



Land investments and food security: The role of local governments

An investigation into the role local governments play in land investments in the horticulture sector in Uganda while considering achieving food security



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Abstract

The global land grab is a phenomenon that increasingly gained attention among scientists and has led to much international debate. Also in Uganda, large-scale acquisitions of land by foreign investors take place. A topic closely linked to investments in land is food security, which is about the access to sufficient, safe and nutritious food for all people. The topics of land investments and food security come together in the horticulture sector. This sector is the branch of agriculture that deals with growing fruits, vegetables, flowers and spices. Different aspects of land investments have been researched. One of the aspects that has not been examined widely yet is the role local governments play in large-scale land acquisitions. This research aims to fill this research gap by investigating what role local governments play in land investments in the horticulture sector in Uganda, while considering achieving food security.

The main findings of this research are: (1) the lowest level of local governance is mainly important for contacts between the investor and the local people, both at the time the investment takes place and when the company is established; (2) district governments mainly play a facilitating role in land investments, for instance in infrastructure development, security and environmental issues. District Land Boards are in charge of government-owned land and can lease it out to investors; (3) achieving food security for the population is important for local governments. They implement policies on achieving food security from the national government; (4) the horticulture sector is important for development to take place and to achieve food security because of the large number of jobs horticultural companies provide, which in turn leads to more income for workers and more means to buy food and to produce food by themselves. Horticultural companies producing fruits and vegetables directly contribute to achieving food security as long as they produce for the local market. In general, the large-scale investments in land in this research have a positive effect on development and food security; (5) challenges however are, mainly in Northern Uganda, corruption and opposition of local governments regarding investments.

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This thesis is the result of a journey that started exactly one year ago, at the moment I decided to follow the Master's program International Development Studies at Utrecht University. After five months of following some very interesting courses, the real work started: conducting a research in Uganda. The four months I spent in this country were amazing, without doubt the best adventure and most interesting and fun experience in my life. Especially the astonishing landscapes and the incredible friendliness of the people in Uganda made that I had a great time there.

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This research gave me new and interesting insights in the topics of land investments and food security. I have been able to see with my own eyes what effects investments can have. I learned a lot, also about the challenges ahead for Uganda and investors coming to Uganda. I hope the readers of this thesis will get a better understanding of the processes that are going on in Uganda regarding investments in land, the role of local governments in land investments and food security.

Robert Boneschansker
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Abbreviations

LC1	Local Council 1 (village)
LC2	Local Council 2 (parish)
LC3	Local Council 3 (sub-county)
LC4	Local Council 4 (county)
LC5	Local Council 5 (district)
DLB	District Land Board
ALC	Area Land Committee
ULC	Uganda Land Commission
UIA	Uganda Investment Authority
URA	Uganda Revenue Authority
NEMA	National Environment Management Authority
CSR	Corporate Social Responsibility
NGO	Non-Governmental Organisation
EUR	Euro
USD	United States Dollar
UGX	Ugandan shilling
	1 April 2017: 1 EUR = 3863 UGX
	1 April 2017: 1 USD = 3626 UGX

1. Introduction

At this moment, the role of local governments in the process of land investments and the negotiation of land deals is only marginally present in scientific literature. Up to now, this topic has not been examined widely. Therefore, not much is known yet, which makes it an important and interesting topic to discuss and research further.

In recent years, land investments or land acquisitions, also commonly referred to as ‘the global land grab’ has led to much international debate. In the first place, there is a debate on how to call this phenomenon. Edelman et al. (2013) argue that scholars, policy practitioners and activists rarely agree on how to describe the current interest in land. Consensus, however, exist on the thought that the interest in investing in land since 2007 increased dramatically. This was the result of the 2007–08 worldwide food price spike. This crisis is a key analytical point of departure for most observers. The key concern regarding land grabbing is that food-insecure countries invest in and acquire land overseas in order to secure their own food supply. What often happens is that these land acquisitions lead to displacement of people from their land in the country that is invested in. Generally, these people are food secure themselves.

Zoomers (2010) argues that the global land grab has recently become a key development issue. The ‘land grab’, involving *“large-scale, cross-border land deals or transactions that are carried out by transnational corporations or initiated by foreign governments. They concern the lease (often for 30–99 years), concession or outright purchase of large areas of land in other countries for various purposes (Zoomers, 2010, p. 429).”* One important driving factor of this global land grab is the production of food for countries poor in resources, but rich in finances. Other drivers are the global demand for biofuels, the increasing interest in protecting nature, ecotourism and increasing investments in large-scale tourist complexes (Zoomers, 2010).

In the land grab debate, the ‘foreignisation’ of space and land, which involves the acquisition of land in developing countries by foreign actors (Zoomers, 2010), has been discussed a lot. Less is talked in this debate about the localisation of investments in land, involving the question how land acquisitions get localised. Therefore, this research focusses on the local level, especially the role of local governments in land investments. Further, different strong positions are taken in this debate on the impact of land acquisitions on topics like environment, land rights, sovereignty, livelihoods, and development and conflict on different levels. Both proponents and opponents of land acquisitions provide arguments in the debate. Some commentators see the trend of land acquisitions as changes for new livelihood opportunities in lower income countries, and as a step towards reaching food security for an increasing world population. Other commentators, however, are concerned about for example environmental impacts, the loss of land for rural people and about the risk that large-scale

investments decrease the importance of family farming (Cotula, 2012). This research aims to investigate how land investments on the local level contribute to or hinder development and achieving food security.

Stickler (2012) argues that less international attention has been focused on land investments in Uganda. In Uganda, the national government has a history in allocating land for large-scale agricultural production, meaning that the role of the government in (foreign) land acquisitions can be substantial. What is less clear however, is the role local governments in Uganda play or could play in land acquisitions. This is a relevant question because Uganda decentralized substantially in recent years.

Maiyo et al. (2016) argue that land acquisitions may generate high pressures on the ground, which may generate high social and ecological risks. Local governance and regulation should be increased in order to cope in a better way with pressures on land. Recent waves of decentralization in many African countries, including Uganda, suggests that it is the local level where a growing capacity and interest to address pressures on land might be found. Knowledge on the roles local governments play, however, and on their responsibilities, is lacking. This research aims to fill some components of this research gap. Uganda is a useful research site for researching local governments because of decentralization policies. The number of districts in Uganda rose from 33 in 1986 (the year current president Museveni came to power) to 111 in 2011 (New Vision, 2012). This research will provide more insight into the role local governments play in land investments, how they influence investments and how they balance the need to develop and the need to protect local people.

A topic closely linked to land investments is food security. FAO (2003) defines food security as: *“Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. Household food security is the application of this concept to the family level, with individuals within households as the focus of concern.”* This topic is very important in Africa because of regular famines, food shortages and longtime lack of adequate nutrition. Food security is therefore not just about insufficient food production, availability or intake, but also about the poor nutritional value and the poor quality of food (Sasson, 2012). Robertson & Pinstrup-Anderson (2010) explain that it is troubling that countries that lack (nutritious) food, countries for whom food security is necessary, often are primary sellers of land. Further, food security is a significant driver of land acquisitions. In a case of continuing rises in food prices, it can be expected that nations that lack food will continue to acquire land in developing nations, where land is cheap.

In the horticulture sector in Uganda the topics of land investments and food security come together. The horticulture sector consists of farmers who produce fruits, vegetables, flowers, and spices. Uganda has a great potential for producing all kinds of horticultural crops because of the temperature regime, the rainfall distribution and the soils (Ssebuliba et al., 2005). The horticulture sector is especially important for the Ugandan economy because it contributes a high share of non-traditional exports (Ssebuliba et al., 2005). Maertens et al. (2012, p.492)

conclude in their article on horticulture in Sub-Saharan Africa that *“the increased trade in high-value agricultural products and the modernisation of export supply chains in developing countries can produce important positive effects for rural development and poverty reduction, and that these effects can come in various ways through product- or labour-market effects and through direct and indirect effects.”*

Questions that can be raised following this introduction are to what extent the horticulture sector contributes to food security, and what the role of local governments is in investments in this sector, while considering food security. The goal of this research therefore is to find out what the role of local governments is in large-scale investments in land in the horticulture sector in Uganda. Further, special attention will be given to the importance of the topic of food security, both for investors and local governments.

The following research question will be used in this research:

What role do local governments play in land investments in the horticulture sector in Uganda while considering achieving food security?

This research was conducted in the period February – May 2017 in Kampala and the surrounding districts and in Northern Uganda, in the area around Gulu.

2. Theoretical framework

In this theoretical framework, relevant theories and approaches will be discussed. First, the global land grab debate will be outlined. Further, the topics of decentralization, the role of local governments in land governance and food security and the horticulture sector will be discussed.

2.1 The Global Land Grab

Today we live in an increasingly globalised world. Lambin & Meyfroit (2011) explain that globalisation is about the increasing worldwide interconnectedness of places and people. Through markets, information, capital flows, as well as human migrations and social and political institutions, people and places all over the world are connected. Potter et al. (2008) argue that, as a consequence of globalisation, distance has become less important in economic activities. That resulted in a situation in which companies can operate more easily in a borderless world, for instance by subcontracting activities to (far) distant regions. This process of economic globalisation creates linkages between places across the world through interconnected economic flows, institutionalization of linkages and the process of identifying interdependence, which is a result of economic globalisation (Kelly, 2007).

Since Uganda is among the world's poorest countries, it is also a major challenge to reduce poverty there. The World Bank (2016)¹ shows that in 2013 19.7% of the Ugandan population was living below the national poverty line. In 2006, this number was 31.1%, so it decreased significantly. The number of people living on \$1.90 per day or less decreased in the same period from 53.2% to 34.6%. That is an improvement, but still a considerable number.

Both globalisation and poverty have to do with large-scale land investments, as they can result in the acquisition of land. Land investments, however, could also lift people out of poverty. Karlsson (2014) shows that large-scale investments in developing countries can have both positive and negative effects on the local level. On the one hand, it can create jobs, develop infrastructure, provide access to global markets and stimulate the use of new technologies. On the other hand, if such investments are left unchecked, it may lead to significant socio-economic, food security and environment related risks, as well as to grievances from local populations. Zoomers (2010) emphasizes the relation between globalisation and large-scale land investments, the global land grab, by arguing that the global land grab is one of the results of globalisation. Further, she argues that investments might harm local people. For example, local people are often forced to endure enclosure or to move to more isolated and more marginal places. In relation to food security, Zoomers (2010) argues that large-scale land acquisitions for food security by richer countries in poorer countries is more and more contested because it is considered not ethical to import food from food-scarce countries.

Martinez (2011) describes the debate between the commentators who argue that large-scale commercial land transactions, land grabbing, is a good and beneficial practise, and those who see land grabbing as detrimental. Martinez (2011) argues that land investments might improve the situation of 75 percent of the poor (mostly rural) people. When large-scale land investments are done right, large-scale farming can have a place in agricultural and rural development and contribute to sustainable development. In addition, in a system of contract farming (cooperation between investor and local farmer) it can support smallholder productivity (World Bank, 2010). Further, the World Bank admits the possible risk of large-scale land investments, but also highlights the potential opportunities. It is argued that the risk of such large-scale investments are not part of the investments and projects, but are rooted in weak and corrupt institutions and bad land governance of countries in the Global South. In this respect, negative outcomes of land grabbing mainly are an internal problem caused by a weak institutional framework (World Bank, 2010).

Castellanelli & Cunha (2015) argue that land grabbing on the one hand causes harm to small local farmers, but on the other hand, investments are needed in order to get a genuine opportunity to develop. This reflects the core of the land grab debate. Rass (2006, in Castellanelli & Cunha, 2015) provides an example on developing countries, where often the rights of land users are not well secured. A large part of the land in developing countries is owned by the government. Land users in turn do not have property titles on the land they cultivate. This results in difficult situations and a lot of uncertainty for local people. In this context, there is a risk that land that is considered to be empty or useless will be sold to (foreign) investors. In such cases the important services that this land renders to local people often is not taken into account.

Paoloni & Onorati (2014) argue that each state should take its responsibility and try to avoid land acquisitions by investors who are not interested in agriculture but only in the profit they can make from the land rent. They should also aim to protect local communities from investments that threaten the access to land and the control over land. Liversage (2010) agrees with the work of Paoloni & Onorati. He argues that *“much is being done by various stakeholders to promote responsible investment in agriculture and to oppose land grabbing.”* Further, governments have a key role to play in promoting responsible agricultural investments and in developing transparent, accountable and accessible land administration institutions. These institutions should recognize and defend the rights of rural communities – especially of the most vulnerable households.

What is not known in this land grab debate, and what is less researched yet, is how local governments play a role in the process of land investments and in securing the availability of enough and nutritious food for their people. Until now, the focus in academic research has primarily been on a diverse range of different approaches to land grabbing and views from different perspectives on land grabbing. It has for example been researched from a state perspective, from the perspective of local communities, as well as from an agrarian, food security, labour, gender, land use change and human rights perspective (Margulis et al, 2013). What is not researched extensively yet, is the role of local governments in land investments.

Knowledge on the roles and responsibilities of local government actors is lacking (Maiyo et al, 2016). What is known, however, is that governments play an active role in facilitating the access of investors to considerable areas of land, as German et al. (2013) show in their case study on Ghana, Mozambique, Tanzania, and Zambia. They argue that in several cases, also local governments are involved in land investments. For instance, when local governments acquire land and transfer it to the public domain in order to promote investments in their area. By doing so, their acquired land can be rented out. Other practices of local governments regarding land investments are not mentioned by German et al. (2013). More knowledge on this topic is missing. A possible reason for this lack of knowledge regarding the role of local governments in land investments is the relatively newness of the phenomenon of land grabbing. It is only in the last ten years that land grabbing became a ‘hot topic’ that was examined more widely. In this period, not all aspects and perspectives could have been researched. Another explanation is that the role of local governments for a long time has been limited. More recent waves of decentralization gave more power to local authorities, also in land investments.

