholders on public land have the right to subsequently apply for renewal upon expiry of the lease period or to convert their leasehold rights to freehold (GoU, 2010). However, the land dwellers were unable to hold on to their land and in 2005 lost their lease rights to the Ugandan investor Dr Samuel.

The circumstances surrounding the transfer of lease rights from the initial leaseholders to this Ugandan private investor remain unclear, despite several interviews with a variety of stakeholders, who gave contradicting accounts. According to neighbours living next to Hanhe Farm, the individuals who were allocated the land found that it was too swampy and heavily forested, and they could not convert it to productive agricultural use. They also reported that it was infested with monkeys and other wild animals, such as hogs, that would destroy their crop. This information was contradicted by some of the former allottees who claimed that they had settled and started farming the land with banana plantains and coffee before it was acquired by the private investor.

Whatever the circumstances and status of use, the land may have eventually appeared unused and unoccupied and thus became a target for speculators interested in securing it for other investors. The scenario follows a familiar pattern prevalent in discourses of legitimisation for transnational land deals that are depicted as being focused on ‘marginal, empty lands’ available for acquisition (Franco, 2012; Makki & Geisler, 2011). After a process of negotiated transfer that started in 2005, the land was eventually transferred to the Ugandan private investor in 2007, with the approval and facilitation of the district land board. While local government officials maintain that the lease transfer was approved under the condition that the investor would compensate existing tenants as stipulated
in law, the previous occupants provided documentation showing that only a few of them were compensated (see figure 39 below). In 2014 the leader of the previous land dwellers disclosed that they had agreed with the investor that he could pay the compensation fees in instalments, but lamented that it was more than ten years later and the investor was yet to pay out the money in full, despite several requests he made for postponement and further downward negotiation of the compensation costs.

![Figure 39: Document allegedly showing payments made and owed to previous occupants on Hanhe Farm.](image)

The documents in figure 39 above allegedly show the payments made by the Ugandan investor to the land dwellers and outstanding fees owed but do not bear the signature of the investor. Their authenticity is therefore doubtful and may not stand up to legal scrutiny in court, should the dwellers attempt to seek legal redress. They also claimed that due to their lack of access to adequate information, the compensation figures they were offered were below market rates and too low to afford them the possibility to buy land of similar size elsewhere. Furthermore, one female occupant told me that vulnerable group members, such as female-headed households, widows and orphans, were left stranded while some of the male occupants were paid off.

*Dr Samuel bought the land from the veterans including my husband who sold the land without my knowledge. I don’t know what transpired between him and Dr Samuel, but I know some money changed hands. I think only 5 or 6 people out of about 17 shareholders were paid. I don’t know how much money they were paid; we were forced to take the money and leave, so my husband left and we have not seen him since* (interview, December 27, 2012).
With elite influence peddling and dysfunctional local land governance institutions in place, vulnerable land dwellers experienced persistent loss of their land rights and an inability to defend and secure them. The former land dwellers, including their group leader and the female members interviewed, complained that their attempts to seek assistance from the local land governance institutions were fruitless, partly because they could not afford the cost of frequent travels to the multiple offices to submit and follow-up on their complaints. They also cited the high and unaffordable costs of administrative fees and payments for logistical facilitation demanded by the officers concerned as also discouraging their efforts to pursue justice.

The investor, on the other hand, provided a contradictory narrative that tried to delegitimise the claims of land dwellers. During an interview in June 2013, Dr Samuel claimed that he had compensated the occupants in full through an elected representative. He insisted that there were no outstanding payments and instead blamed the controversy on the greed of some of the previous land dwellers who thought that he had made more money by sub-lease the land top the Chinese. In his view, these individuals were thus revising the narrative in order to obtain more money. These conflicting narratives and the lack of precise documentary evidence make it difficult to arrive at a conclusive assessment of the details of the land deal, including the transfer process and the compensation.

4. Land-use changes and environmental effects

It is generally recognised that while in some cases farming may make improvements on the local environment, it is more likely to cause substantial environmental damage. In particular, modern intensive farming has been found to lead to environmental degradation in many developing-country situations (Hazell, Poulton, Wiggins, & Dorward, 2007, p. 5). In their research on contemporary trends in agricultural practices in east Africa, Salami et al (2010) found that increased competition for agricultural land led to increased encroachment into and cultivation of marginal land which carries environmental costs such as depletion of forests, wildlife areas and fish stocks (p. 19). They further point out that recent large scale land investments in East Africa, including Uganda, despite presenting opportunities for the transformation of farming, carry with them potentially significant environmental impacts (ibid, p. 37).

Before the beginning of operations in 2009, most of the land acquired by Hanhe Uganda Company was covered by thick bush, swampy grass and reeds. According to local residents, the area was also reported to be teeming with a variety of wildlife including monkeys, wild rabbits, wild pigs (Hogs) and antelope, as well as a variety of reptiles and bird species. Historical satellite photography from 2004 (see figure 40 below) seems to corroborate claims regarding the extent of vegetation cover. The satellite photograph below shows a
clear difference in vegetation cover between a dairy cattle farm to the left with sparse tree cover and the land, then allocated to the smallholder veterans to the right, under thick vegetation cover.

Figure 40: Historical imagery of Hanhe Farm location in 2004. Source: Google earth.

Once the land was transferred to the Chinese operator, land-use change began with massive clearance of vegetation cover in preparation for cultivation. According local farm workers, this was the period when the farm employed the highest number of workers engaged in manual land clearing. On my first visit to the farm in September 2012 more than two years after the clearance, I observed evidence of charred grass and burnt out tree stumps. The photographs in figure 41 below show a 2009 Google satellite imagery of Hanhe Farm alongside a 2013 photograph showing evidence of extensive land clearing. This photographic evidence corroborates testimonies of the widespread and repeated practice of clearing. According to the Nakaseke District environment officer, such large-scale and extensive land clearance with total removal of vegetation cover causes significant environmental damage, including biodiversity loss and destruction of soil cover and overall ecosystem change. When this occurs in the context of large-scale commercial agriculture investments, Maynard and Nault (2005) argue that such extensive land-use changes have contributed to rapid decline or alteration of habitat and are the leading causes of depletion of the earth’s wildlife species and biodiversity (p. 11).
While all forms of agriculture involve some of form of land-use change with potentially adverse environmental effects, extensive vegetation clearance using heavy-duty mechanised equipment such as bulldozers was largely practiced on large-scale commercial farms and hardly at all on small-scale holdings. Since most local smallholders could not access the machinery or afford the high costs of leasing them, their land-use changes and cultivated land sizes were much less. Their tillage also consisted of less destructive practices using hand held hoes or oxen-drawn ploughs skirting around huge trees, swamps and other natural obstacles.

On the other hand, large-scale commercial farms operated by transnational investors with more superior financial capabilities deploy heavy earth-moving equipment and higher levels of human labour for clearance of more difficult terrains such as hills and swamps. Figure 42 below, taken at GLAD Farm, is representative of the mechanised land clearance practices that I observed on all the four case-study farms. Tree cover clearance was particularly intensive on the Norwegian operated GLAD Farm and the Indian operated Balaji farm, both of which practice large-scale commercial mono-cropping of maize. Furthermore, with two crop seasons in a year that follow in quick succession, these farms take advantage of mechanised ability and access to large pools of cheap labour to engage in intensive cultivation. This allows no time for rejuvenation of spoil nutrients while using intensive application of fertilizer and herbicides to maintain high productivity.

Massive vegetation clearance and subsequent intensive farming practices, as experienced in these large-scale farms, precipitates loss of soil organic matter resulting in the breakdown of soil structure and greater vulnerability to soil erosion and reduced fertility. According to (Maynard & Nault, 2005, p. 10), these factors eventually lead to reduction in yield and sustainability of the soil resources. Hazell et al. (2007) further observe that other than precipitating deforestation, loss of biodiversity, soil erosion, and soil degradation leading to substantial effects on crop quality and yields, large-scale intensive commercial agriculture may also result in salination and the depletion of groundwater aquifers, and pollution of watercourses (p. 18). This is particularly the case if harmful agro-chemicals seep into underground water sources.
Figure 42: Bulldozer clearing swampy vegetation on GLAD Farm. © Josh Maiyo, July 20, 2013

During successive visits to Hanhe Farm throughout the research period, I observed that trenches of different lengths and depths had been dug on several sections of the farm. Deeper and wider drainage trenches measuring up to two metres wide and two metres deep had been dug around the built-up area of the farm compound containing the housing units and around operational yards as well as the maize mill and mushroom sheds. Figure 43 below shows a Google Earth historical satellite imagery of Hanhe Farm location in 2013 capturing the outline of trenches on the farm.

