

For months now, the 2,500-acre tree planting project, Famosa, that covers seven villages in Mubende district, has been a source of conflict between residents and a Chinese investor, writes **Wilson Manishimwe**

At the height of the dispute, the Famosa project manager, Stephen Tumwine, was murdered in a case of mob justice, after residents accused him of cutting down their food crops with impunity to plant trees. Martins Chang, a Chinese investor and owner of Famosa, says he was also attacked, although he survived. He owns Quality Parts Company Limited, a firm under which Famosa tree project falls. The project is on block 61, plots 25, 27, 29, 37, 39 in Buwekula county, Mubende district. There are about 180 families living on the land in the villages of Kyedikiyo, Kaswa, Butoro, Nyamayindi, Bikoni, Ngahano and Kicucura in Madudu and Butorogo sub-counties. The land has hook pines and macadamia tree species from which Chang says they will get timber upon maturity. The trees grow up to the height of 40 metres and are ready for harvest after about 30 years.

Purchased in 2011 from princes; Henry Kimera and David Simbwa, the land has since been disputed and according to local authorities, some squatters have declined to be compensated. The leaders say squatters claim they are the rightful owners of the land.

Due to too much pressure from the squatters, in April 2016, Chang sought the intervention of the Buganda Land Board (BLB), which gave him a lease on the land.

In an April 22, 2016 letter signed by Barnabas Ndawula, the BLB head of legal services, Buganda said they have no interest in the land.

"We acknowledge that we have no interest in the aforementioned land and by copy of this letter, our branch manager Mubende is hereby instructed to notify the tenants accordingly if any," Ndawula wrote. The letter was copied to the Mubende resident district commissioner (RDC), Florence Tibeyunga. However, some squatters allegedly ignored the letter and instead threatened to harm Chang and his workers.

CHINESE TAKES ON SEVEN VILLAGES IN LAND ROW

THE ATTACKS

On November 8, 2016, about 20km to the farm in Mubende, Chang was allegedly attacked by unknown people at one of his stop-overs. His hands and legs were tied, and the mouth sealed. Chang says he was assaulted by seven men armed with knives, before leaving him for dead. "I was taken to Mubende Hospital and later Nakasero Hospital in Kampala from where I received treatment," Chang said. He added: "My worry is that many people are still encroaching on the land and there are continued death threats against me and my workers. From the time I was attacked, I have never been there for fear of my life." Chang reported the matter to Mubende Police Station.

On July 17, the farm's general manager, Tumwine, was hacked to death allegedly by squatters who were armed with machetes. Tumwine was accused of cutting down residents' food crops to plant pines in Butorogo village, Madudu sub-county.

The Police picked the body for a postmortem examination, before it was handed over to relatives for burial in Kabale district.

At the time of the attack, Tumwine was in the company of Duncan Musunguzi, the current farm supervisor, who narrowly escaped. Tibeyunga visited the crime scene and condemned the murder, saying more amicable means of conflict resolution should instead be embraced.

THE ISSUES

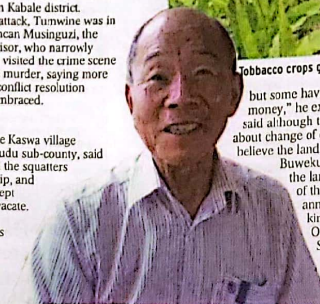
Moses Sserwada, the Kaswa village chairperson in Madudu sub-county, said they have sensuised the squatters about land ownership, and advised them to accept compensation and vacate.

"About two years ago, we held a series of meetings with the squatters over the issue and a number of them have accepted the compensation, but some have refused to pick the money," he explained. Sserwada said although they told squatters about change of ownership, some believe the land belongs to Bunyoro. Buwekula, the county where the land is located, is one of the counties that were annexed by Buganda kingdom from Bunyoro. Others are Bulemezi, Singo, Bugerere, Buyaga and Bugangalzi.

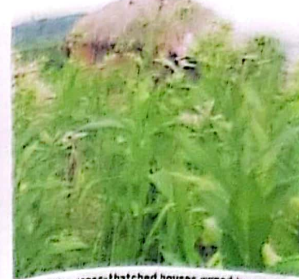
"It is upon that basis that residents argue



Tobacco crops grown by squatters in the part of the farm land



Chang, the owner of Famosa tree planting farm



One of the grass-thatched houses owned by squatters

WHAT A LAWYER SAYS LEGAL OPINION

Dorcas Namara, a city lawyer, noted that section 29 of the 1995 Land Act recognises categories of land occupants such as the lawful and bona fide occupants.

She noted that lawful occupants is the category of people who have been paying *Jusuulu* (ground rent) to the landlord, whereas bona fide occupants are those who lived on a certain piece of land 12 years before the formulation of the 1995 Uganda Constitution. "If the landlord wants to sell, he/she should give the tenants the first priority and if they are unable to buy, he can sell it to another person, but they do not lose their rights on the land. Those who, however, occupied the land after 1995, the Constitution does not protect them," Namara said.

She advised Chang to negotiate with the tenants. "However, if they are bona fide occupants and they are not willing to leave, nobody is allowed to evict them," she said. Before anyone buys land with squatters, Namara advised that one should first meet the squatters and agree lest they lose money.

WHAT SHOULD BE DONE?

Byaruhanga called upon residents to stay calm and resolve the matter amicably. "If they fail to agree, they should seek legal redress as opposed to taking the law into their hands."

On his part, Sserwada suggested that squatters who are unwilling to be compensated be left on the land since some may have nowhere to go. "Leaders at various levels should join hands and carry out more sensitisation concerning the land in question."

Chang promised to convene more meetings with local leaders and squatters to forge a way forward. "You cannot stay where hook pine trees grow. They become thick and impassable. We even gave some people a chance to cultivate fast-growing crops on the part of the farm where the trees are still young," he said.

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