2.2 Decentralization in Africa

Since the early 1980s, many African states have put much effort in political and administrative decentralization, and the beginning of land governance. These reforms involved significant changes in planning, budgeting, expenditure and service planning (Wunsch, 2001). Formerly, African states were characterised by the power the central government had. From the 1980s onwards, many countries in Africa implemented decentralization policies that gave power to local governments. The main reasons for decentralization policies are that it is a mode of governance through which poverty reduction interventions can be conceived, planned, implemented, monitored and evaluated. Further, it is hoped that decentralization will facilitate greater participation of communities in governance (Kauzya, 2007).

Uganda is a useful research site for researching local governments because of decentralization policies. The number of districts in Uganda rose from 33 in 1986 (the year current president Museveni came to power) to 111 in 2011 (New Vision, 2012). This research will provide more insight into the role local governments play in land investments, how they influence investments and how they balance the need to develop and the need to protect local people.

Important to take into account is what Kakumba (2010, p. 184) writes on the effects of the decentralization system in Uganda: “*Local governments are increasingly being captured by the local ‘elite’ and executives who, once in office, remain effectively detached from the electorate.*” Although there are achievements in human development, arising from citizen participation and representation, these are yet to be translated into empowerment and shared benefits for the rural poor. Local governments in Uganda got more functions, but the main goals of decentralization are not visible yet. That leads to a situation in which there is less support of communities, because they demand accountability from their leaders, they want to participate in planning and choose their leaders without manipulation from the local ‘elite’ at the time of elections.

Maiyo et al. (2016) argue that recent processes of decentralization in many African countries, at least in theory, suggest that it is on the level of local governments where a growing capacity and interest to address land investments might be found. Here, the lack of knowledge on the role of local governments actors arises.

2.3 The role of local governments in land governance

The term and notion of land governance gained attention in mainstream agencies in recent years. It can be described as the most efficient way of administration of land issues, for example through cadastres and land titling. Today, land governance is generally understood as a matter of technical and administrative governance, and not as a matter of democratizing access to and control over wealth and power (Borras & Franco, 2010).

Borras & Franco (2010) argue that land governance both shapes and reshapes, and is reshaped by, the interaction of different groups, classes and competing interests in society. There is an endless contestation, mainly by national state actors and regional (political) elites and by poor rural people, to gain control of land-based wealth. They further argue that there is a concern for ‘pro-poor’ land policy. Such a policy *“contributes to effectively securing the rights of poor people to occupy and use land for purposes and in ways of their own choosing”* (Borras & Franco, 2010, p. 15). When there is no or less attention for defining and securing property rights in an appropriate way and when there is less attention for the need to democratize land governance at the local level, land reform can be regarded as weak. Borras & Franco (2010) emphasize the need for a clearer focus on these issues, because it is very important for the design of effective, pro-poor land reform and good land governance.

According to Mabikke (2011), land grabbing persists where society is characterised by weak land governance. Both in formal land administrations and in customary tenure arrangements, weak governance means that land rights of the poor are not protected. Mainly poor people are affected by weak land governance, and it may leave them marginalised and outside the law. In order to achieve good land governance, as Mabikke (2011) proposes, priority should be given to capacity building in land administration agencies to improve efficiency, effectiveness and competence.

Onoja (2015) argues that due to a growing demand for land, the role of local governments in development and in land investments is increasing. This study argues that local governments could for instance engage more in land registration. Further, they could develop local conventions that regulate access to collectively used resources, grazing areas and forests for example. Such negotiations involve more and more, and is increasingly being supported and promoted by, local authorities.

Toulmin (2008) argues in her paper on the role of local institutions in securing land and property rights that central governments often do not have the capacity and the local knowledge to implement a just national land registration system. Therefore, support to local governments and other local institutions in order to undertake intermediate forms of land registrations appeared to be far more effective in many places. Land and property rights are

extremely important for many people in Africa. It is at the heart of social, economic and political life in most African economies due to their reliance on agriculture and natural resources. Because most land in sub-Saharan Africa has no formal documentation on who owns it or who has the right to use it, initiatives are underway to address this. In the end, it is argued that land registrations and titling can reduce poverty. Most importantly, administration of land rights needs to address the growing threat to many small-holders from the growth in demand for land from both foreign and domestic investors in land, who acquire land in order to grow for instance biofuel crops on a commercial scale. Toulmin (2008) proposes simple methods to secure land and property rights, that must be adjusted to each particular local context. Elements that are important in securing land rights and should be included in land titling programs are the strengthening of local institutions for administering rights and just dispute resolution, the use of a phased approach, meaning that the focus first should be on priority areas, such as where fast commercialization threatens the access to land for poorer groups. Further, introducing simple written contracts and establishing property registers are among the proposed methods for securing land and property rights.

2.4 The role of local governments in achieving food security

In its narrowest definition, food security means that enough food is available, whether at the global, national, community, or household level (Pinstrup-Andersen, 2009). The Food and Agriculture Organization of the United Nations (FAO, 1996) argue in their definition that *“food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food to meet their dietary needs and food preferences for a healthy and active life.”* Important in this definition is the emphasis on food safety and on the nutritional composition of food. According to Pinstrup-Andersen (2009) the goal of food security as described in the FAO definition is the goal towards the world should strive. Godfray et al. (2010) argue that the global demand for food will increase for at least another 40 years. A likely scenario is that more food should be produced from the same amount, or even less, land. Therefore, solutions are necessary. Godfray et al. (2010) propose possible solutions for the problems regarding achieving food security. Closing the yield gap will be important. When the difference between realized productivity and the best that can be achieved using current genetic material and available technologies and management will be closed, a big step towards food security has been taken. Further, genetic modified crops may have the future, although advantages and disadvantages need to be considered rigorously. Also reducing waste is important, since 30 to 40% of the total food production in both the developed and developing world is lost to waste (Godfray et al., 2010).

Maiyo et al. (2016) argue that local governments have an obligation to defend land rights of people and thus their food security. If a local government protects the land rights of its people, it will lead to increased tenure security, which in turn will result in higher productivity investments. Further, it is argued that secure land rights of local people and households can be linked to agricultural production, because mainly family farms produce food through agricultural production and animal husbandry. However, the assumption that land rights ensure food security can be contested because tenure security may be used for other purposes, for example to reserve land for future generations.

2.5 Horticulture sector

In this research the focus will be on the horticulture sector. The horticulture sector consists of farmers who produce fruits, vegetables, flowers, and spices (Ssebuliba et al., 2005). This sector has globally been growing very fast. After it was developed in Kenya, the sector also grew in Tanzania, Ethiopia and Uganda. During the past two decades, food and agricultural sectors have witnessed fast changes, for example in supply chains. Ssebuliba et al. (2005, p. 19) define a supply chain as “*the connected series of activities, which is concerned with planning, co-ordinating, and controlling material, parts, and finished goods from suppliers to customers.*” A shift from lower value products to higher value products and large investments by large companies in global food supply chains are changes that in particular can be applied to horticulture exports, both globally and in Sub-Saharan Africa. In the period 1990-2005 exports in the horticulture sector from countries in Sub-Saharan Africa to high-income regions tripled (Maertens et al., 2012).

Further, global food supply chains are more and more dominated by large multinationals. At the same time, trade is increasingly regulated by private companies or international and regional authorities. As a result, changes in the structure and organisation of high-value export chains emerged (Maertens et al., 2012).

Ssebuliba et al. (2005) show that the four commodity groups in the horticulture sector they identified in their study are both produced for export and own consumption. Fruits and vegetables are mainly produced and consumed locally. Some types of fruits, mainly pineapples and avocados, are exported to Europe. Spices and flowers also belong to the horticulture sector, and are mainly produced for export. The flowers grown in Uganda have their market in Europe. Positive aspects of the horticulture sector are the relatively high foreign exchange earnings, the employment opportunities for local people, income generation for smallholder farmers and workers and rural development. The major challenges regarding the horticulture sector are to improve varieties and quality of seeds, to improve the use of technologies, expertise and technical skills and to prevent harvest losses.

2.6 Research questions & conceptual framework

The main aim of this research is to find out what roles local governments in Uganda play in the process of land investments. The overlapping theme is food security and the specific sector where this research will focus on is the horticulture sector. It will be investigated how local governments can contribute to achieving food security while having to do with land investments in the horticulture sector.

The following research questions will be used in this research:

What role do local governments play in land investments in the horticulture sector in Uganda while considering achieving food security?

Sub-questions:

1. What position do investors have in relation to local governments?
2. What is the current role of local governments in land investments in Uganda?
3. What is the role of local governments in ensuring food security?
4. What is the role of local governments in land investments in Northern Uganda, considering the different land type and procedures?

These four sub-questions are based on the topics discussed in the theoretical framework: land investments, land governance and the role of local governments in development and food security. The first sub-question will focus on the investors in the horticulture sector, on how they see and experienced the role local governments played in investing in land and in doing business in general. In the second sub-question the role local governments play in land acquisitions by (foreign) companies in the horticulture sector will be investigated. How do local governments interact with investors, other government levels, and local people? Do they work independent from other governments or institutions or do they implement policies made by a higher government level? And do local governments have interest in attracting land investments? These and other questions will be asked in order to answer this sub-question. The third question will examine the topic of food security. Can local government ensure food security for their population while on the same time they have to deal with investments? To what extent is food security an important topic for local governments in negotiations with investors? And does the horticulture sector contribute to food security or hinder achieving food security? The fourth sub-question will focus on a different research site (Northern Uganda), with a different land tenure system and different roles for local governments. Here, the role of local governments in land investments and in ensuring food security will be investigated as well. Figure 1 shows the conceptual framework based on the themes and theories of this research. The central themes of this research are globalisation and the global land grab, as described in this theoretical framework. The other themes; horticulture, decentralization and land governance have to do with the three central actors in this research:

investors, local governments and other actors (Investment Authority, Land Commission, lawyers, Dutch embassy). All these actors have a role in investments in land and in achieving food security.

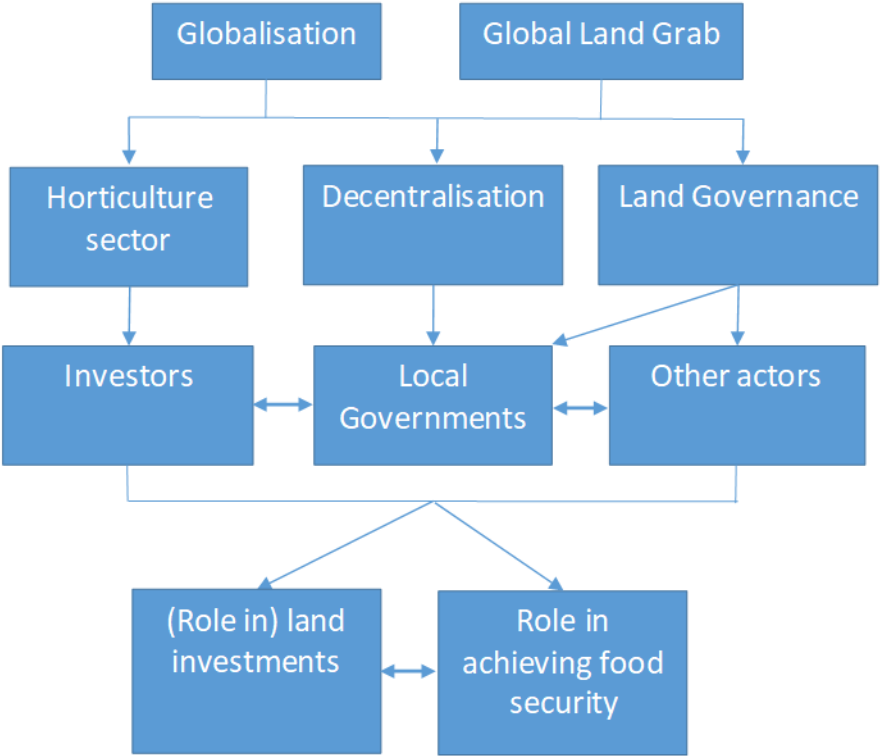


Figure 1: Conceptual framework

3. National and regional context

This chapter will provide relevant background information of the research site. This research is conducted in the African country Uganda. First, general information on this country will be provided. Then, there will be zoomed in into the districts in which this research will be conducted. Finally, the Ugandan government structure will be discussed.

3.1 Background Uganda

Uganda is a landlocked country in East Africa. The country is bordered by South-Sudan on the north, Kenya on the east, Tanzania and Rwanda on the south, and the Democratic Republic of the Congo on the west. The first official language of Uganda is English, a result from the time Uganda was a British Protectorate. In 1962 Uganda became independent from the United Kingdom. Now, also Swahili is an official language in Uganda. Next to these two languages several local languages exist (World Factbook, 2017).

Uganda is a presidential republic and the current president Yoweri Museveni has been in office since 1986. During his reign, many economic reforms took place, which led to improved economic performances. The last ten years, the economy grew with an average of 7 percent per annum (State House, 2016). The World Bank (2016)² describes the development of Uganda in general as positive, since the country surpassed the Millennium Development Goal on halving poverty by 2015. Despite improvements, a large part of the population is very vulnerable to falling back into poverty.

Uganda's total population is about 38 million people, around 80 percent of the population lives in rural areas. Half of the Ugandan population is younger than 15. That makes that Uganda has a very high dependency ratio, meaning that a large part of the population is not in the labour force. The main challenges Uganda faces are overcoming low levels of productivity, inappropriate urban development, the slow development of infrastructure and the limited availability of credit. Also reducing inequality within the country is a major challenge, mainly in the poor North-Eastern region (World Bank, 2016)². Another challenge is to achieve food security for the population. Figure 2 shows the acute food insecurity situation in Uganda during the period January 2017 to March 2017. 69% of the population in the country is minimally food insecure, 26% of the population is facing stressed food insecurity and 5% of the population of Uganda is in a food insecurity crisis (IPC, 2017).