Interviews with the farm manager and the proprietor as well as observations during site visits over the three-year fieldwork period between 2012 and 2015, showed that the farm experienced frequent flooding during the rainy season. In severe cases, floodwater would rise to almost a metre high due to the low-lying terrain and swampy conditions. According to the farm manager, this necessitated the digging of trenches to channel away the water and prevent flooding into houses and work stations. On a site visit in April 2014, it could be observed that the entire cleared area on the farm totalling about 200 acres was still crisscrossed by canals and trenches of varying length and depth.
Figure 43: Satellite imagery showing trenches on Hanhe Farm. 
Source: Google earth, 2013.

Due to the frequent flooding, the soil was waterlogged for long periods of the year making it impossible to properly till the soil for crop cultivation. Commercially viable crop cultivation was abandoned in 2013, save for small-scale gardens. The consequence was that the workforce on the farm was drastically reduced and the vast swaths of the property left untended. To control the rapidly growing vegetation, herb-control chemicals were applied in the areas around the farm compound. Farm workers explained that they had applied Roundup, a common agricultural herbicide that is known to cause up to 20 percent species reduction in aquatic ecosystems, including severe effects on the Nile Tilapia, and even lethal impacts on some aquatic and terrestrial species (Jiraungkoorskul et al., 2003; Relyea, 2005a, 2005b). During a farm visit in June 2014, I observed from the discoloured and dried-up grass and shrubs the evidence of its application at the edge of the trenches (see figure 44 on next page).

It was also evident that some of the chemicals had seeped into the water in the trenches. Likely the chemicals would seep into the soil under the swampy conditions and due to frequent flooding, and thus contaminate ground water and eventually flow into the adjacent river system. To control mosquitos from breeding in the stagnant water, they also applied Dichlorodiphenyltrichloroethane (DDT), a highly residual insecticide that has been prohibited in Europe and the United States because of its well-known, long-term environmental persistence, serious toxicity to wildlife, and negative effects on human health (Beard & ARHRC, 2006; Turusov, Rakitsky, & Tomatis, 2002; Yáñez, Ortiz-Pérez, Batres, Borja-Aburto, & Díaz-Barriga, 2002). Chemical use was carried out despite explicit prohibition in the user certificate issued by NEMA.
When prospects for crop cultivation failed, the Hanhe Farm management turned to aquaculture in early 2014. By April 2014, eleven fishponds measuring about 20 by 40 metres and 1.5 metres deep had been excavated on the farm. The ponds, which were not sealed at the bottom and on the sides with concrete but simply left open, were easily flooded due to the high water-table characteristic of the swampy conditions. The mode of aquaculture practiced entailed the direct application of fish feed into the water. Specialists that I interviewed at Uganda’s fisheries research institute NAFIRRI, at the Kajjansi aquaculture research centre near Kampala, were critical of the practice. They warned that it was highly likely that foreign matter from the fish feed would easily contaminate groundwater and seep into the swamp and the river water.

Despite assertions in the literature that adverse environmental impacts of intensified commercial agriculture run counter to the tenets of sustainability (Maynard & Nault, 2005, p. 14) and leading to rising costs for agricultural production and losses to society as a whole, some researchers, such as Hazell et al (2007), argue that evidence of environmental impact remains inconclusive (p. 18). The eventual nature and extent of ecological consequences of the land-use practices on the farms under study thus remain unclear, and more focused research is needed. Interviews at NEMA offices in Kampala and at the district environment office in Nakaseke showed that inspection and monitoring of land-use changes and farming practices on the case-study farms were not carried out. Governance and regulatory agencies were thus not aware of ongoing breaches of environmental codes and the extent or intensity of resulting environmental impacts. These shortcomings raise critical questions about the level of environmental governance in Uganda.
5. Everyday politics and contestation of transnational land deals

Challenging enclosures and access restrictions

Local-level responses to the land-use changes on Hanhe Farm are indicative of how heterogeneity among stakeholders and their interests at the local level as well as uneven distribution of benefits of transnational land deals shape differentiated forms of engagement and responses from below. The differences began to emerge before I arrived in the field when, according to press reports, some local residents alleged that the Chinese had dug trenches on the farm in order to drain the swamp for cultivation. They claimed that this land-use change would divert the flow of the river and cause them potential loss of access to water (Luwaga, 2012b). The same report suggested that a section of local politicians was also opposed to the development, claiming that activities on the farm were being carried out without proper permits from the environmental management agency NEMA. My subsequent inquiries at the national environmental management authority (NEMA) offices in the capital Kampala confirmed these allegations, as already discussed above.

Supported by some dissenting local politicians, some area residents are reported to have staged a protest, which caught the attention of the press and policy makers at the national level (Luwaga, 2012b). This further deepened divisions among the local councillors between those who supported the Chinese farm, and those who sided with the villagers. During an interview in October 2012, one local councillor alleged that those councillors opposed to the Chinese project were motivated by personal gain, since they were not members of the environment committee and had not personally benefited from allowances paid out for field inspection trips to the farm. The inspection trip was allegedly funded by the Chinese, which further fuelled speculations about influence peddling. The same councillor was very supportive of the Chinese and admitted to working privately as a consultant for Hanhe Farm. When I asked about the potential for conflict of interest between his services to Hanhe Farm and his obligations as an elected representative, he admitted that some of his colleagues were not too pleased with his association with the Chinese.

I saw that they were not happy so I can’t say that they still feel unhappy about my working on the farm, but I don’t know if they still feel the same. I guess some people were opposing the programme because there is a councillor who is benefiting from the farm. But the Chinese don’t want to be involved in Ugandan politics. So, when I am on the farm, I am not allowed to talk politics (interview, September 26, 2012).

His dismissal of fellow councillors’ opposition to the Chinese farm as sour grapes, masks the possibility of deeper rooted causes and implications of the split among local politicians. The rift underlines the effects of differentiated distribution of the benefits of transnational
land deals, in form of either direct financial or political gain at the local level. The same official also explained away the opposition by some of the local residents to the Chinese project, blaming it on ignorance of environmental governance and jealousy for having lost free grazing grounds. Instead, he extolled the potential benefits to be gained from Hanhe Farm including the introduction of modern Chinese farming methods, technological advancement, and commitment to rule-based operations.

*What I have seen in Hanhe Farm, their first priority is to implement Ugandan local policy. They don’t do anything that is out of the law. And they seek for advice where they don’t know... so what I am explaining is that Hanhe Farm is following Uganda laws and policies. Hanhe Farms objective is to develop the local people (interview September 26, 2012).*

The contrasting responses to environmental issues arising from the presence of Hanhe Farm illustrates the effects that transnational land deals can have on social relations and power configurations at the local level. While it cannot be conclusively argued that the local social and political fissures were directly caused by the presence of the transnational land deal, the local stakeholders deployed discourses about their lived realities and personal and communal losses to mobilise opposition and organise acts of resistance. To protest the loss of communal access to the wetland’s resources and fearing that the enclosures and new land-use changes would adversely affect the livelihoods of the immediate community and pastoralist communities further downstream, they sent a petition to NEMA, seeking an intervention to have the farm’s operations regulated.

Media accounts tracking the progress of the protests indicate that NEMA officials at the capital dismissed the concerns of the protesters and went ahead to issue the wetland permit to Hanhe Farm in 2013. Officers at the national level seem to have been emboldened in their course of action when Uganda’s President, together with area politicians and cabinet ministers gave a strong endorsement of the investment, which was officially launched by the Minister for Finance at a lavish and well publicised opening ceremony in 2011 (URN, 2011b).

**Weapons of the weak? Resistance to transnational land deals**

Strategies by which vulnerable groups in society act to resist structural violence have been conceptualised, according to James Scott (2008) as ‘weapons of the weak’, expressed through everyday forms of subversion and resistance. In this section, I apply Scott’s framework to analyse local-level dynamics of contestation over transnational land deals. I work from the premise that, while rural land dwellers may not prevent the land deals from occurring, they do possess relative power that they can deploy through various forms of contestation and resistance. Kerkvliet (2009) postulates that these weapons of the weak
are expressed through acts of ‘everyday resistance’, or ‘what people do that shows disgust, anger, indignation or opposition to what they regard as unjust, unfair, illegal claims on them by people in higher, more powerful class and status positions or institutions’ (p. 233).

In Nakaseke District for example, *Mailo* tenants who occupy land with overlapping tenure, claim land-use rights by is by discursively appropriating the language of statutory legal protections while at the same time appealing to traditional claims of heritage, kinship belonging. In the case of Amfri Farm, the land had been unoccupied by its owners for almost 20 years following their expulsion from the country together with other Asian Ugandans in 1972. Former farm workers, who were mostly migrant labourers from the Alur ethnic group of Northern Uganda, remained and continued to cultivate the land as squatters. In the intervening period, successive waves of immigrants, mostly from the pastoralist Banyankole, Bahima and Banyarwanda ethnic groups from western Uganda and the northern cattle corridor of the district, steadily encroached on the farm.

