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Statement

by

H.E. Yoweri Kaguta Museveni

President of the Republic of Uganda

On

Land Grabbing in Uganda

Rwakitura

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22nd February, 2013

The land law, ever since 1928, has been clear in connection to the relationship between the landlords and the *bibanja* owners following the complicated situation created by colonialism through the 1900 Agreement in Buganda as well as similar agreements in Tooro, Ankole and Bunyoro. While the landlords exploited the peasants excessively prior to 1928 (rent without ceiling, evictions according to the whims of the landlords), the 1928 *Busuulu* and *Nvujjo* decree (by Governor Mitchell) established two principles — no eviction without the permission of the Governor and rent had a ceiling. Until 1966, that rent had been fixed at eight (8) shillings per annum. Amin brought in his 1975 Decree which abolished Mailo land and converted all Mailo titles into leases.

In the 1995 Constitution, we thought that the Amin decree was high-handed and inconsiderate of the landlords that bought from the original landlords that had got free allocations on account of their collaborating with the Colonialists.

We, therefore, went back to the 1928 principles but also strengthened them — no eviction at all except for non-

payment of rent and rent has to have a ceiling. The rent is fixed by the District Land Board with the approval of the Minister of Lands. Rent would remain nominal because the peasants cannot afford commercial rent. Therefore, the law is very clear — no eviction except for the non-payment of rent and rent has ceiling.

On account of the peace and the private sector-led pro-business policies of the NRM, there is increased tempo for development and, therefore, greater thirst for land. This is healthy and good. There are, however, three problems:

Bayaye-minded, nouveau-rich, pseudo capitalists; corrupt local leaders, police and courts; and a still unsensitized peasantry. These *Bayaye*-minded pseudo-capitalists refuse to observe two pre-requisites of peaceful acquisition of land for development: willing seller — willing buyer; and a fair, market determined price per acre of land if the *kibanja* owner is willing to sell.

All the other talk by these pseudo capitalists is wrong and off the point. *Mwegule* (redeem your ownership), *twabasasula* (we compensated them), etc, is all talk that is off the point. A legal *kibanja* owner or a bona-fide one does

not have to *kwegula*. If he/she is not able to *kwegula*, he/she will continue with his/her *kibanja*. Manipulating the peasants through intimidation to accept "compensation" when they prefer to keep their ownership of the *bibanja* is also illegal. Telling them: "*Mwegule, if you do not, I will sell to another one*" is also empty talk. Anybody who buys occupied land (occupied by the legal *bibanja* owners or the bona-fide ones) buys more or less air if the two groups are not persuaded to sell voluntarily. Yet the peasants can, willingly, sell if they are persuaded and given good money — which would be good for the developer and for the *kibanja* owner. The *kibanja* owner would get reasonable money to go and buy another *kibanja* or do other things (shops, etc) and the developer would get vacant possession of the land for higher value development. It would be a win-win situation.

Since, however, the *Bayaye*-minded pseudo-capitalists cannot be advised and they are causing Internally Displaced Persons (IDPs) in different parts of Uganda, the Government has decided to act. These evictions are illegal in most cases taking advantage of the ignorance of the peasants. When they are evicted, they are denied of shelter (their permanent houses are destroyed), their food is

destroyed, their commercial agriculture is destroyed, the family cohesion is destroyed, their advancement in education (supplementing UPE, USE) is destroyed. The country will, therefore, end up with people that need food relief in Central Uganda (not because of war but because of the *Bayaye*-pseudo-capitalists), that have no shelter, have no commercial agricultural activities which means that they have no incomes and, therefore, cannot buy exercise books, uniforms or provide *entanda* (packed lunch) for their children (as their contribution to UPE, USE) and the families are disrupted.

The Government has, therefore, decided to do the following:

1. Halt all evictions involving peasants. Anybody found engaging in evictions will be prosecuted according to the law;
2. Those who have been illegally evicted will be assisted by Government to go back to their *bibanja*.
3. A Committee headed by the Hon. Aida Nantaba (Minister of State for Lands) and comprising of the following other officials: Hon. Rosemary Seninde, Ms. Deborah Asasira, Ms. Mulinde Mukasa Kintu, a

representative from the Ministry of Justice, Police and the Army will go area by area returning people, illegally evicted, back to their *bibanja*. All to note — nobody should take the law in their own hands. Wait for the Committee to come and take you back to your land.

4. If there is anybody who got an authenticated eviction order against encroachers on his/her land through Courts of Law, the Registrar of the High Court will verify and authenticate the Court Order and the Government will assist him/her to implement the eviction in accordance with The Practice Direction No. 1 of 2007; that the Chief Justice issued Pursuant to the powers conferred upon him by Article 133 (1) of the Constitution:
 - (i) Security of Tenancy by Occupancy on Registered Land.
 - (ii) Determination of Lawful or Bona Fide Occupant.
 - (iii) Visit to Locus in Quo.
 - (iv) Orders Relating to Ownership of Land.
 - (v) Orders of Demolition and/or Eviction

5. All corrupt officials that have been effecting illegal evictions will have punitive actions taken against them.
6. Anybody who maliciously or falsely tries to encroach on other peoples land will face tough action by the Government including prosecution and forcing him/her to compensate the victims of his/her malicious and illegal actions.
7. Nobody should encroach on Government lands – such as forest reserves, wetlands, Government ranches, etc.
8. The Government will intensify efforts to raise money for its Land Fund so that the phenomenon of dual ownership of land in Buganda, Ankole, Tooro and Bunyoro is ended.

I thank you.


Yoweri K. Museveni

22nd February, 2013