Acute Food Insecurity Situation Overview in Uganda Valid From: January 2017 To: March 2017

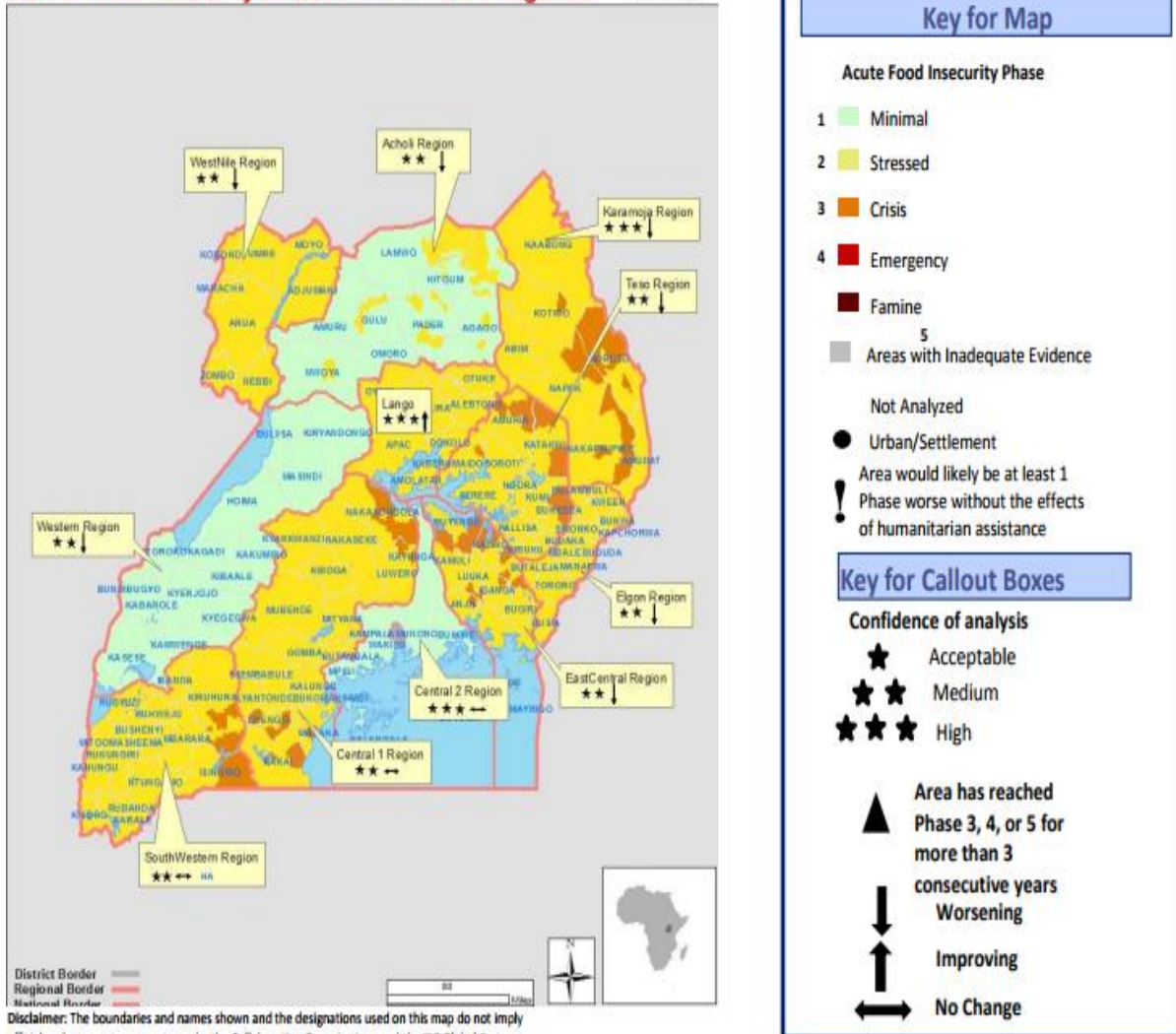


Figure 2: Food security situation Uganda (IPC, 2017)

The major part of this research was conducted in and around the capital city Kampala (see figure 3). There, interviews have been conducted in the districts of Kampala, Mpigi, Wakiso, Mukono and Buikwe. These districts are located along the shores of Lake Victoria. Due to this location, the soil in this area is very fertile, which makes it ideal for farming. Further, a part of this research was conducted in the area around the city Gulu, in the districts of Nwoya and Gulu in Northern Uganda. This area is the poorest in Uganda. The climate generally is hot and dry, with two rainy seasons. The land tenure systems in these two areas are different. In the area around Kampala, mailo and freehold land are common and in Northern Uganda customary land is common (further explained in 3.3). Because of this difference, these two research areas have been chosen.

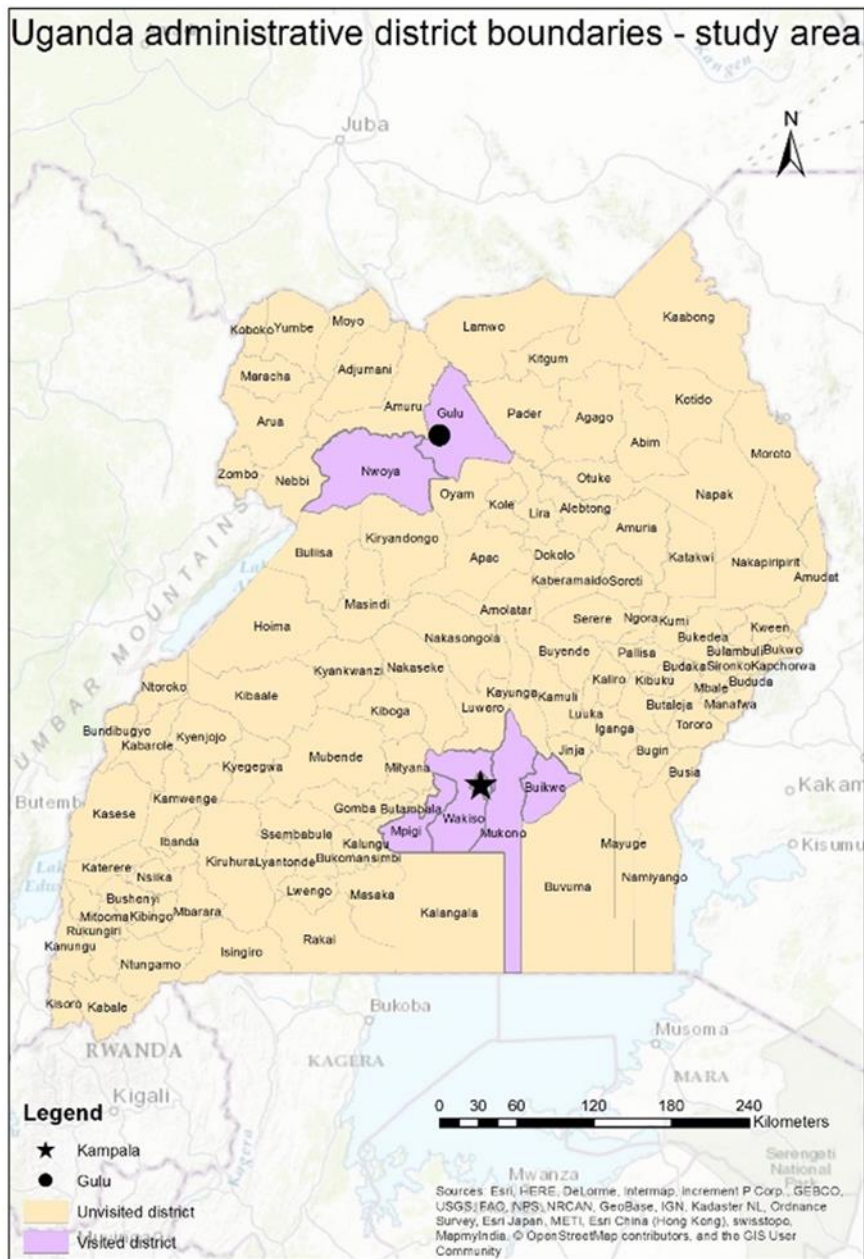


Figure 3: Research area

3.2 Government structure

During the 1980s and 1990s the Uganda government made efforts to strengthen local governments. During these years reforms were implemented and consolidated in a new constitution in 1995. The reforms were further detailed in the Local Governments Act that was made in 1997. The focus of Uganda’s decentralization policy is focussed on empowering local populations via democratization, participation, accountability, responsibility, efficiency, and effectiveness (Nsibambi, 1998 in Oosterveer & Van Vliet, 2010). Figure 4 shows that the local governance system in Uganda consists of five layers of local government, LCs (Local Councils). These local councils stretch from the village (LC1) through the parish (LC2), the sub-county (LC3), the county (LC4), and the district (LC5) (Oosterveer & Van Vliet, 2010). According to the 1997 Local Government Act, only the District (LC5) and Sub-county Councils (LC3) have power to legislate. The others are administrative units. Both the district

and the sub-county councils became corporate bodies by the 1997 Local Government Act, meaning that they were given "far-reaching powers and responsibilities such as income tax collection, service provision, formulation of policies and laws and managing the environment." Formerly, these tasks were undertaken by central government ministries. (Turyahabwe et al., 2015, p. 115).

The Land Act (1998) mandated District Land Boards (DLB), who work independent from any person or authority, to hold and allocate land that is not owned by any person or authority. DLBs facilitate land registrations and the transfer of land rights and cause surveys, plans, maps, drawings and estimates made by its officers or agents. They are supported by the District Land Office with technical land management services. At the sub-county level, Area Land Committees (figure 4) were formed to advise the DLB. Although the DLB works independently, is shall take into account national and district council policies on land and also the particular circumstances of different systems of customary land tenure within the district (ULII, 1998).

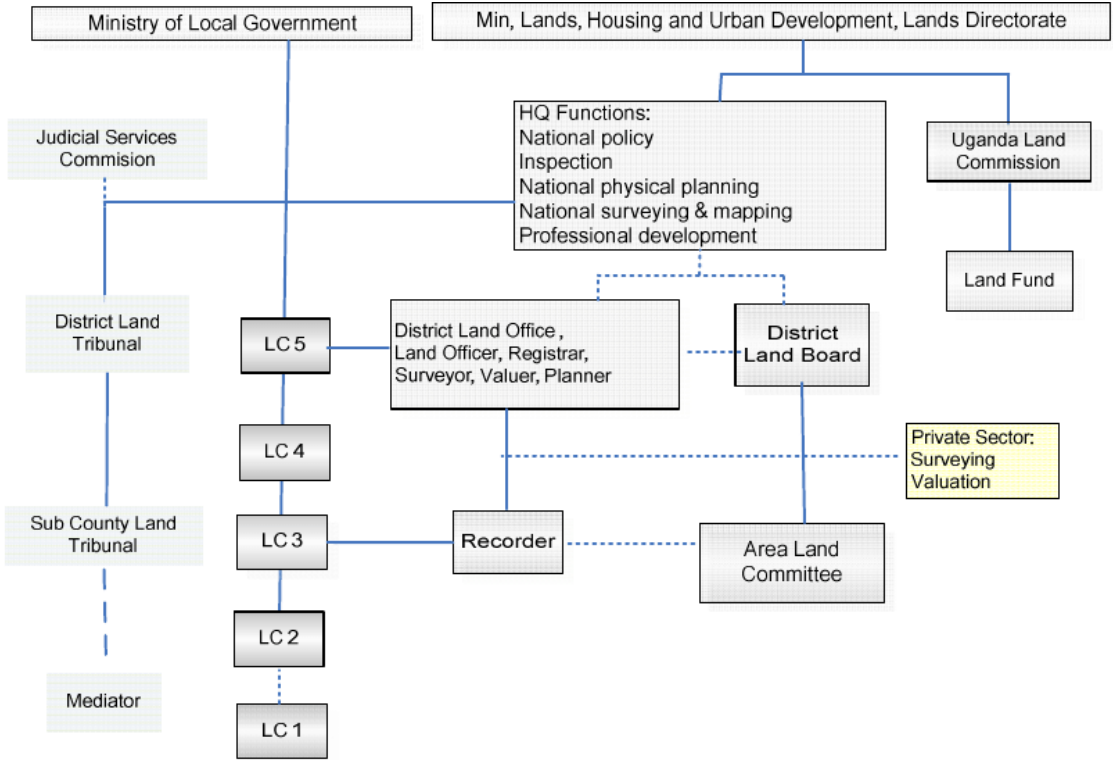


Figure 4: Government structure Uganda (Rukondo & Kirumira, 2014)

3.3 Land tenure systems

These different land tenure forms were recognized by the 1995 Constitution. First, state land, held and managed by the Uganda Land Commission consist of all land vested in or acquired by the government. Between 70 and 80% of land in Uganda is under customary tenure, meaning that people own their land, have their rights to it, but most of the times do not have land titles. In Uganda, diverse systems in which customary land tenure occurs exist. In some areas, customary land is owned communally, in some parts the land belongs to a certain clan and sometimes land is held by individual persons (Ecoland, 2017). Customary land is the

common land tenure system in the districts of Gulu and Nwoya, which are part of the research area. Further, a small proportion of land in Uganda is registered under freehold tenure. Its application in Uganda is still limited, although this kind of tenure is considered as being the most sustainable. Mainly large-scale plantations and religious bodies hold a freehold land title. Freehold land tenure may either involve a grant of land in perpetuity or for a lesser specified time period (LANDac, 2016). This land type can be found throughout the country, including the research areas of this research. Land in central and southern Uganda is mainly mailo land. Mailo was a system of freehold tenure used in Buganda (a former kingdom and currently a subnational kingdom within Uganda). It is still used in this subnational kingdom, and the research area around Kampala is part of it. Mailo land is almost identical to freehold land (Ecoland, 2017). The land in this tenure type is owned by landlords. At the same time, there are tenants on this land who have the right to live and work on the land. They, however, can be evicted when the landlord wants to sell the land (Daily Monitor, 2016). Leasehold land tenure is a system that is known to every system of land tenure, it involves the *“derivation of rights from a superior title and the enjoyment of such rights in exchange for specific conditions including, but not limited to the payment of rent (LANDac, 2016, p. 4).”* Owners of land can lease their land, freehold, customary or mailo land as leasehold land for a period of 49 or 99 years (LANDac, 2016).