When the Indian-Ugandan family returned from Canada to repossess the farm in the 1990s, a thriving multi-ethnic community of cultivators and pastoralists had settled on various locations on the land. During an interview in 2013, the elected chief of the village that had developed on the farm, claimed that the squatter population consisted of 92 families totalling about 800 people. He stated that the majority of the squatters occupied about 300 acres in one section of the farm, while a few others were scattered on different locations. Most of the squatters were left relatively undisturbed when the Indian family began cultivating the farm in 1992 as only a small section of the vast land was initially cleared for cultivation. As from 2013, the proprietor commenced a rapid expansion of the acreage under cultivation, and gave notice to squatters on and around the farm to relocate to a designated location where a new village would be set up. The owner said that there was sufficient land to be allocated to each of the affected households for resettlement.

In addition to the resettlement of the dispersed households, those already resident in the 300-acre village were required to reduce the size of their land holding. The owner thought that the 300 acres was too large for the rightful occupants who, in his view, were much fewer than the village chief claimed. The village chief, on his part, claimed that the proprietor was trying to force all 92 families to be resettled on only 20 acres of land which, in his view, was insufficient. The proposed changes, which were not immediately implemented, initially met with passive resistance by simple refusal to comply with the order to demolish scattered huts and move to designated plots. Meanwhile tensions began to rise and a dispute ensued between the proprietor-landlord and the village chief over the exact number of genuine squatters and the relocation exercise. The Amfri company secretary and the proprietor alleged that they had received information that the village chief might have invited new squatters from his Bahima ethnic community and allocated them land in
CHAPTER 8

exchange for money, hence the high number of squatters claimed by the chief. The village chief on his part denied these claims, insisting that all squatters were genuine residents.

As the deadline for relocation drew near, the resident villagers’ objections turned to open defiance and organised protests among the land-dwellers broke out. The growing unrest caught the attention of the media and local government officials as the protest was covered by the national TV channel broadcasting in the local Luganda language. The protesting squatters, mostly from among the pastoralist Bahima and Banyankole ethnic groups of western Uganda, played on their shared ethnicity with the country’s President and their membership of the ruling party to seek political protection. The proprietor-landlord, on the other hand, also claimed political legitimacy and authority for his actions, based on his personal relationship with the President and political and legal protection given to returning Indian-Ugandans under the post Idi Amin Expropriated Properties Act (RoU, 1983).

The escalating land conflict eventually sucked in some local politicians, local government officials, and the local police. When the Amfri Farms management decided that it was time to put the relocation order into effect, they appealed for assistance to the Resident District Commissioner (RDC), the most powerful office at the local government level. The RDC is the President’s direct appointee and personal representative at the district level, and commands significant power and authority as the head of the district security committee. On the opposing side was the relatively weak alliance of squatters and their local village chairman. The conflict was thus characterised by an uneven power balance as the contest was not just administrative and legal, but also political. The introduction of the RDC into the conflict transformed its nature and added another layer, pitting a powerful presidential appointee against an elected but lower-level village representative. Although they both claimed legitimacy and authority partly as members of the same (ruling) political party, the land dispute and divergent interests of their constituencies positioned them in opposing camps.

The farm’s management also deployed its rhetoric of development and used the superior socio-economic position as a major investor in the district to gain direct access to, and receive support from, the RDC. In this political contest, the alliance between the RDC and Amfri Farms management and the local police force prevailed. Using his autonomous position as the head of security forces in the district, the RDC deployed the local police to oversee the relocation and destruction of squatter’s houses. The RDC thus could draw on his powerful position in the district, claiming direct authority from the President’s mandate, and relied on the state’s monopoly of legitimate force to compel the squatters to comply.

To deflect any criticism of violating squatters’ rights, especially in the glare of the media spotlight, the landlord claimed to have supplied the relocated residents with food and construction material to set up temporary shelters on their new plots before they could
build their own homes. The farm management also claimed to have followed the law by giving a sufficient notice period, allowing squatters to harvest their seasonal crop and providing designated plots for relocation. They therefore stressed that any accusations of eviction or displacement had no merit.

The squatters on the other hand claimed that their land and cultural rights, such as the sanctity and access to family burial grounds, would be violated, while those of pastoralist background claimed that their livelihood practices would be violated with the loss of grazing rights. They claimed that while the dwellers from the Buganda or other ethnicities might have been content with smaller plot sizes suitable for cultivation, they should not have been treated the same way, as they needed more land for their cattle. The village chief was also critical of the farm management, saying that the support given to the relocated squatters was woefully inadequate. He offered to take me to see one of the recently relocated residents to show what he described as inadequate living conditions, having been forced to destroy their previous houses (see figure 45 below).

Figure 45: Amfri Farm village chairman with a relocated resident.
© Josh Maiyo. July 26, 2014

By the time of completing my fieldwork in August 2015, the majority of squatters who were scattered at various parts of the vast property had agreed to move, following the intervention of local government officers. The other residents who were required to reduce their household plots remained adamant and vowed to resist the move. The proprietor-
landlord and his farm managers remained confident that the law was on their side, and with the support of the local administration their objective would be met in due course.

The Amfri Farm case provides a glimpse into the complexity of claims over land-use rights and brings into sharp focus the dialectics between claims of legitimacy and how competing definitions of rights generate conflict among stakeholders. The differentiated responses discussed above also indicate that the distribution of benefits and loses occasioned by transnational land deals go beyond the actual access and control of resources and become zones of contestation over power and authority and even over processes of state control and governmentality. Concepts such as displacement are therefore contested; ideas about proper spatial (farm) planning and environmental management are used to legitimise practices of dislocation and control. These land deals then become Zones of intermediality where these ideas are contested. Competing ideologies, narratives and perceptions are mediated through various platforms and embodied responses, which are constantly transformed, but not necessarily resolved.

The two case studies (Hanhe and Amfri Farms), show how power disparities inherent in different groups of stakeholders determine how claims of legitimacy and authority are deployed to protect diverse interests. We are then able to examine how transnational land deals reconfigure power relations, shape social struggles, and determine socio-political outcomes at the local level. We also see that stakeholder categories such as ‘local communities’ are not homogenous but differentiated, and conventional characterisation of ‘poor peasants’ as passive victims of land deals are problematized through everyday practices of both organised and random acts of defiance, resistance and protest.

6. Conclusion

This chapter sought to develop an understanding place specific environmental and social effects of transnational land deals through the lens of everyday perceptions and lived realities of stakeholders at the local level where material impacts unfold. While transnational land deals are presents as offering new opportunities for the transformation of agrarian production, this chapter has demonstrated that, they instead rearrange power relations at the local level in ways that could potentially generate longer-term adverse social and environmental problems.

First, the cases presented in this chapter point to potential ecological impact of land-use change and farming practices associated with large-scale transnational land deals. Potential gaps in natural resource governance regimes across all levels from the community, local government to the national government level have been brought to light. By raising questions about the state of environmental governance in the country, the case studies highlight the potential for unregulated transnational large-scale land-based investments
to produce adverse socio-ecological consequences for affected communities that shared common-use resources such as wetlands and rivers. Although this chapter concludes that evidence on actual ecological impacts of land-use changes occasioned by transnational land deals still remains patchy, Hazell et al. (2007) have observed that associated ‘impacts of both environmental degradation and climate change are usually assumed to be more severe for small farmers than for larger holdings, on the grounds that small farmers have less access to human, social, and financial capital and information than do larger farmers’ (Hazell et al., 2007, p. 18). For this reason, Salami et al. (2010) argue that since transnational land deals carry with them potentially significant environmental impacts, these effects need to be reviewed and factored into the negotiations of agreements for such investments (Salami et al., 2010, p. 37). It is therefore important that more focused and systematic studies should be carried out to provide further empirical evidence.

Second, with regard to land governance and in particular land administration procedures, the result show that transfer of user rights on public land to investors tends to occur in violation of procedural regulations, and often without prior and informed consent of land dwellers. This leads to poor or inadequate compensation, and generates potential for conflicts. Location specific disruptions, whether real or perceived, may also occur when public or common-use lands are transferred to private individuals or enterprises without due regard to access rights for adjacent communities. While Uganda’s land and environmental laws nominally protect the usufruct rights of legally recognised tenancy occupants and common-use groups (RoU, 2010b, pp. 5008–5010), the cases presented here show that interpretation of the law bends in favour of powerful stakeholders, who have the means to enforce their version of what the law entails. The result is that legal protection for vulnerable groups and individuals is ignored or violated, if necessary by force. The results therefore show that at the core of local-level manifestations of transnational land deals is the uneven distribution of power and asymmetries in stakeholder alliances that produce winners and losers.

