Decentralization And Power Complexities In Large-scale Land Allocations: The Case Of Amuru Sugar Project In Uganda


By
Kobusingye Doreen Nancy
Ph.D Candidate
African Studies Centre, Leiden, Netherlands
“Madhvani wanted land in Amuru and went to the government and then the government directed the district land board to give the land. With ‘something given’ (bribes) to the area land committee, they sat in one day and endorsed all Madhvani’s requests”

(Interview 07-11-2012)
Structure of the presentation

- Introduction
- Argument
- Methodology
- Theoretical debate
- Research findings
- Concluding remarks
- Comments and Questions at the end of the presentation
Uganda embraced decentralization in 1993
- Resistance councils transformed into local councils (LC1 to LC5)
- Number of districts from 33 in 1986 to 112 in 2014
- Transfer of some functions, powers and responsibilities from central to local government
- Administrative roles, real power to make decisions left to central government

Amuru District, Acholi Region
Amuru District

- Post-conflict area with rampant land disputes
- Non transparent allocation of land by district land board
- Hosts prominent case of disputed land allotment – The Amuru Sugar Land Dispute
- Pilot area for Certificate of Customary Ownership
- Vast hunting and grazing land
Introduction

Goals to be achieved

- To understand how power influences decisions made by decentralized land structures at the local level
- To comprehend that real impediment to local governance lies in the distribution of power between levels of authority and not only lack of resources.

Contribution to on-going debates

- The issue of power and its role in determining the extent to which decision making is truly decentralized has received little attention from scholars.
- Role of decentralized land structures in large scale land acquisitions
Administrative decentralization without real devolution of power from central governments to local governments is insufficient to influence decision making at local level

Why a problem

- Decentralization often fails to contribute to transparent land governance and improved tenure security
- Analyses attribute this to unclarities in state legislation and resource inadequacies
Methodology

- Ethnographic research
- 2 years of fieldwork 2011 to 2013 in northern Uganda.
- Fieldwork was conducted from both Amuru and Gulu districts in Acholi sub-region
- Employed purely qualitative methods of data collection.

- 31 interviews, 6 focused group discussions, 1 dialogue meeting on investments in Acholi region, 1 community meeting at the proposed site of Amuru sugar factor, 2 meetings with all leaders from Acholi sub region, 1 swearing in ceremony of area land committee in Amuru, 2 northern Uganda land platform meetings and field observations
Methodology....

Categories of people interviewed; politicians, local people, members of district land board, members of area land committee, local council members, civil servants, traditional leaders, youth, representatives from NGOs.

Review of documents especially the land laws e.g. the 2013 National Land Policy, the 1998 land act, the 1995 constitution, the 1975 Land Reform decree.

The research is part of the Grounding Land Governance Program which is funded by WOTRO Science for Global Development.
Theoretical Debate

- Decentralization results in decisions being taken closer to the local level (Shah and Thompson, 2004; Siegle and O’Mahony, 2006; Benjamin, 2008)

- Decentralized land governance leads to the protection of local land rights (Bartley et al. 2008; Hilhorst, 2010)

- Decentralization provides space for interactions among all actors in governance (Golola, 2001; Agrawal and Gupta, 2005; Van der Haar et al. 2009)

- A question of limited power that is transferred to local institutions (Ribot, 2003; Andersson and Ostrom 2008)

- African states are not willing to share power (Olowu, 2003, Larson and Soto, 2008)
The 1998 Land Act gives power to district land boards to administer public land and allocate land that is not owned in a district. Members of land boards are accountable upwards to the appointing authority. The government or local government can acquire land for public interest (GoU, 1995). Decentralized land governance has proved to be more of a predator than a protector of customary land in Uganda.
The issuance of CCOs demonstrates an increased role of a formal decentralized structure in the governance of customary land.

**Power plays in decentralized land governance - the case of Sugar cane plantation in Amuru district**

- In November 2008 Amuru district land board approved the allocation of 10,000 hectares of land in Pailyec parish, Amuru sub-county for a period of 49 years to Amuru Sugar Works Limited.

- Amuru district land board and Amuru sugar works limited sued for unlawful allocation of customary land to Amuru sugar works limited and depriving the community of their customary rights to land.
Case Study....

- Allocation of land indirectly influenced by a directive from the ministry of tourism, trade and industry.
- Approval of investment proposal, 20,000 hectares for a sugar complex at Amuru.

- Create employment to over 8,000 people, out growers, contribute to infrastructural development.
- The government of Uganda would hold 40% of the shares and the sugar company 60% shares

- Both government and the company would solicit financing from international agencies for the project.
Case study....

- In March 2008 Amuru sugar works requested for 20,000 hectares, a letter from the ministry of tourism attached to the application.

- The district land board approved allocation of 10,000 hectares – remaining to be approved after commencement of the project.

- In February 2012 the judge ruled that the disputed land was public land and the district land board had authority to allocate it

- The case was appealed in September 2012
- By 2014 no final ruling, the community has maintained access to the disputed land through use of violence
Local people feel excluded from the process of land attribution

Decentralized land grabbing where the powerful use decentralized land structure to acquire land fraudulently.

Decentralized land governance vis-à-vis commercial agriculture

Governing commercial land acquisition and protection of local land rights by decentralized land structures is a challenge

Such structures end up allocating land basing on directives rather than following procedures and land laws
Analysis - Decentralized Land Governance in Practice....

- Use of violence in protest of large scale land allocation
- People perceive decentralized structures as organs working for interests of the regime and not for the local people
- Desire for change of government to reshuffle power relations between the national and local institutions
- Local people’s trust and perceptions about government are important in influencing transparency in land governance.
Popular participation in land governance cannot be realized and encouraged in decentralized land structures where members are politically appointed.

It is the interest of those at the higher level of authority that are implemented instead of protection of local land rights.

Complex land laws and policies create opportunities for the land laws to be interpreted according to the interests of the powerful including government.

Unoccupied is likely to become public land and at risk of being mismanaged by the district land boards.
Concluding Remarks

- The failure by national authorities like line ministries to let local government authorities to independently make decisions undermines the relevance of decentralized structures like land boards in land governance.

- Decentralization in Uganda has contributed to the establishment of powerless structures that promote national policies with little consideration for local issues.

- In reality the central government continues to pull strings of power at local levels.

- Creating numerous districts in Uganda without transfer of real power to decentralized structures, decentralization will continue to be ineffective as a channel of incorporating popular participation in decision making.
Local land rights can only be protected through decentralized land structures if these structures have the real power to make independent decisions about land.

Large scale land allocation cannot be effectively governed through decentralization. It is difficult to strike a balance between national objectives and interests at the local level.

Increased role of decentralized structures to govern customary land could be a source of land disputes in future.

The real impediment to local governance lies in the distribution of power between levels of authority and not only lack of resources as most scholars and researchers emphasize.
THERE SHOULD BE REAL DEVOLUTION OF POWERS TO AND POPULAR PARTICIPATION IN DECENTRALIZED LAND STRUCTURES IN ORDER TO IMPROVE LAND GOVERNANCE AND TENURE SECURITY

Thank you
Comments and Questions