It is the ministry of Lands and Urban Development that is mandated to ensure a *“rational, sustainable and effective use and management of land.”* Two departments of this ministry are directly related to land acquisitions for investments. The first one is the Department of Land Administration, which is responsible for supervision of land administration institutions and valuation of land and other properties. The second one is the Department of Land Registration, which is responsible for issuance of certificates of titles, general conveyance, keeping custody of the national land register, coordination, inspection, monitoring and back-up technical support relating to land registration and acquisition processes (UIA, 2017).

4. Methodology

4.1 Research methods

The two main research methods that will be used in this research are analysing and reviewing Ugandan (land) governance policies and conducting interviews with local government officials and investors in the horticulture sector in Uganda, as well as several other relevant stakeholders.

4.2 Data collection

This research will mainly be based on qualitative analysis. Qualitative research broadly is an approach that allows you to examine people's experiences in detail, by using for instance in-depth interviews. It also allows you to identify issues from the perspective of the respondent, so the meanings and interpretations that they give to behaviour, events or objects can be understood. It is in particular a useful method when the goal of the researcher is to understand views of relevant people, processes (of governance and doing business) and the context of the research topic (Hennink et al., 2011). The goal of this research is to find out what the role of local governments in land investments is. In order to get an understanding of this, it is important to understand processes of investing in land. In order to get to know this, it is relevant to investigate different perspectives of different people regarding the role of local governments in land investments. Because of this, the sub-questions of this research focus on the perspectives of local governments, investors and relevant related (government) institutions. Therefore, qualitative research, by using in-depth interviews, is the appropriate approach to conduct this research and to answer the research questions.

4.2.1 Literature review and secondary data

The literature review in this research consists of a review of relevant academic articles and policy reports and documents from governments and NGOs. Further, exploratory and descriptive data will be used to describe the research topics.

4.2.2 Interviews

The main research method that will be used in this research is conducting interviews. In-depth interviews will be conducted with District Land Board officials, local government officials and investors in the horticulture sector, as well as with other relevant stakeholders. In-depth interviews are a reliable research method because the respondents have the freedom to express their knowledge and opinion. This will lead to a genuine understanding of the views of the respondents on the topics being discussed. In the interviews the focus is on the role local governments play in land investments in the horticulture sector. Interviews with investors are different from interviews with local governments and DLBs in the sense that questions regarding the view of investors on local governments and the process of land investments will be discussed, while in interviews with DLBs and local governments the focus more is on their policies regarding investments and food security.

Respondents are found through contacts of NGOs, a list of investors in the horticulture sector from the Uganda Investment Authority and through UFEA (Uganda Flower Exporters Association). From these sources, relevant large-scale investments in land have been chosen. Table 1 shows a list of investors that have been interviewed for this research. A full list of respondents can be found in Appendix 1.

Investor	Company	District	Seize (ha)	Commodity
1	Royal van Zanten	Mukono	-	Flower cuttings
2	Wagagai	Wakiso	38	Flower cuttings
3	Xclusive Cuttings	Wakiso	10	Flower cuttings
3	<i>Name unknown</i>	Wakiso	14	Vegetables
4	Dümmen Orange	Mpigi	25	Flower cuttings
5	Uganda Hortech	Buikwe	10	Rose flowers
6	Aseel Impex	Kampala	-	Fruits & vegetables (supports outgrowers)
7	Mountains of the Moon	Kampala	-	Cocoa & Vanilla (supports outgrowers)
8	Oola Lolim farm	Nwoya (Northern Uganda)	1800	Mainly maize
9	Oola Lolim farm	Nwoya	1800	Mainly maize
10	Amatheon	Nwoya	3000	Mainly maize

Table 1: Investors

4.3 Data analysis

The data processing program Nvivo will be used to analyse the conducted interviews. Through coding links between interviews, respondents and the themes of this research can be made. By doing so, differences in approaches regarding land investments, governance and food security will become clear.

4.4 Limitations, risks and ethical issues

The main limitation of this research is that some actors are not included in the research. The most important actor not included are local people and local communities. Their role and experiences can be relevant, and provide another perspective to this research. The main reason for not including local people in the research is time. The time to collect data during the fieldwork is three months. It would be too ambitious to include all actors that have something to do with land investments, horticulture and governance. Therefore, a clear focus on local governments has been chosen. During the fieldwork, it appeared to be difficult to get in contact with LC1 officials. In some cases, they could not be found because they were working on the land, in other cases they did not immediately want to talk to me. They gave their phone number, but later could not be reached on that number. Therefore, it was not possible to make an appointment. Because of this limitation, government officials of higher levels of local governance and investors have been asked questions about LC1s.

Culture and language are other limitations. Not all respondents speak (well) English, but a local language. Then, an interpreter is needed, which makes communication more difficult. It might lead to misinterpretation. Also differences in culture can lead to misunderstanding. Cultural differences therefore need to be taken in to account when asking questions. Some questions are not appropriate to ask.

The main risk in this research is interviewing local governments officials. Government issues can be sensitive. Because of that, you do not know to what extent the respondent answers the questions. The topic of this research might not be very controversial, but some officials might not want to talk about some topics. Therefore, it is important to mention the possibility to be anonymous and to not answer questions.

The limitation of the research method used in this research is subjectivity, both from the perspective of me as a researcher and from the respondents, who all express their own views on the topics being discussed (Hennink et al., 2011). It is important therefore to be aware of the position you have as a researcher and of the position of the respondents, who might have certain interests.

4.5 Positionality, relations in the field and practical challenges

As a Dutch researcher in Africa, it is important to reflect on your positionality. Most of the investors I interviewed were Dutch, or at least come from Western countries. Then, conducting an interview is not so much different from conducting an interview in The Netherlands. Only the setting is different, usually on a farm in rural Uganda. For these interviews, I made appointments with the respondents by email or phone call. We set a specific day and time, and I knew they would expect me to be there exactly at that time. For the interviews with local government officials, it was advised me to not try to make an appointment beforehand, because in the first place they are hard to reach, and in the second place it would be possible that the respondent would say no. Therefore, I just went there and asked for the right persons in the office. Every time one or two persons were willing to talk to me, so it worked well. The most obvious difference between me and my respondents from local governments is the colour of our skin. Maybe my skin colour made them more willing to talk to me, as they know that a white (and young) person has come from afar to their office to meet them. In terms of gender, there were no differences. All my respondents from local governments were male. In total, I interviewed only two females, both at companies that invested in land. One of them was Dutch, the other one Ugandan. The Ugandan woman was an educated and experienced manager at a flower farm. She being the expert with a lot of knowledge about the company made me not feel that there was a certain power relation between us in terms of gender. For every interview I made sure I wore decent clothes. This meant that I wore the same kind of clothes as the government officials, but more decent clothes than the investors, who usually wore a t-shirt.

Further, in terms of positionality, I always introduced myself as a student that is interested in land investments. Being a student might make me in some way ‘innocent’, in a way I do not

want anything from my respondents but some information. Because of this, respondents maybe were relatively open in terms of sharing information.

The first challenge I faced had to do with my host organisation. It turned out that some things were not well organised. It was hard to get in contact with them and in the end, they were not able to be my host organisation unless I would start the long procedure of getting a research permit. Therefore, I decided to go on with my research individually. In the background, however, this organisation and some other organisation still could help me with getting some contacts. In the end, I think this did not have an influence on my data collection. I already had started my research on my own, which went well, so I could easily continue.

Another challenge was getting in contact with investors. Only few responded to my emails. Also phone calls did not always work. Finally, however, I was able to conduct a good number of interviews, although more would have been better. Especially more diverse data in the sense of interviews with investors owning different kinds of horticultural companies/farms and interviews with lower local governments leaders (LC1, 2, 3) would have led to a better understanding of the topics. A list I got from the Uganda Investment Authority with all email addresses and phone numbers of the companies in the horticulture sector has been very helpful in getting in contact with investors.

5. Results: Investors in the horticulture sector in Uganda

In this chapter the results of this research related to the first sub-question will be discussed: *What position do investors have in relation to local governments?* The role of local governments as seen by investors will be central in this chapter. First, the role of lawyers, the Uganda Investment Authority, Uganda Land Commission and the Dutch embassy in relation to investors that invest in land will be discussed (5.1 – 5.5). Second, the position of investors in relation to local governments in the area around Kampala will be discussed (5.6). Third, the position of investors in relation to local governments in Northern Uganda will be discussed (5.7). 5.8 is the concluding section of this chapter.

5.1 The relation between investors and lawyers

During the procedure of investing in land in Uganda in order to start a company, several actors are involved. The first person of importance for an investor usually is a lawyer. An investor that comes to Uganda and who is not familiar with the rules, laws and regulations in the country first asks a lawyer to register the company at the Uganda Registration Services Bureau and then to find an appropriate piece of land (see figure 5). When the investor already knows which piece of land he wants to acquire, a lawyer does due diligence on the land, for instance in order to find out if the vendors of the land are the real owners of the land.

INVESTMENT REGISTRATION AND FACILITATION PROCESSES

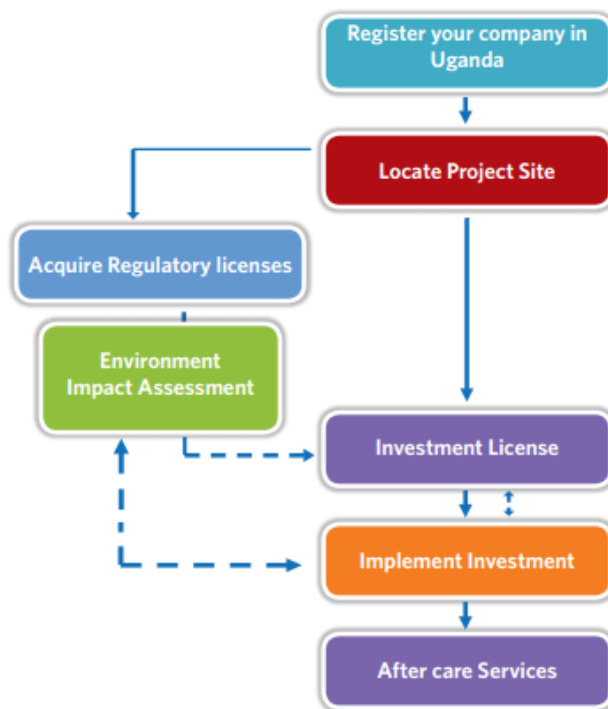


Figure 5: Process of investing in Uganda (UIA, 2015)

Mr. Muwonge, a lawyer working for MMAKS Advocates (Masembe, Makubuya, Adriko, Karugaba & Ssekatawa Advocates) that was interviewed for this research, showed that a distinction is being made between citizen and non-citizen investors. The 1995 constitution of Uganda stipulated that land in Uganda is vested in the citizens of Uganda. In other words, all ownership of land belongs to the citizens of Uganda. The constitution makes ownership of land also possible for non-citizens of Uganda, namely under one category of land ownership: the leasehold tenure system. Under this leasehold tenure system, a non-citizen in Uganda can own land to a maximum of 99 years. In total, there are four land tenure systems: freehold, mailo, customary and leasehold (explained in chapter 3.3). In the Registration of Titles Act (RTA) provision is made for owners of mailo or freehold land. Under this act, they can create a leasehold title, meaning that they can rent their land to foreign investors. Ugandan laws define that if at least 51% of the shares, the majority, is owned by a non-citizen, the company is a non-citizen company. Because the foreign owner has controlling interest in the company, it is regarded as a non-citizen company, meaning that only land under the leasehold system can be acquired. If the majority of shares is owned by a citizen of Uganda, the company is also Ugandan. In that case, land also can be owned under the freehold or mailo tenure system.

The role of a lawyer in land investments in Uganda mainly is about advising and informing the investor. First, on the roles of ownership of land and the Ugandan laws of ownership, whether the investor can own land or not, and which type of land. Second, after advising, the lawyer introduces the investor at the Uganda Investment Authority (UIA). There he can get an investment license. The lawyer also plays an advising role on which investment license(s) to obtain. Thirdly, the lawyer advises the investor on how to set up the company, how to implement the investment (figure 5) and on the structure of the company. After hearing the wishes and requirements of the investor, the lawyer advises on the appropriate structure of the company: a partnership, joint venture or special purpose vehicle for instance.

Every transfer of land needs to be registered at the department of Land Registration from the ministry of Lands, Housing and Urban Development. This institution is responsible for the registration of land countrywide. The district government comes in to convince this registration. In case a citizen of Uganda rents land to a non-citizen, a leasehold agreement is being made. In such an agreement, all rights, terms and conditions of both the vendor and buyer/renter are defined. Part of this lease agreement is a duty that has to be paid to the government, the Uganda Revenue Authority. For a lease agreement, the duty is one percent of the value of the land, as determined by the chief of the local government. After paying the duty, the lease is registered and a certificate of title as evidence of ownership is granted. At this moment (March 2017), the duty is one percent. This percentage is subject to change, however, just like the duty that currently has to be paid for a transaction of mailo or freehold land to a new owner, who is a citizen of Uganda (1,5 percent). After payment, the investor receives receipts, which will be taken to the land registry. There the payment is verified and the transfer of land title effected.