More specifically, the case studies show that the alignment stakeholder interests of private investors and state elites produces alliances that structure transnational land deals in ways that do not protect nor preserve the land rights of vulnerable groups or the environment. The resulting uneven distribution of benefits and loses in human-environment relations at the local-level produces conditions of resource scarcity which in turn precipitates conflict between different social groups. These groups are themselves not intrinsically homogeneous nor have a shared identity, but are products of manufactured conditions of resource scarcity and perceived marginalisation. While some hitherto disparate stakeholder groups coalesce around common interests, other perceived local-level stakeholder groups differentiate as they are either willingly or unwillingly co-opted into elite networks. This generates conditions for more conflict among affected communities as
interests diverge over access rights and the use of common-pool resources such as grazing land and water sources.

Third, as elite stakeholder categories co-opt other groups such as local government land administrators and officers from local government agencies in the process of legitimising the land acquisitions while countering the interests of those adversely affected, the process generates adverse structural effects that compromise the independence, effectiveness and legitimacy of (local) government institutions while undermining governance regulations thus subverting the state while enhancing personalised power. The dominant role of stakeholder-elites and their privatisation of the state for personal interests, have broader implications on stated objectives of broader land governance and tenure reforms. Furthermore, potential points of wider conflict in central-local relations over access and control of land for investment could arise due to the subversion of formal procedures and the overlapping jurisdictions between central government agencies and local authorities over control of land thus threatening the structural relationship between the centre and periphery, and the very character of the state itself.
CHAPTER 9

CONCLUSION:
DIFFERENTIATED TRAJECTORIES AMID INTRACTABLE REFORMS
1. Introduction

In April 2017, I went back to Uganda for one last field visit to update my data on some of the case studies and get an appraisal of developments in the research location five years after commencing the research. This decision was partly influenced by media reports in September 2016 that the Chinese investors of Hanhe farm had halted the project and abandoned the farm (Wandera, 2016). The report quoted several sources including the chairman of the local government in Nakaseke District stating that operations on the farm had ceased in December 2015. This visit offered the opportunity to explore potential trajectories in processes of transnational land deals and to examine possibilities of differentiated outcomes and their effects at the local level. As I prepared to return to the field after two years of absence, I wondered what these new developments meant for the research project and the analysis of results and conclusions that I had arrived at so far. How significantly would this alter the parameters of the research project itself and its scope? What new perspectives did I need to look out for and integrate in the research? What implications would these new twists and turns have on longer-term research agenda within this project?

I arrived unannounced at Hanhe farm in the afternoon of April 29, 2017. The tall imposing entrance with a distinctively Chinese architectural style and the name Hanhe Farm written in Chinese characters, was no more. The fierce barking dogs that I encountered at my first visit were also gone, although the police post still remained, there was no sentry at the gate and the short drive-way to the farm compound appeared to have not had any motorised traffic in many days. Further on, the huts that housed mostly Chinese farm workers were abandoned, overgrown with weeds and the reed-thatching falling off. The little farm machinery that was left, lay idle in an equally disused shed. A lone cow and a young calf grazed in the tall grass as a young Ugandan boy tugged at the tethering rope around its neck. His mother, a young woman, washed dishes outside the only hut that appeared occupied while her young husband emerged from within to tell me that Ms Jessy, the wife of the Chinese owner, did come to visit the farm occasionally so as to give assurances that the project was not totally abandoned and to stave off potential interests in acquiring the land. But as it was on my first day at Hanhe 5 years back, I would have to return to Kampala if I needed more information from the farm’s management.

With no administrative restrictions, I was free walk around the farm and upon further inspection, I found that the main farm-house which previously served as the living quarters for the farm manager, as well as the large kitchen and dining facility previously used by the Chinese workers, and the once well stocked piggery were all empty and abandoned. Further afield, another young Ugandan boy and his farther emerged from the field of lush green maize, a knapsack sprayer strapped to his back and an empty one-litre bottle of Chinese herbicide concentrate in his hand. I was informed that the Chinese owner had
given away sections of the farm for free to some former farm workers and interested local community members to grow maize as a form of retaining some form of activity on the farm and to prevent it from being totally overrun with new vegetation cover. The gate-keeping dogs were now tied to trees on the edges of the farm to scare away monkeys that would otherwise feed on the young corn.

![Figure 46: Hanhe Farm in April 2017 showing signs of abandonment. © Josh Maiyo April 2017](image)

Meanwhile, the dwindling fortunes of the farm appeared to have gone down with the political careers of some of its previously ardent supporters. The previous local Member of Parliament and the local councillor, whom I described as having previously consulted for the farm and spoke in glowing terms four years back, were both defeated in the 2016 elections. Despite being members of the President’s ruling party, they were both swept aside by a wave of rising opposition fervour in central Uganda. The former councillor was now one of the beneficiaries of the free plots on the farm, and I found him planting tomato seedlings on a poorly cultivated patch close to the swamp. He was somewhat embarrassed to concede his election loss and appeared resigned to his new status as ‘just a farmer’, while not-so-enthusiastically admitting that indeed, the Chinese farm that he so much hoped would thrive had failed. Our informal conversation was abruptly terminated as heavy rain-clouds that were gathering fast threatened to drench us in a tropical storm. I swiftly bid him farewell and made my way back to Luweero town on the back of my old friend and research participant Silas’s wobbly motorbike and returned to Kampala to find Ms Jessy.

2. Differentiated fortunes and diversity in transnational land deals

Back in Kampala, Ms Jessy, who had since moved from her large gated maisonette in one of the city’s premier neighbourhoods, now lived in a hostel and said that she was tak-
Amfri farm too has increased its productivity by acquiring another 100-hectare farm in Masaka in western Uganda and expanding the membership of its contracted out-grower farmers to more than 110 by 2017. In addition to participation in local trade fairs and agri-business conferences locally, AMFRI Farm and GLAD Farm have positioned themselves in international agri-food conferences in Europe as flagship inclusive development enterprises at the forefront of improving productivity, food security, local livelihoods and environmental sustainability (Denmark in Uganda, 2015; GLAD Farm, n.d.-a). Balaji farm too has since completed clearing all its land holding and diversified from maize monocropping to include rice production.

These apparent differentiations in the trajectories of the large-scale land and agriculture investments points to the need to go beyond immediate drivers and effects, to also include research into certain dimensions of enterprise sustainability and medium to longer-term transformations of the projects themselves. Such a line of inquiry, other than examining contextual and inherent factors that may account for these differentiations, will also give an indication of their longer-term socio-ecological impact pathways. Better knowledge of the varying degrees of ‘success’ of these ventures will also provide more evidence for generalised observations of broader macro-level socio-economic effects and policy implications of transnational land deals.

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17 Presentation by AMFRI Farm CEO Lilian Anguparu at a workshop on “Inclusive Green Economy: seizing new opportunities to generate growth, create jobs and help reduce poverty”, held in Kampala, Uganda on 24-27 April 2017
Financial access

While this research was not specifically designed to evaluate enterprise viability, emerging data from this study provided potential explanations for these differentiated trajectories. Conventional explanations for the rise of transnational investments in agrarian economies in developing countries are partly premised on assumptions of relative ease of financial access, and in particular incentives extended to transnational investors (Cotula et al., 2009; McMichael, 2012; Zoomers, 2010). However, there is concurrence among researchers that tracing the money and finding evidence of financial flows into transnational land deals is difficult due to the lack of transparency (Anseeuw, Lay, Messerli, Giger, & Taylor, 2013; Borras, Franco, & Wang, 2013; Borras, Kay, Gómez, & Wilkinson, 2012). For instance, despite media reports indicating possible financial support for Hanhe Farm by the China African Development Fund (CAD-Fund) under the China Development Bank (Fan, 2011), Ms Jessy, the owner’s wife, who manages the farm denied these reports, emphasising that all the money invested in the venture came from private family sources.

Furthermore, email inquiries with the CAD-Fund office in South Africa in July 2014 regarding Hanhe Uganda, also resulted in denials of any knowledge about this project. These denials put in doubt the accuracy of information provided by the development data tracking website Aid Data claiming external financial assistance for Hanhe (Aid Data, n.d.). Other online sources consulted in 2014 (the web address is no longer inexistence), indicated that Hanhe Farm’s parent company in China, Hebei Hanhe Company, had sourced funds from individual small-scale investors in China for the Uganda venture, but has allegedly failed to repay these funds. During the April 2017 interview, Ms Jessy admitted that Hanhe Farm’s parent company was indeed under investigation in China, but insisted that the issue was about compliance with new environmental regulations for its forestry business, but had nothing to do with financial fraud. Still the potential reputational damage arising from such publicity both in China and Uganda could have implications for the company’s ability to attract new investors and revive its operations.