Mr. Muwonge from MMAKS Advocates usually involves the local LC1 chairman when he is working on an investment in land: *“He is the ultimate person in the local authority. He knows*

each and every citizen and dweller in his area. So the LC1 is the appropriate person you can go to, to introduce a new person. For example, Robert has acquired land from me. I awarded him a leasehold for 99 years. So from this day onwards he is the one dealing with this land. So when the vendor introduces you to the LC1, then they know you are the new occupant, the new dweller. So for purposes of land, the LC 1 chair person is the appropriate person. Opposed to LC2, LC3.” Introducing a new occupant to the local chairperson from the LC1 is not mandatory. It is not a requirement or prerequisite for ownership of land, but often it is done out of courtesy.

5.2 The relation between investors and the Uganda Investment Authority

The Uganda Investment Authority plays an important role for every investor coming to Uganda. The UIA *“is a statutory agency mandated to initiate and support measures that enhance investment in Uganda and advise Government on appropriate policies conducive for investment promotion and growth”* (UIA, 2017). Investor 1 explains that the presence of the UIA shows that Uganda likes to welcome investors in the country. If you do not know where to start, you first go there.

Investor 6 from India, the owner of Aseel Impex Ltd., supports outgrowers that produce fruits and vegetables, which are exported mainly to Europe and the Middle East. When he came to Uganda in 2002 he first went to the UIA, where he showed his intentions. The UIA subsequently gave him an investments certificate. After receiving it, it was easier for him to get a work permit and other necessary documents needed in order to start a company.

Investor 7, the owner of Mountains of the Moon, a company that supports outgrowers that mainly grow cocoa and vanilla. Initially he only worked with farmers in the Democratic Republic of Congo, but since a few years he also works with farmers in Uganda, where he lives. Investor 7: *“At the time we started in Uganda we heavily relied on the UIA. At the time, they were a new and very dynamic body with a good manager. We got the investment license from them and they helped with the paperwork. It was well organized. Here, also a lawyer came in. The lease of land went through a lawyer.”*

In a leaflet obtained at the office of the UIA it is explained why Uganda is a good country to invest in. Several reasons of why to choose Uganda are given. They paint a clear picture of how the process of getting an investment license looks like, and they emphasize the good investments climate in Uganda, which according to the investors in and around Kampala truly exists. In general, Uganda is open for investments and wants to help foreigners with establishing a company, for example through the UIA. At the UIA also is a service especially for Dutch investors, because there are several investors in Uganda from The Netherlands. The leaflet shows that after a company is registered at the Uganda Registration Services Bureau, the UIA comes in to issue the investment license. Further, the Ugandan taxation structure is explained as well as the environment related rules and laws. At the UIA is a One Stop Center at which some of the necessary documents for an investment can be acquired under one roof. This includes company registration, the Uganda Revenue Authority (URA) for tax advice and registration, the National Environmental Management Authority for advising and providing

information on environment and the Uganda National Bureau of Standards for standards advice. Further, the UIA is of importance for investors because they provide aftercare services (figure 3). This is a service for investors that face specific business challenges.

5.3 The role of the Uganda Land Commission in an investment in land

Another institution in Uganda that is of importance regarding land and investing in land is the Uganda Land Commission (ULC). Mr. Muwonge, lawyer, explains that *“now any land in Uganda owned by government is vested in the Uganda Land Commission. All land owned by the districts is vested in the DLB. All land vested in individual persons is vested in them in their own rights, whether it is mailo or freehold. Now these individuals can also obtain leases from the District Land Board, and they can obtain leases from the Uganda Land Commission from government land.”* The Uganda National Land policy (2013) says: government, through administrative and other measures, shall ‘set guidelines for the Uganda Land Commission to lease or sell government land.’ It is the ULC that can lease government land to for example (foreign) investors.

The district land officer working at Wakiso district office explains that in the past land was acquired by the government for government purposes, for the public good. For example for developing the road network, pipelines and other infrastructure, as well as government-owned farms and businesses. Later the government started a program in which they started to lease out land to investors. Under this new arrangement government focusses more on regulating business, and less on doing business itself. The pieces of land that in the past had been set aside for government projects is now leased out to private persons. It is here where investors mainly have to do with the ULC.

The website of the ULC further explains the powers it has, since it was created in 1995 and its operations were regulated in the 1998 Land Act:

- i) Acquire by purchase, exchange or hold land rights, easements or interests in land;*
- ii) Erect, alter, enlarge, improve, or demolish any building or other erection on any land held by it;*
- iii) Sell, lease or otherwise deal with the land held by it;*
- iv) Do such other things as may be necessary for or incidental to the exercise of those powers and the performance of those functions (ULC, 2017).*

The ULC is an autonomous body and its functions are only at the national level. The ULC, however, may liaise with the independent DLBs with regard to government land in the districts.

5.4 The relation between Dutch investors and the Dutch embassy in Uganda

The Dutch embassy in Kampala, Uganda can be seen as the link between Dutch people and Dutch businesses in Uganda and the Ugandan government, institutes and other stakeholders. Because relatively a lot of Dutch people are active in the horticulture sector in Uganda, especially in the flower sector, and because for this research several interviews have been conducted with Dutch investor in the horticulture sector, an interview has been conducted at the Dutch embassy with Mr. Leeksma.

Mr. Leeksma hopes, as the Dutch embassy, always to play a role in an investment in Uganda by an investor from the Netherlands. For an investor, it is not mandatory to involve the embassy. The embassy however advises investors. People who for example want to sell their products in Uganda, can consult the embassy. Further, the embassy can play a positive role in advising and in making contacts, as well as in solving problems related to doing business. Troubleshooting and removing obstacles are part of the work the embassy does. Depending on the specific problem, the embassy can discuss the problem at the highest level within the Ugandan government, even with the president. But usually the problem will be solved at the level of the Investment or Revenue Authority. If the investor asks for it, the embassy will introduce him to the UIA or URA. Although usually the embassy just provides the contact details of these authorities, so the investor himself can make an appointment.

The Ugandan ministry of trade initiated a stakeholder meeting for Dutch businesses in Uganda, which took place on the 28th of March 2017. This meeting was about the investment climate in Uganda. Positive and negative aspects of doing business in Uganda were discussed. At this meeting, Dutch companies were present, as well as several Ugandan stakeholders like the UIA, URA, Bureau of Standards, Immigration and more than 20 officials of different authorities. Especially the obstacles were being discussed, and the government officials explained what they are going to do about it and how much time it takes. For the embassy, this meeting later can be used as a reminder for the government if things turn out to be not well implemented or promises are not fulfilled. Further, this meeting has led to contacts between Dutch businesses and the Ugandan authorities and to arrangements about how business related issues should be improved. The embassy later can refer to this meeting, if it appears to be that promises are not kept. The idea is to do this kind of meetings more often, so doing business continuously will be made easier and to make contacts at the right levels.

The embassy has special attention for the horticulture sector through their food security program. Flower companies are not included in this program, other horticultural products like fruits and vegetables are included. For flower companies the embassy is of importance in troubleshooting. When there is an incident or another problem, the embassy often is involved.

According to Mr. Leeksma the Ugandan government is working actively on attracting foreign direct investments. They are happy with the presence of the flower sector because it contributes a lot to employment and because those companies bring international standards with them which can serve as an example for local companies. Also the secondary working conditions are often well organised, for instance childcare, schools, clinics and other services. Corporate Social Responsibility is important for these companies and also is something the embassy expects from them.

5.5 The relation between investors and local governments in the area around Kampala

Land lease

According to Investor 1 (The Netherlands) Local Council 1 (LC1), the lowest level of local governance, mainly is involved in an investment in land. LC1 officials provide the necessary documents for investors. Royal van Zanten, the company investor 1 worked for, leases mailo land. Officially, landlords still own the land, but Royal van Zanten now leases it for a period of 99 years. The local LC1 comes in to facilitate negotiations between investors and land owners, because the LC1 officials know all the local land owners. In the first lease agreement investor 1 made in name of Royal van Zanten, the amount of rent was stated at UGX 5000 annually. Further, no specific rights and obligations were stated in that agreement. In general, respondent 1 considers the cooperation with (local) governments and government institutions as positive: *“Uganda is very open for investors. They welcome them happily. There is a Ugandan Investment Authority. If you don’t know where to go as an investor, you start there. They also have an office especially for Dutch investors. You can ask all your questions there, for example on how to deal with a lease. And if you don’t know how to lease land, you involve a lawyer. If, for instance, your land has not yet a land title, you should go to a local board. An experienced lawyer can arrange that. Therefore, you won’t see much investors who are directly involved with governments. Much work is being done by specialist and lawyers.”*

Investor 2 (The Netherlands) started his company in 1999. The company consists of 38 hectares of greenhouses and employs between 2100 and 2200 people. When he started his company, he first had to go to the Uganda Investment Authority to apply for an investment license. Then, a lawyer helped to start up the company. He leases the land from different Ugandan land owners for a period of 99 years. All the land the farm consist of at this moment was not leased at the same time. Over the years the farm grew, and more and more land was leased. During the process of investing in land, investor 2 had contact with the local LC1 officials. This contact, however, was rather limited. The necessary documents that had to be signed regarding land were directly between the investor and owner of the land. The lawyer led this process.

Investor 3 (The Netherlands) started in 2004 (with a restart in 2006) a farm in Wakiso district that produces chrysanthemum cuttings and kalanchoe cuttings for the Dutch market. The farm currently consists of 10 hectares of greenhouses and has about 500 employees. Investor 3 further is starting a new company, focused on vegetables, that is about 14 hectares and has about 50 employees. At this moment, all the vegetables being produced are for the Ugandan market. In the future, when the company grows, there also might be some export. About the process of investing in land in Uganda investor 3 said the following: *“You hire a lawyer, he is making the memorandum, you sign the papers and he is going to register it. So for me, because I already was acquainted with Uganda, I contacted some old friends and they did the process. For me it was just putting the signature on the memorandum. They did the registration.”* Investor 3 in fact took over an existing company. Therefore, the transfer of land

was an easy process. It went from one owner to another owner. Further, the land is freehold land, meaning that “it was just a transfer of the title and a registration at the office.”

The company of investor 4 (The Netherlands) consists of 25 hectares and employs 750 people. The land that is being leased by investor 4 his company is leased for a period of 99 years from the Ugandan government. Formerly, Indians had a rubber and coffee farm on the land, but they were forced out of the country by former president Idi Amin. After his reign, the Indians could lease the land back, but they didn’t, so the land went back to the state. It became freehold land. Now the state leases the land to the company of investor 4. The district government of Mpigi is in some way involved in this. If investor 4 or other people working at the farm would behave badly, Mpigi district can ask to withdraw the lease agreement.



Figure 6: Flower cuttings farm Dümmen Orange, Mpigi district

In Buikwe district, a newly created district in an area that formerly was part of Mukono district, a rose farm named Uganda Hortech (10 hectares) is located. Until 2009 also vegetables were grown on the farm, but the production of vegetables was stopped because it was not profitable enough. According to the production supervisor working at this farm for investor 5 (India), the LC1 is involved. Normally, at the time you come as an investor, you introduce yourself and your intentions. Then they give you permission to start the company. In the case of this company however, there is no LC1 in the area of the company, but only at the places where people live.

Employment

Investor 1 explains that investors have to obtain documents from the LC1 when they hire employees. The employees themselves also need an LC1 letter. Investor 3 and 5 show that the Local Council 1 is of importance because employees of the company need an LC letter in order to confirm they are from this particular LC1 area or from somewhere else. The LC1 needs to know this for their registration. Investor 4 argues that the LC1 especially is important for the workers and for the local community. Because the workers at his company come from all over the country, they all first need a letter from the LC1 before they can start working at the farm. This is where the LC1 mainly is involved.

Conflict resolution

Investor 1 also had contact with the local LC1 because the land they wanted to lease in order to start the company was since the moment the land was officially leased by the investors, inhabited by spotters, illegal residents. They hoped the company would buy them out. This problem was solved in collaboration with the LC1. After the investment in land, respondent 1 and her company had nothing to do with LC1 regarding land. Regarding other matters, however, the LC1 plays an important role: *“When I came here to live and to work, the local council played a very important role in my daily activities. Because when you as a foreign investor start to talk to the LC1, they can learn you a lot about culture and how to help employees. But also when you have problems, for example regarding security and theft, they play an important role. The Local Council knows all local residents personally, so in case of theft, you ask the LC for help. Then they have an advising and mediating role. The LC1 mainly has a social role, they are not really government officials. They are more like social workers with a link to the government. Much is being done without paperwork.”*

Investor 3 argues that outside work, the employees of the farm can go to the LC1 in case they have problems, for instance regarding land quarrels or domestic violence. He confirms therefore that the LC1 especially is important for the community and only to a small extent for the company.



Figure 7: Rose farm Uganda Hortech, Buikwe district

Although the company of investor 4 is located in Mpigi district, Kampala district is much more of importance for him. Investor 4: *“The address of the company says Kampala instead of Mpigi and when there for example is a disagreement about a road, you go to the Mpigi district court. There they forward you to Kampala. Further, the law firm representing us is also based in Kampala.”* For this company lawyers are very important because as a company, they constantly want to be updated about all things regarding government. New government policies for instance, but these lawyers also work on the policies of the company itself. They update Human Resource policies, land rights and labour rights.

In the case of investor 5 his company, local governments are not involved in the security at and around the farm because they have their own security force. Investor 2 does not have a security force, so for him he sometimes has to do with the head security at the LC5 level.

Challenges for investors

Most investors face some challenges while investing in land in Uganda and while doing business. Investor 3 for example argues that his main challenge is corruption in the governmental and semi-governmental section. Further, due to poverty, there is some theft. A good set of controls is necessary, for example a fence. Investor 4 sometimes has to do with people around his farm that claim to be the owner of some land. These people have fake land titles. They make them by themselves, or they bribe someone working at the title deed office. Often a lawyer needs to be involved in these cases as many cases go to court. Investor 4, however, wins every case. But it can be time consuming. Investor 4 further argues that Uganda seems to be very open to investors, but at the moment the investments gets serious, you get some counteraction. It can be very difficult. Regarding corruption, this investor wants to do everything fair and according to the laws and regulations, but that is the long route. It takes much more time than when you bribe people.

Mr. Muwonge, lawyer, also acknowledges that people often create fake land titles. Sometimes they tamper with people in government positions. As a lawyer, he deals with this by doing due diligence on land. In this way, he verifies whether the area of land that is in the title is the same as what it appears to be. Also when an investor comes in, he first makes sure if the land really belongs to the person who claims to be the land owner.

Mr. Leeksa from the Dutch embassy in Uganda explains that the relevant laws and regulations are there, but they are not properly implemented and maintained. There also is bureaucracy and corruption, for example at the Uganda Investments Authority. There, people often ask for more documents than necessary, so you have to pay more. A positive aspect, however, about Uganda is that there is a free business climate. The government is not involved in everything. And Uganda is a very entrepreneurial country, it is even named as the most entrepreneurial country in the world.

5.6 The relation between investors and local governments in Northern Uganda

To add to the research conducted in the area around Kampala, a small part of this research was conducted in Northern Uganda. Here, in the area around the city Gulu, is a different land type: customary. This is communally owned land. Because of this different type of land, there are different procedures regarding investing in land. Further, many investors in this area face major challenges, often bigger than the challenges investors around Kampala face, in the process of acquiring land, as well as in doing business, in running a farm, a company.

Investing in communally owned land

Investor 3 explains that investing in land in Northern Uganda is much more difficult, because of a different land tenure system that exists there: *“But I can tell you that it can be very difficult with land. Because we have a company up North also, in Nwoya district, its 30/40 km*

before Pakwach (...) if you go up there, you first need the title have being confirmed by all your neighbours, and you have to go to the land office, so it's a long process (...). In the North, there is community land, the family that was owning the land first had to prove that they were there. And then you were given a five-year title deed. But with a five-year title deed you cannot attract investors. So we said that we only want to deal if its 49 years. And then you have to go through a whole process. We are now almost done, I think it's a one year process." Investor 3 is one of the very few investors in the horticulture sector in this area. Also the Investment Authority had no information about investments in the horticulture sector in the area around Gulu. Most of the large-scale land investments in this area take place in the agriculture sector. Therefore, investors in the agriculture sector in this area have been interviewed. *"Over 95% of the land in northern Uganda is held under customary tenure and it is a region with the highest levels of poverty, land conflicts and food insecurity (LANDac, 2016).*" This quote shows the relevance of extending this research to Northern Uganda. Investigating the different roles local governments play in this area compared to the area around Kampala regarding land investments will help to better answer the research question and will lead to more insight in the role local governments play in land investments considering different land tenure systems. Therefore, to add to the results found in the area around Kampala, two interviews with investors were conducted as well as two interviews with member of Area Land Committees (LC3 level) of two sub-counties and one interview with an official working for Nwoya district government. Here, the results of the interviews with the investors will be discussed.

Investor 8 is a farm manager at Oola Lolim farm in Nwoya district. He works at the farm since 2014. The owner of the farm, investor 9, lives and works in Kampala. He started the farm in 2011 on land he leases together with a Ugandan, who leased the land already since 1986. In total, they lease 1400 hectares from the government. Formerly, this land was part of the Lolim Game Reserve. This game reserve was dissolved and the land became government land owned by the DLB, of which investor 9 leases the land. The core business of this farm is growing maize. The maize goes to South-Sudan, Kenya or to the Ugandan market. It differs each year because of price fluctuations.

Investor 10, the neighbour of investor 8, works at a farm called Amatheon that is part of a German company. On the more than 3000 hectares (leased for 49 years) they produce maize, rice, soya, sunflower and sorghum.

Relation with local people

After investor 9 started leasing the land many illegal occupants, squatters, started to live on the land. They wanted to receive money, otherwise they do not leave the land. It is a huge problem, because investor 8 and 9 are at this moment only able to produce on 10 percent of the land they own. On all the other land are issues with the local people. Investor 8 explains: *"We have been in and out of court ever since I've been here. It has been an ongoing process. Very frustrating. Those people are people that have come in in the last few years. The whole issue here is very politicized. To the extent that the police refused to move them off. We acquired an eviction order last year in October, that didn't do anything about it. And just*

recently my boss Jim had an interview with the DPC, the Divisional Police Commander, here in Nwoya. There they told him they will not do anything because it's too political. So this is what confuses and puzzles me: you get a court order from the high court of land and the police are the people meant to do the job, but they just don't do it because of political reasons. Very frustrating. Ongoing process."

Further, many people say that they own the ground of investor 9. They come up with fake title deeds or even without documents, claiming the land. Sometimes land has been sold two or three times, to different people, within a few years. This all creates conflict. Investor 3, who is setting up a farm in the North as well, also has had land quarrels. In some cases this led to shootings. The squatters who were on his land did not understand why the investor came to 'their' land.

Investor 8 does not employ the local people who live around the farm. In the past he tried it, but the locals steal and lacks work ethic. By eleven in the morning they are under the influence of alcohol. This did not work, so he started to employ people from other places. Investor 10 also employs people from other places. He argues that the people living around the farm survive by stealing. Alcoholism also is a big problem. The reason why these people do not work is because of the war that ended about 10 years ago. The investors understand the difficult history of these people, but although the war ended, people did not build up a new live. Instead, they started stealing.



Figure 8: Farm in Northern Uganda

Relation with local governments

The local governments have not been helpful in the issues with the local people. Investor 8 says that the police, local governments and even the juridical system do not do anything. There is an apathy to do something about it. Another main problem investor 8 encounters is theft. In one year, more than 2000 people have been apprehended because they stole maize. Not one of these cases went to court. When investor 8 goes to the police bond with evidence of what was stolen, they release the thieves within twelve hours. Then they start stealing again. Because of this, the company loses up to 500kg of maize a hectare.

Investors 3 argues that LCs are important in settling down the company and to confirm when you settle and what you agree. The LC needs to be witness and be part of the meetings leading to a deal. Then you get a legal document for the register office. LCs have an important role in legalising the deal.

When new investors come to the area, investor 8 tells them the truth. The truth that might scare them away. There is a lot of land available, but it is very difficult to get it. He thinks that the people from the local governments paint a wonderful picture about investing. But as soon as an investor wants to start his company or farm, all kinds of problems come up. And there's no support from LCs. Investor 8 was in 2014 involved in an incident with the guards he employs because of the theft. The local people were stealing maize and the guards went behind them. This led to a shooting in which one of the thieves was killed. While investor 8 brought the guard to the police, the house of investor 9 his investing partner was burned, as well as the combine investor 8 used to harvest. A couple of weeks later a lot of government and police officials came to the farm accusing investor 8 of killing people. It turned out the local LC1 chairman had said that investor 8 killed the thief. According to investor 8, this LC1 chairman is the councillor of the squatters. He knows his people steal maize. *"He is the chairman of the stealing community."*

Investor 10 also has huge problems with theft. He calls it commercial stealing. What he is missing is the support from local governments, although he realizes that it takes time to build a relationship with them. Also on this land are a lot of squatters and other disputes, which makes that a significant part of the land cannot be used. He argues that problems will not go away until local governments as well as senior government starts to help. Investor 10 has just like investor 8 the impression that the local governments and the police continuously oppose them. An example from investor 10: *"A vehicle was stolen from my farm. They had an accident with it. Police got the vehicle and would only release it if I would pay 5 million shillings. That's Gulu police."*

5.7 Conclusion

The sub-question belonging to this chapter is: *"What position do investors have in relation to local governments?"* From the previous sections in this chapter it can be concluded that investors in the area around Kampala in general are positive about their relation with local governments. Especially the Local Council 1 is of importance for investors in contacts with the local people around the company, in solving conflicts and for providing LC letters for the employees. Lawyers play a central role in the process of investing in land by investors. They lead the investors through the process of getting licenses and they introduce them to the LC1. Investors in Northern Uganda are not positive about their relation with local governments. They argue that the local government do not play the facilitating and supporting role they say they play regarding investments. Further, they do not help to solve the problems with local people, which makes that the investors in this area do not trust the local government officials. Challenges both for investors in the area around Kampala and in Northern Uganda are corruption, fake land titles created by local people and opposition from local governments.

6. Results: The role of local governments and District Land Boards

In this chapter the results of the interviews conducted at several local governments and District Land Boards in the districts of Kampala, Wakiso, Mukono and Mpigi will be discussed, as well as the interviews conducted in Northern Uganda, in the districts of Nwoya and Gulu. The sub-question that will be discussed in this chapter is: *What is the current role of local governments in land investments in Uganda?* In the previous chapter, the relation between investors and local governments according to investors has been discussed. In this chapter the roles of local governments and the relationship with investors from the point of view of local government officials will be discussed.

6.1 The role of local governments in land investments in the area around Kampala

When an investor comes to Uganda, he first usually involves a lawyer and goes to the Investment Authority to register the company. Later in the process, local governments are involved in different ways. An official working at the Mpigi District Land Office explains that first the buyer of land identifies the site he wants to buy. Then he will start to negotiate with the seller of the land. The district government comes in to advise on how to utilize the land and to make sure that one can own the land. In case the buyer of the land is a foreign investor, he cannot own the land, but only lease it. Foreigners can lease land up to 99 years, depending on the conditions set by the lessor. More specifically, at the land office of a district surveying and mapping of land are being done. Then the next thing is titling, which is not done at the land office of the district, but at the land registration department of the ministry of Lands. Next, the physical planning department of the district comes in to approve the plans of the investor.

An official working at Mukono district government as a principle assistant secretary and as secretary of the District Land Board argues that there is land where the district has mandate: private land. If an investor wants to lease privately owned land, the district engages negotiations with the investor and with the owner of the land. Decision making remains between the investor and the owners, the district only has a position in between, and will help the investor to get the land he wants.

Role Uganda Investment Authority and NEMA

A district government official in Wakiso district explains that a lot of work regarding investments in Uganda is done by the UIA. *“Unfortunately, the UIA is not decentralized, they are only active at the national level. The UIA also has industrial parks. The district government comes in when an investor wants land in one of those industrial parks. The district government convinces the registration of land. The registering itself is centralized.”* If an investor identifies land outside an industrial park, land that is owned by local people, the

investor consults with the owner of the land about a lease. The district comes in to regulate, for example at the point of registration or environmental impact assessment. This assessment is done by the NEMA (National Environment Management Authority), in consultation with the district environment office. An interview conducted with the official working at the Wakiso Environment Office shows that if an investor is aware (some are not) that he is supposed to be guided by the Environment Office, the Office will guide him and verify the land, in order to see if the land for example is wetland and to see whether his plan will be approved or not. After this guidance, the investor can choose whether he wants to buy the land, or not. In this process, the Environment Office works together with the NEMA. Before the investments takes place, the NEMA issues a certificate of approval, in which a number of conditions are attached which the investor is supposed to comply to. The role of the local government in here is to make sure the investment complies to the conditions set by NEMA.

Role LC3, Area Land Committee and LC1

The official working at the District Land Office of Wakiso District explains that another level of local governance that can play a role in an investment in land is the LC3 (sub-county level). Their input is required for the environmental impact assessment by NEMA. The LC3 has no role in registration of land, but they are of importance in infrastructure development. They have to approve plans by an investor regarding infrastructure development on the land he acquired. Planning is a function of the local government. This function is further devolved to LC3s, they have to make sure that infrastructure development is conform to the planning regulations of the area.

Further, as the official from Mpigi district land office explains, the district government is linked to the Area Land Committee, which is at LC3 level. This Area Land Committee works especially with public land whereby one can obtain leasehold and freehold land. They inform the district government if the applicant can be granted a leasehold or freehold. There also is a link between the District Government and the District Land Board. The district government provides the DLB with any information they are interested in, for example the status of land or land tenure system. Because, as the official argues, the people at the DLB have not much technical knowledge about the land.

The LC1 should be involved in the process of investing in land as well, according to the official working at Mukono District Government, because the investment could have an impact on a village, or maybe cut across villages. It is possible that people are going to be relocated in terms of land. That's why the Local Council 1 must know what is going to take place because they could have an important role in compensating local people. If it is a big investment, local people require compensation for the land they lose. The LC1 knows the local people and thus knows who exactly should be compensated.

Procedure and land registration

Further, the official at Mukono District Government argues that ideally, the whole procedure of investing in land would start at the UIA and Revenue Authority. Then the investor identifies a piece of land. Next, the land goes through the procedures of NEMA and the

district physical planning committee. This planning committee makes sure that the proposed investment is in line with Vision 2040, which is an extensive development plan made by the National Planning Authority.

Regarding the registration of land, there is some confusion among the local governments. Not all government officials seem to know what each other's role exactly is. The official from Mpigi District Government explain that land titles are registered at the Ministry of Lands in Kampala. The ministry, however, intends to bring a one stop centre to this district. At this centre, everything you need to do as an investor is under one roof: surveying and mapping, registration, valuation, paying stamp duty and physical planning. The official from the District Land Board in this same district, however, argues that the registration of land and the issuing of titles both are done at the land office of the district. Other local government officials, for example in Mukono, also argue that registration of land is at the ministry, so the national government, which also is the place where land titles are issued.



Figure 9: Mukono district local government office

6.2 Interest of local governments in attracting investments

The different districts in this research have different interests in attracting (foreign) investments. Wakiso district for instance makes no deliberate effort to attract investments. They have no programs or policies for it. The reason for this is given by the official of the land office: the existence of the UIA. This is the principal body that manages foreign investments in Uganda. The UIA is not devolved downwards, so there is no linkage between the UIA and local governments. Only in case the UIA wants to set up an industrial park in the district and is looking for land, local governments are involved. Not in other cases. This district does not deliberately attract foreign investments, but what they do is creating an enabling environment for investors, so their needs can be met at best.