Of the four farms studied, verifiable information regarding sources of funding was available only on the Norwegian owned GLAD Farm. Online sources indicated that the enterprise obtained an equity investment worth USD 151,249 from Norfund in 2012 (Aid Data, 2015; NORAD, 2013). Bent Ronsen, the owner and manager of GLAD Farm confirmed this, and indicated that he had other Norwegian investment partners. He disclosed that although he initially had a Ugandan partner in the venture, he had to buy him out because of operational incompatibility. Funding for Amfri and Balaji farms could not be verified, but the owners claimed to have financed the ventures through private family funds.

Balaji Company (East Africa) is for instance known for its extensive and diverse investments in machinery manufacturing and beverages in East Africa. But despite its compara-

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18 Interview with GLAD Farm owner and investment partner in Kampala. August 8, 2014.
tively larger and more diverse enterprise footprint in Uganda, Balaji Company, unlike the other ventures, had no company website and appeared to shun publicity. The company’s cramped but sprawling complex outside Kampala’s city centre, which had offices and residential quarters for the largely Indian management staff, as well as processing facilities, had no visible sign-post nor identifying markers. During an interview, its General Manager said that their acquisition of the farm would spearhead their portfolio diversification into agri-business, but he couldn’t reveal financial details:

We have a 99-year lease which is automatically renewable, so I can say we have the land for about 200 years. You never know what will happen in that time. So, we feel we have secure tenure for now. We got the land at reasonably low prices, I cannot disclose the amount since this is confidential business information, but we had a good deal. I cannot say how much we have invested in opening up the land for now, but it goes into billions of shillings. We are confident we shall recoup our investments and start breaking even within ten years (interview July 16, 2013).

The Canada-based Asian-Ugandan family that owns Amfri Farm also claimed to have invested funds generated from other family business in Canada in the Ugandan venture.

**Land-Use, Productivity, and Market Access**

It is noteworthy that available information merely indicates the diversity in sources of capital, but the investors were hesitant to provide concrete evidence of the amount of funds channelled into individual ventures. It was therefore difficult to evaluate whether and how disparities in the size of capital investment accounted for the relative success of farming operations. Furthermore, access to financial capital alone does not explain variations in all four farms under study. My observations indicated that choices of land-use type, productivity and market access also did play a role in the ability of the ventures to generate capital to supplement investment streams in the initial start-up phases. For Hanhe farm for instance, its location on a wetland, which proved unsuitable for crop production, appears to have been one of its main challenges. After extensive experimentation with various crop varieties and cottage industries including alcohol production from rice, the management attempted to shift from plantation farming to mushroom production and aquaculture after 2013 to salvaged the enterprise. It appears that by this time, the company had run out of operating capital as well as retain its Chinese staff. Between 2013 and 2015, the only thriving enterprise was mushroom production which collapsed in mid-2015 when its darkrooms were infected by a deadly fungal outbreak.

The location of Balaji and GLAD farms on land with good arable soils and the choice for large-scale maize production seems to have aided these ventures in achieving relatively high productivity and immediate income generation upon start-up. Although by 2014,
his investment was yet to break even four years after establishment, GLAD Farm’s Bent Ronsen said that he was able to pay his staff and some running costs since his farm’s maize productivity had tripled in the same period arguing that “Maize is easy to produce and store, and with high enough quality, it sells itself and provides good prices throughout the region” (NORAD, 2013, p. 79). Balaji’s General Manager also cited market availability and ease of production for choosing to produce maize among other grains.

We started with 50 acres of rice and we are planning to expand to 200 acres of maize in the next season. We are concentrating on fast moving food crops which have a ready market in Uganda, so far, these chosen crops sell like hot cakes, the market is there and you can never go wrong with these. We are concentrating in food crops ready for sale. So, for now we are focusing on commercial agriculture (interview July 16, 2013).

Knowledge of the local food market seems to have played a significant role in the land-use choices made by both Balaji and GLAD farm to engage mostly in maize production while the poor clay soils on Hanhe farm seems to have scuttled their initial plans for the same. This led them to explore other farm practices that in the end proved futile. According to former employees, the failure of Hanhe farm was attributed to the inability of the management, which was largely composed of Chinese, to understand the local market. The success of Amfri Farm on the other hand was attributed to its knowledge of, and access to specialty international markets for its organic products; mainly fruits, vegetables, herbs and spices destined for markets in Western Europe, North America and the Middle East (Amfri Farms, n.d.).

**Indigenous knowledge and labour relations**

But perhaps more critical for Hanhe farm was its reliance on Chinese managers who had no understanding of the local language and culture which deprived them of the value of indigenous knowledge. This was a point of frustration for one of its local supervisors.

Another problem that the Chinese have is that...many of the Chinese managers have returned home because what they expected or hoped to do, they do not see it. Because this is Uganda’s land, and yet they bring Chinese and yet china is different from Uganda. It is us Ugandans who know our land and what is best to be done with it. The Chinese can come and dig up all, the anthills and open them completely, they

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19 Indigenous knowledge is defined by Purcell (1998, p. 260) as ‘the body of historically constituted (emic) knowledge instrumental in the long-term adaptation of human groups to the biophysical environment.”
distort the anthills, they dig the bottom soil, and they remove the clay soil from under and put it on top. The clay soil is just nearby; it is just one hoe deep. Now when you remove this fertile soil from up and put it down instead then farm or grow crops on the clay soil, it means you do not know what to do. That is even the reason why they are complaining that the soil is unproductive. Also, when they put a local manager and the production is not good, they claim that the manager is not productive yet they do not want to listen (interview February 24, 2013).

Although the Chinese management did acknowledge this challenge, they seemed at a loss on what to do about it. For instance, after visiting Amfri Farm during her participation in a stakeholder workshop that I organised and noting the success of Amfri farm’s business model, Hanhe’s Ms Jessy admitted to their lack of familiarity with local customs as having compromised their relations with local staff and ability to attract good quality workers. She also lamented their lack of knowledge of local market conditions as having severely limited their ability to generate sufficient revenue from existing production and services to supplement investment funds. To this end, Balaji’s 15-year presence in Uganda, Bent Ronsen of GLAD Farm’s over 10-years’ experience as an aid worker in Africa, and Amfri Farm’s longer roots in Uganda all seem to have contributed to a better understanding of local conditions, leading to better employee relations, suitable choice of productive land-use practice, and market access.

On the contrary, enterprises noted for poor knowledge or disregard of cultural nuances seemed to experience worse on-farm labour relations. Former employees at Hanhe Farm claimed to have experienced unpleasant working conditions under their Chinese supervisors. One former Ugandan supervisor claimed to have been assaulted by the Chinese.

They beat me for no reason, they told me to call the workers to do some work here. I called the workers to come, but the workers did not come. They said that I had failed to call the workers, so they just started beating me up. They just kicked me and boxed me. I reported them to the police. The Chinese boss told me to drop the case if I still wanted to work for them and also if I wanted to be paid. What made me to give up is that, I was the manager but the Chinese made me feel like just a simple worker. They were paying me peanuts, when you tell that, that money is not enough, they respond by telling you to go home. So, I was like enough is enough (interview, February 24, 2013).

The same poor working conditions were reported at Balaji farm where extensive interviews with farm workers, most of who are migrant labourers, indicated that long working hours from as early as 7:00 am till 6:00 pm were expected, with poor food quality and extremely low wages.
We live about 6 people per room. We have our blankets and sheets and if you have your own mattress, then you bring it yourself. Work at around 7:00 am, so we have to wake up early and prepare. If you have money, you can make your own breakfast, or you take last night’s leftovers to eat at work because they give us only lunch and supper no breakfast (interview, August 13, 2014).

Due to the seasonal nature of farm production, a large percentage of workers on all the farms were hired on temporary basis, often lasting just a few weeks depending on the work to be done, and usually without formal contracts. Salaries for the average labourer ranged from between 4000 to 6000 Uganda Shillings (UGX) or USD 1.1 to 1.6 a week. Since Uganda has no minimum wage law, employers take advantage of high unemployment and easily available labour to depress wages. Former employees at Hanhe farm claimed that when they agitated for wage increases, their pay was raised from UGX 3000 to 4000 per week, but the free lunch that is customarily provided to labourers at the farm’s expense was withdrawn. For these reasons, many residents from the local communities withdrew or declined to work on these farms. The reluctance of local men to work on these farms is partly explained by a traditional aversion to manual labour by Baganda men, who consider it to be beneath their dignity, and partly because of historically cheap and abundant migrant labour in central Uganda (Richards, 1952). While some of these cultural preferences may have changed over time and were certainly not universal, a former supervisor at Hanhe Farm who lives in the village noted that it simply made no economic sense for anyone with a piece of land to work for the Chinese.

If you work with the company, you do not have enough time to do your personal work and yet company money is little. It is not enough for a household; the money can only afford to buy food. That is the reason why for us, we cannot work for the Chinese people. The people around here prefer to work on their own farms where they get more money. The money from the Chinese is little. It is the same reason why I started my own farming (interview, February 24, 2013).

A striking feature of the labour patterns in all four farms was that almost half of the workers were women, and these women mostly came from the local communities around the farms. Most of the women that I interviewed said that they were female household heads and were overwhelmingly positive about working on the farms as it offered them financial independence and ability to meet their children’s needs. Annet, a mother of three, worked on the mushroom project at Hanhe Farm and come from neighbouring Luweero town, about 30km away.
I enjoy like the job and if more opportunities on the job arise, I would recommend my friends and encourage them to apply. I like the job because the money is reliable compared to other jobs I have done before. I know that if I works hard, I am guaranteed to get my wage at the end of each week. I have also been working on my own garden growing cassava, sweet potatoes, beans, and maize, but the size is too small and I need more money. When I have enough I will stop (interview, December 28, 2012).

Three of the farm owners that I interviewed extensively stressed their commitment to give women equal treatment, if not better incentives as they recognised their roles in providing for their households. At Amfri Farm, a day care centre and feeding programme was established for children of all workers while mothers were given time off to breastfeed and be with the children during their breaks. The owner also appointed a woman as the company CEO, while GLAD Farm’s marketing director was a woman. According to GLAD Farm’s director, half of his workforce were women and he had introduced a 45-day maternity leave for those with at least one year of employment with the company, which he noted, was far beyond national requirements: “As a grandfather, I know the parents’ dilemma, and I will signal to the women that I want them to continue even if they have children. Ordinary practice is that women lose their jobs at first birth” (NORAD, 2013, p. 80).

It would thus appear that the entry of large-scale transnational farms in this region of central Uganda contained certain elements of continuity in sustaining inflows of migrant labour going back to the colonial coffee and cotton plantations, and thus further contributing to ethnic heterogeneity (Richards, 1952). At the same time, it portents elements of continuous change in shaping the socio-economic role of women and redefining gender relations. The social ramifications of these farms therefore touch on every facet of rural society, and an exhaustive analysis of their immediate and longer-term effects would certainly be beyond the scope of this book. Still, empirical evidence presented herein afford the opportunity to make salient observations and tentative conclusions based make summative observations regarding the four broad aims that the NWO-WOTRO grant proposal for this project sought to achieve (Evers, 2010).

3. Actors, networks and interests

The first objective of the integrated research project was to examine the structure of land deals by analysing ‘the global actors, networks and interests (e.g. political, economic, social, cultural, environmental) driving foreign land acquisitions,’ including an examination of ‘the role of the state, neoliberal reforms and donor interests in facilitating land access’ (Evers, 2010, p. 11). Rather than approach the study of land deals as a temporarily
situated spatial phenomenon, my starting point was to contextualise it within longer-term historical processes of land relations and agrarian change in central Uganda. The purpose of which was to analyse land relations and the governance of land aspects as part of larger social processes of historic social formations, colonial and post-colonial ethno-politics, state formation and trajectories of continuity and change in agrarian social economy in central Uganda.

**The longue durée of social change**

As Edelman et al (2013) have observed, most of the literature on ‘land grabbing’, has largely focused on the ‘here and now’, an approach that fails to account for longer-term historical perspectives ‘that may call into question the ‘newness’ of land grabbing’ (p. 1521). By contextualising contemporary land relations, and transnational land deals, within the longue durée of agrarian change, we are able to account for the role of longer-term and diverse social struggles in shaping their structure and outcomes. In the case of central Uganda, the centrality of historical land struggles in contestation over power, identity and political control is seen as being manifest in contemporary tenure relations and measures of land governance. Ideologies and policies of developmental agrarian change underlying the promotion of transnational land deals, are thus not representative of new features, but are path-dependent on colonial and post-colonial practices of land control as a means to organise the colonial plantation economy, and appeasement of local elites in the process of state formation. Just as contestation over land was at the heart of historical social formations in the Buganda Kingdom, emerging patterns of land deals are similarly constitutive of contemporary socio-political changes, characterised by shifting social identities, malleable social groups, and changing ethno-political configurations that have historically been at the centre of the politics of land-control in central Uganda.

Since the history of social formations in central Uganda was as much a contest over territory as it was over identity, historical claims of authority, legitimacy, identity and belonging are also reflected in spatial and environmental dimensions of contemporary land deals. The socio-ecological history of contested land relations in central Uganda can thus be described, as Walker (1998) aptly observes, as a contest over resources, at the heart of which are ‘struggles over which groups have particular historical claims, and which individuals have legitimate claims to membership within these groups’ (p. 139). The notion of stakeholder claims and questions of legitimacy that are inherent within contestations over transnational land deals are thus reflective of enduring historical patterns of land control. Despite these aspects of continuity, historical claims, especially of legitimacy, ‘are not timeless or absolute’ as Walker argues, since “tradition” can be used selectively and cultural meanings may be actively and strategically constructed’ to justify certain claims (ibid). The 1900 Buganda Agreement and the institution of *Mai lo* land tenure is a case in
point, as it represents the invention of custom and tradition that has had long-lasting and deeply pervasive impact in land and socio-economic relations in central Uganda.

The 1900 Buganda Agreement typifies the hybridity of historical social change in post-colonial societies which, according to Bryant (1992) is brought about by ‘the advent of colonialism and capitalism’, exacerbating traditional conflict patterns and leading to the emergence of ‘new patterns’ which may or may not evoke traditional practices (p. 23). Similarly, while embedded within historical patterns of political and social organisation and property relations, contemporary transnational land deals involve the deployment of discursive claims and forms of stakeholder relations the constitute aspects of pervasive social change involving the appropriation of discourse and instruments of power to further individual interests in the distribution of resources in central Uganda’s agrarian economy.

**Agrarian and land policy reform**

Just as the 1900 Buganda Agreement cemented the foundations of a colonial agrarian economy in central Uganda, the increasing incidence of contemporary transnational land deals is underpinned by the ‘agriculture-for-development agenda’, a dominant hegemonic discourse of neoliberal capitalism espoused by the World Bank since the launch of its 2008 World Development Report and later adopted by other development agencies such as the FAO and IFAD, international financial institutions as well as African states (FAO, 2013; Liversage, 2011; NEPAD, 2004; World Bank, 2009). This ideology specifically centres the state as a principle actor in structuring the policy and governance frameworks for agrarian modernisation and facilitating increased private sector engagement while enhancing market forces to ensure high returns on investment (World Bank, 2009, p. 18). The World Bank proceeds to define the ‘new role for the state’ in agriculture dependent countries, as that of orchestrating a capitalist ‘market-driven development’ where the governance of land and agriculture is directed at ‘improving the investment climate for the private sector and in better natural resources management by introducing incentives and assigning property rights’ (World Bank, 2009, p. 23). The pervasiveness of this discourse is epitomised in the framing of the government of Uganda’s agriculture policy which integrates agriculture within the National Development Plan (NDP) as the primary source of economic growth to be achieved through the prioritisation of the modernization of agriculture (RoU, 2013a, pp. 18, 23).

In the context of persistent vulnerability characterised by land fragmentation, increasing landlessness, declining agricultural productivity and depletion of natural resources, rising incidences of transnational land deals present existential contradictions for the Ugandan government’s policy towards enhancing food security and improving peoples’ livelihoods in central Uganda. The Ugandan government’s agriculture policy has its main objective as being to catalyse a transformation from ‘subsistence farming to sustainable commercial agriculture’ by ‘pursuing a private sector-led and market oriented economy’ in which
government seeks to dismantle ‘constraints that hinder the private sector to invest more in agriculture’ (RoU, 2013a, pp. 25–26). However, since empirical evidence from the cases in this study show that transnational land deals are more exclusionary than inclusive of the most vulnerable, these market oriented policy approaches that promote these land deals, appear to be at odds with the government’s other objectives of promoting (state-led) interventions to enhance ‘food and nutrition security and household incomes’ for the rural poor (ibid).

These policy contradictions also highlight discursive dissonance and the inherent tensions between the role of the state and market in the structuring of agrarian economies, partly based on varying normative ideas of valuations of land and ‘proper land-use’ between different stakeholders engaged in constructing the terrain of land relations and land use in Uganda. Overall, these contradictions and tensions produce contending discourses and practices of control between dichotomies of ‘small-scale’ versus ‘large-scale’ agriculture, and agrarian differentiation between subsistence farming and labour-oriented economies of production (Deininger & Byerlee, 2010; Hazell et al., 2007; Maynard & Nault, 2005). An assessment of the dynamics and comparative social impacts between ‘large-scale’ and ‘small-scale’ agriculture was beyond the scope of this research, but is an area of inquiry worth pursuing in order to further shed light on the validity of (developmental) claims made about transnational land deals. This thesis has however highlighted the influential role of the state and state elites as stakeholders in the structuring of land relations and practices of control through specific policies and practices of tenure reform and land governance. The role of the state and state actors in the discursive framing, promotion and implementation of these ideas is thus dominant, though not devoid of contestation among and between competing interests.