Mpigi district, however, has policies aimed at attracting investments in the district. One of them is through the 5-year development plan of the national government, which is part of the Vision 2040 plan. In this policy, it is stated that the district wants to have investments,

provide jobs to its people and want to ensure that there is less bureaucracy in the process of investing in this district, so the process of investing is made easier for investors.

Mukono district also welcomes investors. The official working at the district argues that for progress to come, people who bring in money in the district are necessary. As a district, there is no policy towards attracting investments, but the incentives from the national government towards investments are also used in the district. The district government moves in line with the policies of the national government. The reason why there is no own policy on attracting investments is that most land in the district is owned by the private sector. There, the district only has a mediating role between the owners of land and the prospective investor.

An official working at Lugazi Municipal Council (LC4) tells that Lugazi engages investments in the area, in which they can be a link to the land owners. In this Municipal Council is being worked on a policy towards attracting investors, but it is not yet there because this council started operated this year (2017). In this new policy engaging public private partnerships will be important.

Mukono district is happy with the presence of the horticulture sector in their district, except the environmental challenges that come with it. Environmental degradation is a big issue in the district, therefore, as the district official argues, a balance should be created between the environment and making money. In floriculture for example, there is a big emission of by products, which harm the environment. This is the biggest challenge regarding this sector. Mpigi district also is happy with the horticulture sector, mainly because it employs a lot of people and can bring development to the region. Important here as well is that the investment, in every sector, does not affect the environment, at least not more than is acceptable.

The Kampala district government also is facing some challenges. Especially when former public land is involved, there are a lot of conflicts. Many people do not have titles, but the law protects them. When an investor comes, the owners ask for a lot of compensation. It makes land very expensive, and because investors often want a big piece of land, it is even harder to acquire land. Further, it is hard to find empty land in urbanised Kampala district. When you finally find land, there are a lot of issues, which easily destroys the investment.

6.3 The role of District Land Boards in land investments in the area around Kampala

Mr Muwonge, lawyer, describes the situation in which an investor wants to rent land that is not owned by private land owners, but by the district, the District Land Board is involved. Every district in Uganda has a land board. Land in these districts that belongs to the government is vested in the District Land Board (DLB). This land is leasehold land. The DLB will go ahead in leasing out this land to investors.

Laws and regulations

The Uganda Land Act (1995), based on the 1995 constitution, provided new laws for leasehold, freehold, mailo and customary tenures. From that moment, an individual could own land in his own capacity. If that land is mailo or freehold, you own it in perpetuity. Under these new laws, the government remained with customary land, that was vested in the Uganda Land Commission (ULC) and with leasehold land that is vested in the District Land Boards. Individual persons can now go to the DLB or the ULC to obtain leases. Further, the constitution and the Land Act say that the Uganda Land Commission is in charge of land that belongs to the government and has a title, as the secretary of the Kampala District Land Board explains. DLBs are in charge of land that is not owned by any person or authority. An official working at the Wakiso District Land Board would not say that the DLB owns land, although the constitution says that DLBs are supposed to own land that is not owned by anybody. The same constitution says that all land is vested in the citizens of Uganda. This constitution organizes formal ownership. Therefore, it is very hard to find land in Wakiso district that is not owned by anybody, also because this district is quite urbanized. In case people have not formalized their ownership of land, they can go to the land board to have it formalized. Further, when someone is interested in land that belongs to the DLB, he should apply at the DLB. If the application is approved, a lease agreement is being made between the applicant and the DLB. A lease usually is for 49 or 99 years.

The secretary of the Kampala District Land Board explained that DLBs are a controlling authority, as far as land management is concerned. The exact role of the DLBs is written in the constitution, the Land Act and in different laws. Regarding land investments, the DLB is the institution that allocates land to investors. When an investor identifies a piece of land that is government owned, he can apply for it at the DLB. The DLB in turn will facilitate the process of leasing and ensure that the particular investor can own the land.

Relation between DLB and district government

The difference between (the land department of) the district government and the District Land Board is that the DLB is a stationary body, independent from the district government. In case of Kampala district, the Kampala District Land Board is independent from the Kampala Capital City Authority (KCCA) and from any other organ. In the dispensation of functions of the DLB, there is cooperation with the KCCA. For example on planning. The KCCA is the planning authority of the city. The Kampala DLB will forward an investor who wants to put up a factory on a particular piece of land first to the planning department of the KCCA. Further, the DLB relies on the survey team of the KCCA, who gather information about a piece of land. Most importantly, it is written in the law that the DLB is supposed to take into account the national policy and the district policy on land management. Whatever the DLB does, they have to check whether the intended investment is in line with the district policies.

Land lease

When an investor comes to Mpigi district, and he identifies public land, the law permits the DLB to grant a lease. The official working at the Mpigi District Land Board further explains that this lease initially is for a period of 5 years. This lease can be extended based on the way

the investor has put that land to use. It can be extended for a period of 15 years or it can be a full term lease, which is 49 years, when the investor follows the arrangements that he had in place in the beginning. What is in the lease agreement is the period over which the investor is going to use the land, how much money he is supposed to pay and in how many instalments and the type of investment the investor is going to make.

By law, the DLB is independent from any other body or institution. The official points out, however, that being independent is something of the mind. The DLB works for and on behalf of the local government, the LC5. The DLB is like an agent of the local government. There is also a role for the Area Land Committee, at the LC3 level. This committee recommends the applicant or brings the application itself to the board for consideration. Then the board can grant the lease. The agreement is prepared at ministry of Lands and thereafter signed by the chairman of the DLB together with the secretary of the DLB.

Procedures and experiences

As the secretary of the Mukono DLB clarifies, the procedure of investing in public land goes via the village level, to the Area Land Committee and then to the DLB, which approves the application depending on the terms. Except the lease agreement, the DLB does not provide any other documents to investors. As the official of the Kampala District Land Board shows, this is the most important document that the investor gets from the board. It spells out the terms of the leasing and the amount of money that is involved. When it comes to registration of land, the DLB does not have a role. As the official from the Kampala DLB explains, the lease agreement is made by them, then the agreement is forwarded to the department of land registration at the ministry of Lands.

District Land Boards do not have a policy regarding attracting (foreign) investments. Their work starts when an investor comes in, it's not the goal of the DLB to attract according to the officials of the Kampala and Mpigi DLB.

In general, the experiences of the different local governments with investors are good. The official working at Mpigi DLB describes that some investors are genuine when they apply for land. They use the land for the purpose they applied for, while other investors do not do so. The official working at Mukono district argues that there are not much investments in his district in horticulture and agriculture, but more in industrial development. But the DLB is happy with all of them because they create employment, which in turn reduces the prospects of crime and offences. Further, the districts earn money through the taxes the investors pay, which can be used to develop the area further.

6.4 Local governments in Northern Uganda

Customary land

The chairman of Palenga parish, who also is a member of the Area Land Committee of Bobi sub-county (LC3) in Gulu district, explains what customary land exactly is. Customary land is traditional land, you inherit it from your forefathers, so it belongs to the family. If you want to sell this land, all family members must agree. As a foreign investor, you cannot buy this land,

only lease it for a period of 49 or 99 years. The chairman of the Area Land Committee from Lakwana sub-county (Gulu district), who at the same time is the chairman of Lujorongole parish, add to this that on a customary land title the three names of the heads of the family appear. They represent the family.

District government

An official working at Nwoya district government points out that the district has certain policies regarding (foreign) investments that are coming to this district. They developed guidelines for investors and when the investor comes he will meet several relevant stakeholders at the district. There they indicate their interest and their investment plan. At this point, the district can facilitate. Usually the investor can identify a piece of land. Depending on the type of investment, the district can direct the investor to the industrial park. Other investments, like commercial farms, have the liberty to choose a location. The investor and the local landowner(s) negotiate. The district has a key role in making the lease. They want to make sure that it is a good and fair deal, that also favours the local land owner and not just the company. Further, the district does a validation to see if there are land disputes. They don't want an investor to buy land with disputes. After that, a stakeholder engagement meeting is being organized with the community, to see if there are disputes among members of the same households. When the investor faces challenges, during the investments or later, he can approach the district.

The official from Nwoya district government further argues that they are open for investments. The presence of the foreign investors in agriculture has been very positive. The areas where these farms are located improved. There are better roads now. Farming also has improved. More people realize now that they can earn a lot with farming. The official also acknowledges that Nwoya is a district where the locals have a lot of matters. It is a big challenge.

Role ALC

The tasks of the Area Land Committee (ALC) in Palenga consists of mediating in land conflicts and inspecting land. When there is a conflict, the ALC tries to negotiate and give advice, before the case goes to court. Further, the ALC inspects land before a person gets a land title. You pay UGX 20000 for the inspection. After inspection, they fill the form and send it to the DLB. The DLB submits the necessary documents to the ministry in Kampala. After it has been approved, the DLB processes the land title.

The LC1 and LC2 are not involved in the process of getting a land title. Local people, however, assist the ALC when they inspect land. In case of an investment in land, the chairman LC1, chairman LC2 and the community, meaning all neighbours surrounding that particular land, have to approve to whom the land belongs. They are witnesses. Further, the neighbours have to accept the demarcation of land and the investor should discuss his investment with the community. District policy requires this.

In Bobi sub-county, there are no large-scale land investments. The ALC member knows, however, about an investor that wants lease a lot of land in a nearby district to produce sugar cane. Both the local governments and local people are not happy with this because the investor wants too much land. That is why they complain.

The chairman of the ALC in Lakwana sub-county explains that when someone who comes in and wants to buy or lease land, the local landowners do not know what he is going to do with the land. The ALC asks this question and asks whether he is a Ugandan national. In this sub-county, an investment is taking place in order to build a hospital for people with mental health problems. 30 hectares of land are involved in this deal. This land was owned by one family.

A problem the ALC in Lakwana encounters is that local people refuse to get land titles. They think that the government starts taxing them as soon as their land officially is registered. According to the official, people should not fear for this. The government will not tax them. Therefore, he argues that *“The government should make them know that after getting titles they don’t have to pay.”* When they have their land titles, the number of disputes will be reduced. That is why this ALC, as well as the ALC in Palenga, encourage people to get their land titles.

6.5 Conclusion

The sub-question discussed in this chapter is: *“What is the current role of local governments in land investments in Uganda?”* From this chapter it becomes clear that district governments (LC5) play a facilitating role when an investor comes in that wants to buy or lease land owned by an inhabitant of the district. The LC5 further is involved in environmental impact assessment, just as the LC3. The LC3 also has a role regarding planning, for example in infrastructure development by an investor. District Land Boards are in charge of land which is not owned by anybody. The DLB can lease this land to investors. At LC3 level, Area Land Committees have to submit an application by an investor for district owned land to DLBs.

The role of local governments in land investments in Northern Uganda differs from the role of local governments in the area around Kampala in the sense that LCs in Northern Uganda have to deal with customary land, which is owned by families. Because it is owned by families and many people do not have official land titles, there are many disputes. When an investor comes, the LC5 will organise a meeting with the community to see if there are disputes, before the investors acquires the land. ALCs also have a role in solving land disputes and in making sure what kind of investment an investor wants to do. Further, LC1s, LC2s and the local community are witnesses during an investment in land. They have to approve who the land owners are, as well as the demarcation of land. Although local governments see themselves as facilitators of investments in land, not all investors agree. Especially investors in Northern Uganda have the feeling local governments oppose their investments. Investors in the area around Kampala in general are positive about their relation with LCs.

7: Results: Development and food security

This chapter will discuss the results of the interview questions that have been asked to both investors and local government officials about development and food security. The sub-question that will be discussed is: *‘What is the role of local governments and investors in ensuring development and food security?’* The investors answered questions about how their company contributes to development and food security and the LC officials about the importance of food security in their work and their policies.

7.1 Development

7.1.1 Investors and development

Employment

The investors in the horticulture sector that participated in this research do several things regarding the development of the area where their company is located. Investor 1 argued that the company she worked for created a lot of employment and made a positive contribution to the whole area and the local economy. By now, about 1300 people work there. Investor 4 argues that their main contribution to development is providing employment. 750 people get a salary, which automatically results in development. This has a lot of impact on the area. For investor 5 creating employment also is their biggest contribution to development.

Investor 8 (Northern Uganda) tells that people always ask what they do for the community. He answers that question by explaining they create employment. They do not build schools or hospitals. Their goal is to make money. By creating employment, money changes hands, and development starts taking place. That’s how they help the community. Sarcastically, he argues that the community helped themselves by taking his crops. *“That’s a lot of help we have been given, unofficially.”*

CSR and infrastructure improvement

Most companies part of this research have a CSR policy. The company investors 1 worked for built a clinic, has day-care for baby’s, a school and employees can follow courses. The company of investor 2 has an extensive CSR policy, consisting of baby care, a bicycle loan scheme so workers can go to work by bicycle, a sports committee, music and dance, HIV policy and several trainings, for example on First Aid, family planning and safety. Especially their hospital is very important for the community around the farm since it is also open for people who do not work at the farm. It has about 40000 visitors annually. Further, the company is also investigating if they can start to organize housing for their employees. Investor 2 emphasizes that CSR is very important for him as a shareholder. He also says that their CSR policy and the clinic is compared to other companies of a different level, mainly because of the importance he and the other shareholders put on CSR.