Successive post-colonial and post (1980–1985) war legislative land reforms were promoted as seeking to secure (Mailo) land rights in central Uganda, while policies and programmes of agrarian change have been designed to promote efficient and more productive land use, but ultimately, the underlying structural design was aimed at enhancing a land market to facilitate land transfers as part of entrenching a free-market capitalist agrarian economy. The resulting political economy however produces winners and losers. As Murphy, Carmody, and Okawakol, (2017) observed in their study of overlapping land rights in northern Uganda, ‘the introduction of liberal land management practices based on individualised formal ownership and delineated private property rights’, promotes the protection and fulfilment of the rights of some, results in the ‘over-riding and effective extinction of certain people’s rights’ (p. 5). The distributive imbalance resulting from such power disparities produces injustices associated with the use of force to protect the rights of winners against the vulnerable losers. Consequently, I concur with Murphy et al (2017) who argue that a ‘mere operationalisation of land and rights without consideration of
background conditions, can justify harmful outcomes for, and indeed produce, marginalised and excluded populations’ (p. 6).

4. Grounded stakeholder analysis: encounters, discourses and practices

In my research design and presentation of results in this thesis, I combined the second objective of the research project, which was ‘to undertake a grounded stakeholder analysis to detail local impacts, perceptions and responses to land deals’, together with the third, which aimed at mapping ‘the ontological grids of (inter)national - local stakeholder encounters where diverse ideologies, discourses and practices of land use and valuation are mediated’ using the analytical approach, zones of intermediality. The thesis has thus demonstrated how processes underlying contemporary transnational land deals in central Uganda can be better understood as constituting various Zones of intermediality as conceptual spheres in which contending ideologies of precolonial, colonial, post-colonial and ‘globalised’ resource claims converge and play out in specific socio-spatial contexts. I argue that contestation over specific land deals within these zones of intermediality, is about the exercise of power for purposes of control of both land as an economic resource and capital for production for some, and as a material and symbolic political tool or a source of livelihood, identity and belonging for others.

Consequently, as zones of intermediality, land deals are more than an arena of social struggle, but represent larger contestations of ideas, norms, beliefs and associated practices for the control of livelihoods and ultimately the lives of others. According to Bryant (1997, p. 12) such exercise of power through resource control goes beyond ‘the control of material practices, but it is also linked to the attempted regulation of ideas’, which either reinforce or challenge existing social and economic arrangements. These ideas are then inscribed in social and economic policies of land reform and agrarian change. As Li (2011) argues, these ‘ideas’ include developmental ideologies of agrarian transformation, partly promoted by transnational capitalist interests, that seek to transition rural subsistence populations out of agriculture into surplus labour on large-scale farms for a ‘a more efficient agricultural sector’ (p. 293). The resulting contestation between these ideas are discussed in chapters 5 and 6 where competing practices of land control between and within central and local government actors, reveal inconsistencies between technocratic policy and the messy realities of practice mediated by competing stakeholder interests.

The dissonance of policy and practice is thus an aspect of contested intermediality by which fuzzy state-society relations inherent in processes of land control are manifested, not just as policy failures emanating from weak state capacity, but rather as the result of intentional subversion for the advancement of elite interests. The role of stakeholders and stakeholder interests and their relations through various formal and informal networks
is thus at the core of the *zones of intermediality* analysis. Having conceptualised stakeholder relations in land deals as involving the pursuit of competing claims over control of resources (see page 178), land struggles and agrarian relations in central Uganda are thus a manifestation of the articulation of power in the advance of stakeholder interests. While the notion of ‘stakeholders’ presupposes legitimacy of claims, these are not often self-evident, but are instead constructed in part through the deployment of discursive power and practices of control. Conversely, individuals in positions of relative weakness and vulnerability may not possess the bundles of power to successfully stake their claims and defend their interests which are no less legitimate. This analysis thus suggests that the very notion of stakeholders is fluid, contested and subject to change over space and time. Claims of identity, belonging, and legitimacy are thus integral to the socio-historical evolution of land relations and reflective of contestations over in evolving socio-economic relations between individuals and within different social groups.

Uganda’s decentralisation programme of district creation is driven partly by bottom-up clamour for local resource control, based on historically constructed claims of ethno-political identity and belonging; and partly by normative ideas about the desirability of decentralised governance to extend the reach of the (post-war) state, and improve efficiency of service delivery. Decentralisation of land governance and the dispersion of powers, functions and resources for land administration to institutions at the local level, thus proliferated the diversity of actors and interests in relation to land access and control. However, empirical results from the cases discussed here suggest that devolved land governance does not achieve the desired benefits of decentralised land governance (Hilhorst, 2010; Wily, 2003), and fails to make land services more accessible, efficient or democratic for the most vulnerable. Furthermore, the alliance of interests between the political-military-economic elites and transnational investors results in the privatisation of the state. This process of informal recentralisation is orchestrated through the erosion of legally mandated autonomy and institutional independence of lower-level government units and autonomous agencies through the personalisation of power to advance individual interests, while undermining institutional and legal procedures designed to promote equitable protection of land rights.

All four case-study farms portray the power of elite stakeholder alliances and their impacts experienced through differentiated socio-ecological outcomes at the local level. Other than depicting elite alliances in the land acquisition processes, all cases involve drastically extensive land-use changes involving massive vegetation clearance, two of them involving mechanised mono-cropping and, with the exception of Amfri Farms, entail the application of synthetic fertiliser, and chemical application for pest and weed control. Hanhe farm in particular exemplifies the failure of environmental governance to protect both social dimensions of access for common-pool resources, and enforcement of environmental regulations to safeguard fragile ecosystems. Of the four case-study farms, Hanhe
farm is the only one located in a major wetland, and perhaps by default becomes another example of Chinese enterprises that have often been accused of flouting environmental regulations in their operations in Africa (Gordon, 2012).

Although recent research on Chinese enterprises in Uganda shows that some of them have failed to adhere to strict environmental regulations (Warmerdam & van Dijk, 2013), this research points out that critiques of Chinese enterprises often ignore the role of host governments and local actors in facilitating environmental degradation. The question of mutual responsibility and the role of stakeholder alliances and intersection of interests in shaping this outcomes problematizes neat delineations of blame or responsibility and highlights the complexity inherent in such processes. According to Hairong and Sautman (2010), assumptions abound that China’s engagement in Africa is based on a pattern of unequal power relationships with host governments and communities where Chinese enterprises in Africa use their positions of relative economic power, backed by the Chinese government’s economic diplomacy to co-opt local elites in a neo-colonial resource plunder with little regard for the interests of local communities (Alves, 2006). While there is no proof of direct support from the Chinese government, the position of Hanhe Farm’s owner as a member of one of China’s provincial governments supports the thesis that there is a link between Chinese enterprise in Africa and actors within the larger apparatus of the Chinese state. It further illustrates how Chinese investors align themselves with local power structures to gain access to land, resulting in further alienation of already marginalised rural poor.

However, this research demonstrates that not all cases of transnational land deals follow the same pattern, or exhibit similar characteristics. The relevance of analysing national, sub-national, village-level and case-specific contextual aspects are relevant to understanding the complexity of land deals beyond homogenising narratives. It is therefore necessary to point out that since this study did not carry out a systematic comparative analysis of a large number of other Chinese land-based investments in Uganda, in relation to and equally sufficient number of non-Chinese investments, it cannot be conclusively argued that violation of environmental regulations is a pattern exclusive only to Chinese enterprises. Similarly, critical appreciation of the existence of different layers of economic, social and political interests, internal structural weaknesses in the nature of the state, and the role of political elites in subverting the state, enables a better understanding of interrelations between transnational and local actors and their interests in structuring the process and outcomes of transnational land-based investments in Uganda. For instance, the evident lack of policy coherence across government departments and agencies, deficiencies in appropriate legal frameworks, as well inadequate monitoring mechanisms represent significant gaps in the capability and/or willingness of host country stakeholders in the governance of land deals and resource endowments.
5. Local responses and potential areas of contestation

The final objective was to ‘use this (zones of intermediality) approach to capture commonalities between stakeholders and potential areas of contestation’. Methodologically, the Integrated Project operationalises the zones of intermediality as an analytical approach, which is applied in chapter eight to examine local responses to social and environmental outcomes of specific cases of transnational land deals at the local level. The results of this analysis reflects conclusions made by other researchers who have examined local-level impacts of land deals in Uganda showing that conflicts related to access and control of land are constitutive of unequal power relations and increased economic pressures (Deininger & Castagnini, 2006; Rugadya, 2009). At the centre of this analysis therefore, is the role of power in shaping relations between stakeholders and their responses to contestation over ideologies and practices of access and control of land as a natural, economic, social, and cultural resource.

Data obtained from newspaper and research reports, field observations, as well as interviews with residents and officials in Nakaseke District show a prevalence of various forms of gradual exclusion and dispossession associated with commercial land deals that appear to be ‘invisible’ due to their fragmented, isolated, undocumented and unreported nature. This is largely because these occurrences are so pervasive that they have become normalised and have acquired the perception of being benign. While a considerable body of literature on large-scale land acquisitions highlight the risks of involuntary displacement of land dwellers often involving forceful displacement, a critical, yet often invisible component of this phenomenon is that of in situ displacement; a process ‘where people may remain in place or experience a prolonged multi-stage process of removal’ (Feldman & Geisler, 2012, p. 971). This appears to be the pattern in the study area where transnational land deals appear to follow legal procedures of acquisition, including compensation of tenants, but they nonetheless lead to processes of marginalisation that, as Feldman et al (2003) argue, are characterised by ‘relations of exclusion that set new boundaries for people’s physical and social movement’ (p. 9). These include fencing and enclosure of former grazing grounds, fishing areas, sources of firewood, construction materials, as well as supplementary seasonal cultivation.

Results from the case studies analysed in this research corroborate observations made by Borras & Franco (2010) that land deals reproduce and sometimes exacerbate power relations that are highly unequal and, tend to (re)produce unequal outcomes that are neither pro-poor nor win-win (p. 10). However, the analysis of stakeholder responses to exclusionary effects of land deals in the cases under study shows that that repositories of power and power relations are not static, but are rather produced and reproduced through fluid processes of stakeholder interactions in negotiating, gaining, maintaining or controlling access. The strategies of claiming, defending, or challenging access are thus,
as Ribot and Peluso (2003) contend, a product of agency, dependent on stakeholders’ exercise of their abilities to benefit from things (pp. 153–154). These strategies of contesting access by persons or groups affected by land deals have often focused on the variety of ‘everyday forms of resistance’ (Scott, 2008), and often characterised as ‘political reactions from below’ (Hall et al., 2015). However, from our zones of intermediality approach, we depart from the scale-making and class differentiation of agrarian political economy by conceptualise stakeholder relations and power assemblages as being fluid and cutting across multiple social groups based on interests and identities but not class or structural scales.

Without diminishing the disproportionate impact of transnational land deals on the most vulnerable in society, the zones of intermediality approach acknowledges that less powerful stakeholders are more likely to suffer adverse effects of commercial land deals. However, the analytical focus of the approach is on the ways in which various stakeholders exercise their agency either individually or mutually and constitutively to stake claims and shape processes and outcomes regardless of their power positions. I therefore argue that stakeholders do not operate through networks of equal power, but rather that transnational land deals have the power to structure and reproduce power differentials. Consequently, dominant coalitions of interests emerge and consolidate the mechanisms of distribution of power, access and control while channelling the material and immaterial benefits of land control. Conversely, the costs are distributed predominantly towards vulnerable groups of stakeholders who may be unable to effectively articulate their interests, or exercise sufficient control to exercise or maintain.

This study therefore shows that, while the balance of power tends to tip to the side of dominant alliances between investors and state-affiliated actors in positions of authority, some local individuals and groups also reposition and align themselves with the new enterprises and related stakeholder configurations so as to benefit from, or mitigate adverse effects of land deals. In so doing, they generate more differentiated relational dynamics between stakeholders and diversity in the distributive complexity of the social impacts of transnational land deals. ‘Win-win’ narratives or claims of beneficial ‘developmental’ impacts of such investments are thus unevenly distributed between different categories or configurations of stakeholders. Disparities in claims and experiences of distributive impacts thus raise pertinent questions about patterns of social differentiation, and in particular the distribution of power within and between groups in society and how this influences access to and control of livelihoods.

More broadly, this research highlights the complex interrelations of location-specific struggles over socio-environmental impacts of contemporary land deals, embedded within historical conflict dynamics in the larger Luweero Triangle that are rooted in ethnopolitics of Buganda identity, the political ecology of resource control, and contemporary political economy of commercial agriculture in central Uganda. While not within the scope
of the research, this study touches on broader social-ecological questions that Escobar (1996) describes as a cosmology that regards nature and society not as separate realms, but as part of an integrated whole. By implicitly acknowledging that land deals are part of a wider process of the construction of the social-ecological environment, this research emphasizes the role of discursive production of social reality, and proposes a bridging of the gap between socioeconomic considerations and environmental justice dimensions in the study of transnational land deals.

6. Post script: intractable land reform

In December 2016, President Yoweri Museveni of Uganda constituted a Commission of Inquiry into land matters in the country and appointed a seasoned and respected court of appeal judge, Catherine Bamugemereire to lead the probe. The seven-member team that came to be popularly known as the Bamugemereire land commission was, according to the then Minister for Lands, mandated to investigate and inquire into ‘the effectiveness of the law and processes of land acquisition, land administration, land management and land registration in Uganda’ (Daily Monitor, 2016e). According to the Minister, the President’s decision was informed by the high number of complaints ‘that have for years been reported to him almost daily by delegations from different parts of the country’ (Red Pepper Uganda, 2017). Justification for the Commission included complaints about ‘rampant land evictions, complaints relating to land grabbing, delayed transactions in land issues, unfair treatment of genuine land owners, tenants and other problems related to land acquisition, administration and management and titling’ (ibid.).

The appointment of this commission in response to the persistence and increasing seriousness of land related complaints attests to the magnitude of challenges plaguing the governance of land and land relations in Uganda. Calls for the establishment of such a commission started in 2014 when the Inspector General of Government among other agencies recommended radical investigations into issues of alleged fraud in the land sector. The Commission was eventually sworn in in February 2017 and commenced public hearings in May 2017 with a six-months mandate within which to conclude hearings and submit a final report (RoU, 2017a). Among its expected output are recommendations for the amendment of the country’s land laws.

While some observers expect that the Commission portends imminent radical review of the country’s land governance systems, others point to the futility of previous presidential commissions and committees as well as overlapping authorities mandated with addressing land conflicts and rampant evictions of vulnerable land dwellers (The Ugandan, 2016). Noting the redundant and overlapping mandate of the Commission vis-à-vis existing legislation and provisions in the country’s land policy, critical observers argue that
the government’s intent is to change procedures for the compulsory acquisition of land by mandating the probe Commission to make recommendations ‘to overhaul the Land Acquisitions Act’ (Daily Monitor, 2017). These assertions are informed by statements attributed to government ministers and the President expressing frustrations at the slow pace of government’s compulsory land acquisition for major infrastructure projects in its petroleum, mining, hydropower, highways and railway construction (ibid).

On June 8 2017, the government of Uganda published a constitutional amendment Bill seeking to alter article 26, and in particular section (b) (i) which makes provision for ‘prompt payment of fair and adequate compensation’ prior to the compulsory acquisition of property (RoU, 2006, p. 44). In its place, the purpose of the new Bill ‘is to resolve the current problem of delayed implementation of Government infrastructure and investment projects due to disputes arising out of the compulsory land acquisition process’ (RoU, 2017b). The memorandum to the Bill further seeks to justify the amendment on the grounds that:

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\text{[t]he problem of delayed Government projects has caused significant financial loss to the Government amounting to millions of dollars in penalties paid to road contractors for redundant machinery at construction or project sites as the courts attempt to resolve the disputes, most of which relate to quantum of compensation (ibid).}
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Criticisms of the proposed amendment have been swift and scathing, with Olaka-Onyango a renowned Ugandan legal scholar and law professor at Makerere University, arguing that the Bill violates the tenets of constitutional order and violates a constitutional provision that ‘proclaims ownership of land a human right’ (Oloka-Onyango, 2017). Oloka-Onyango further argues that prevailing constitutional provisions have been no impediment to government’s compensation ‘to those who belong to the military-political complex that is in charge of the country’, but instead the amendment will ‘further dispossess those who do not have connections by position, marriage or sycophancy to the ruling NRM government’ (ibid).

Those who read mischief in the Ugandan government’s intentions perceive that by introducing the amendment bill, at the same time that the concurrent Commission of Inquiry under Justice Catherine Bamugemereire is mandated to ‘assess the legal and policy framework on Government land acquisition’, the country is potentially headed towards a defining constitutional moment that could significantly alter the legal and policy framework governing land administration which could potentially erode protections for already vulnerable land dwellers with insecure land rights. These developments are certainly worth more than keen observations for researchers and policy-makers interested in the future of land relations in Uganda.
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