One of the things investor 3 does regarding development is maintaining the roads on and around the farm, together with the district. The company, for example, pays for fuel and for the operator. The most important thing the company does when it comes to development is running a clinic. It's a high standard clinic where both employees and other people from the community can go to. Mainly employees and their families visit the clinic: 70 percent. For them it is subsidised. Also other people from the community can have their consult subsidised, but the medicines are at their costs. The company is also setting up a child health centre where children can get vaccinations. At the clinic, vaccination for new-borns who live in the area of around 5 kilometres from the villages. It's working well and the clinic is busy. About 50 people are treated every day. Further, there is day-care at the farm for children from 2 months till 3 years old. Mothers can bring their children there, the children get care and food and in the breaks the mothers can come and breastfeed. For the managers working at the farm, housing is provided.

The company of investor 4 is responsible for healthcare, so they pay for the costs the employees make when they go to hospital. The company also contributes to the school in the village. Investor 4 explains that actually the government should pay for the clinic and the school with their tax revenues, but they do not do so. That is why the company contributes. In the past the company gave water pumps to the local people, but they were not maintained. According to investor 4 that is always the problem when you give away things for free. People do not maintain it or even demolish it. At this moment, there is no CSR policy, but the parent company of this farms is working on it. All companies part of this larger company should get the same CSR policies.

The parent company of which the flower farm of investor 5 is part of, offers free medical treatment for the workers and their families. Further, the company provides housing. Employees who don't have a house can get allowance money so they can hire a house. The company also provides sports facilities and a school, where parents of the children only have to pay half of the school fee.

Knowledge creation

Investor 1 argues that people were able to develop themselves as a result of the investment the company she worked for did. Some of the people that worked at the farm now work for top companies in Kampala. And the knowledge these people gained can have a positive impact on the knowledge of other people. A more indirect development related result of this investment is that the company contributes to the National Security Fund, which is a pension contribution, securing the pension of the employees. Investor 3 provides several trainings for his employees. Every year there are three or four trainings. The topic of HIV is always coming back, the other topics may vary. It can be healthy living, breastfeeding or domestic violence. Investor 10 (Northern Uganda) explains that part of the CSR policy of his company was creating access to markets and training small scale farmers on how to increase their yields. But that is hard. The farm is not an NGO, and people expect a lot when you start talking to them. Especially in terms of for example machines. Suddenly they all want to be

farmers in the hope to get something. Further, this company works with local schools and provides assistance for immunizations.

Economic development

Investor 7 says he does not believe in doing development activities on its own for the sake of development. For him, it's a by-product of economic progress. In that sense, the company of investor 7 contributes to development of communities through fair trade policies, certification and being transparent. In this way, the small farmers that produce for investor 7 benefit.

Further, investor 8 argues that they need more support from local governments in the form of access roads and providing powers. Then NGOs can start building schools and clinics. Roads and electricity are key, and that is the role of the government. If that is organized well, investors will come and development will start taking place.

7.1.2 Local governments and development

For the local governments in the area around Kampala employment also is the main contribution from companies in the horticulture sector to development. Challenges, however, are the environment, as explained in chapter 6.2. The official working at Mukono district local government argues that large-scale investments further are of importance because of the taxes the investors have to pay to the district. These taxes in turn can be invested in the district, which also leads to development. This is also what the official from Lugazi municipal council argues. Tax income can be allocated by the local governments contribute to development. Further, this local government is happy with the things the investors do for the community, the health care for example. Those are very important things for the development of the area.

Conditions

When it comes to development, the district government in Nwoya (Northern Uganda) wants the companies to have workers from this area, and not from Kampala for instance. That is one of their conditions. Another condition is compliance with the environmental requirements of the district. Further, the district hopes that an investment will change the lives of the people around the farm. The district also has development plans they apply to the area, some made by themselves and others by the national government.

What is good according to the district government is that some investors buy crops from the locals for export. They support the local farmers. A major problem, however, is that there is a lot of drinking. The government official argues that the national government is more interested in the tax on alcohol than the health of the people. Many people spend their money on alcohol instead of on school fees for example.

The Area Land Committee chairperson from Lakwana sub-county (Northern Uganda) argues that the community has certain expectations when an investor comes in. They hope, or they want, that it will improve for example education or other things that improve the standard of living.

7.2 Food security

Both investors and local governments make efforts to contribute to the food security of the population. This chapter discusses what investors do regarding food security and to what extent it is an important topic for them. Next, the efforts and policies of local governments focussed on achieving food security for the population will be discussed.

7.2.1 Investors and food security

Employment

For investor 1, food security means that you have a good salary that can be used for buying food. Farms that produce flower cuttings do not contribute directly to food security, only indirectly by providing employment and thus salaries. Investor 2 also argues that providing employment contributes to the food security of the people. Further, by buying inputs for the company in the region, he also indirectly contributes to the food security of people living in the area around the farm. The topic of food security is not part of the business plan of this company, it more is an indirect effect of what this company does for its workers and for the community.

Direct contribution to food security

The company investor 1 now works for imports high quality seeds. These seeds are for vegetable growers in Uganda. These high-quality seeds result in a five times higher income for vegetable growers. These higher incomes and the better and more nutritious vegetables both contribute to food security. The company of investor 2 provides food for the workers during work. Further, there is a fruit tree project with the local community. The company plants these trees and the fruits are for the local people.

The farm owned by investor 3 deliberately focusses on achieving food security, next to their flower cuttings business. Investor 3 started a new business that grows vegetables. Vegetables are hardly available in Uganda at the moment. This company supplies around 8 tons of food every week. One of the reasons why investor 3 started this company and why he came back to Uganda after being back in The Netherlands for a few years is to develop the country. By producing vegetables this goal can be, to a small extent, achieved. People in Uganda also can copy the work he does and start growing vegetables by themselves. Investor 3: *“Potentially, Uganda can be the food basket of Africa. But we are not utilising it. There are so many possibilities, but knowledge and also investment power are missing. There is a lot that can be done in agriculture, we hope to be a small part of that.”*

Investor 4 and 5 contribute to the food security of their workers by providing free lunch. Investor 4 further explains that most of the workers living around the farm own a small piece of land on which they produce some food. They sell this food to the kitchen of the company, which provides them an income next to the salary they earn at flower cuttings farm.

Problems and solutions

The company of investor 4 has no special policy focussed on food security because it is an ornamental farm. In the area around the farm people in principle have enough food to eat. The food, however, often is not very nutritious. People mainly eat basic food like maize, rice and beans and no or few vegetables. In other parts of Uganda people sometimes suffer from hunger due to droughts. There, food security related problems are bigger.

Investor 8 (Northern Uganda) argues that generally the people living around the farm are food secure: *“Most of the people here have planted something. Uganda is one of the most blessed countries in the world. With climate, soil and rains. Almost anything can grow here. But at this stage Uganda can’t be the food basket of Africa. Because of all land issues.”* Investor 10s’ company (Northern Uganda) tried to contribute to food security by providing a platform for the outgrowers they support. This was not very successful because training people was difficult and the quality of the products was a problem. Small farmers sometimes cheated by bringing their crops in bags partly filled with stones, to increase the weight of the bags so they could get more money. All the bags needed to be checked because of this, which is a lot of work, so investor 10 could not uphold this support.

Education is key according to investor 8. After the war, people got food for free. This made them dependent on aid. People need to learn how to farm, so they can start producing food by themselves, or have other jobs. Investor 8 blames NGOs for making people dependent. Investor 8: *“Sometimes you have to be cruel to be kind.”* By cruel, he means that you have to stand up and tell people the truth. NGOs should help people by teaching how to farm or to fish. Then they can be productive.

7.2.2 Local governments and food security

Indirect involvement

The local governments are involved in the topic of food security in different ways. The official working at the Kampala District Land Boards explains that they only indirectly are involved in the topic of food security when they are in the process of leasing land to an investor in agriculture. For them, it is not a direct objective to be involved in food security related topics. It is the ministry of agriculture that is directly involved in policies that deal with the food security of the population. According to this DLB official, the investors in the horticulture sector who are not directly involved in food growing (the flower and cuttings farmers) still can make a contribution to the food security of the communities around them. Because these companies produce for export and bring quite an income in terms of foreign exchange to Uganda, they should, in the opinion of this official, exercise some form of social responsibility. For example by supporting local farmers. In this way, they can play a supportive role. It would also be good if these investors provide their workers with food.

Direct involvement

The official working at the Wakiso Land Office explains that achieving food security is not one of their core roles. What the production department of this district does, however, is

giving out seeds to farmers during the raining season and planting trees. The district government also is working on policies regarding food security, but these policies have not been worked out yet. In the past this district had a policy in which was stated that each household should use a part of their land for farming. At this moment, there is no such policy anymore. Now everyone can decide for themselves whether they want to do some farming.



Figure 10: Lugazi Municipal Council

The official working at Mukono district government says that achieving food security for the population is high on their agenda: *“You know, we cannot develop unless you have food, neither you can spend on any item in household if there is no food. It begins by eating. And when you are safe, when you are sure you have food, you can start thinking of spending on other items.”* Further, he explains that until recently most families produced their own food, but now with urbanization some families abandoned agriculture because they are settled in towns now and buy their food at markets. That is why government has a lot of policies on improving peoples’ welfare, for example through operation wealth creation (a government program focussed on the transition from subsistence farming to commercial farming), by distributing seeds and improving varieties and cattle. All this is targeting improved nutrition and food security. The official of Lugazi municipal council clarifies that the operation wealth creation program is a government program that is implemented by all local governments. The question if the population of Mukono district is food secure a sensitive one according to the district official. In general, he argues, there is enough food. People do not sleep hungry. Nutrition now is something that is coming up, it is new and becoming more important now.

Problems

The government official in Wakiso illustrates that there are problems regarding the food security of the population in Wakiso district. Because this district has a very limited middle class, in other words, many people are relatively poor, there are still families who cannot afford to buy food, so they have to grow it by themselves. Further, Wakiso is quite an urban district and more and more residential estates are being developed on what formerly was farmland. The tenure system is contributing to this trend because the mailo land tenure system

in this district is a system of dual ownership, meaning that a person for example has a land title for 20 acres, and these 20 acres are occupied by more than 10 families. The role of the district government in this is to regulate the relationship between the mailo owner and the tenants. What these mailo land owners often do, because the ground rent they receive is of low economic value, is selling the land to willing buyers. This means that the families have to leave and abandon their small-scale food production on the land. Then in no time, the land is devoted to housing. This affects food security because those evicted people don't have any means of producing food and earning money by selling food anymore.

Another problem this official has noticed regarding food security is that the hundreds of people who work on the large flowers farms earn a salary which is too low to buy enough food. And because they spend a lot of labour on these flower farms, it is at the expense of growing food in their own gardens. Further, these large flower farms use chemicals, which have an effect on bees and other insects, which are supposed to pollinate flowers. This means that certain crops cannot grow in the area around the flower farms, which affects the food security of the people. Many people there grow food for themselves, which becomes more difficult due to the chemicals. A last problem is that these flower farms need large pieces of land. Land that was meant for growing food was turned towards flower farming, which might affect food security as well.

Northern Uganda

Regarding food security, the Area Land Committee chairperson of Lakwana sub-county (Northern Uganda) explains that since two years there are problems with food storage. People do not properly store the crops they harvest, which leads to losses. At the LC3, there is a community development officer who handles issues like this. He is informing the people and training them, together with an NGO, on how to store crops. A problem, however, is that the storage equipment the NGO provided was not able to keep the amount of food the local farmers harvest. He also distributes seeds to the communities.

Further, in 2001 a government program on farming was created. This program is not working well, because in the region of Lakwana sub-county, soldiers are now implementing this program, while their knowledge about achieving food security very limited is. The government also gives aid to local farmers in this area by providing seeds. They do this, however, very late. Beyond planting season.

In this particular sub-county there is no investor in agriculture or horticulture yet, but in the neighbouring sub-county is a farm owned by Indians. They get their workers from afar, which is not good according to the official. He argues that there are many local people who would like to work there. In the district is some policy regarding this, but it has not been pushed down to lower local governments.

The official from the ALC in Palenga (Northern Uganda) shows that most people in his area grow food for themselves, and a bit for the market. Sometimes a certain group comes to distribute seeds to the community for free, because there are problems regarding food

security. Particularly this year, there is a lot of starvation, people are suffering. There is a shortage of food and the prices at the market are very high. Especially in the months April, May and June they experience shortages and starvation, mainly because of late rains or too little rains. Because of this the LC3 and LC5 encourage people to plant crops resistant to dry weather. When an investor would come and start a farm, it would reduce the hunger a bit, according to the ALC official.

7.3 Dutch embassy

The Dutch embassy does not have certain rules or obligations regarding development to which Dutch investor should oblige. They hope however that those companies include some form of corporate social responsibility in their business plan, for example focussed on environment, human rights, children and women/gender. Often companies include such measures in their business model, at least the big companies do so.

Further, the embassy has a food security program. The goal of this program is the transition from subsistence farming to commercial farming. This program fits in the new 'label' the Dutch government gave to Uganda: transition country. This means that the focus of the Dutch government now is on trade instead of help.

According to the respondent from the embassy, the Dutch flower companies contribute to food security by providing employment, and thus a higher salary for the people, so they are better able to maintain their livelihood. Some companies, like the one from investor 3, broaden their activities by producing fruits and vegetables. In that way, they contribute directly to food security.

7.4 Conclusion

The investors in this research all contribute in some way to the development of the area around their company and to achieving food security for the people working at and living around the company. The sub-question discussed in this chapter is: *'What is the role of local governments and investors in ensuring development and food security?'* Most investors have CSR policy focussed on development. The main contribution to achieving food security is providing employment, because many people are employed on the large farms, and thus they are able to buy or to produce food. Also for local governments development and food security are important, although some local governments have no policy focussed on these topics. In such cases, they usually implement programs from the national government.

8. Discussion of findings and policy implications

In order to answer the research questions, in this chapter the empirical parts of this research will be summarized in a comprehensive framework. In this way, the research question “*What role do local governments play in land investments in the horticulture sector in Uganda while considering achieving food security?*” will be discussed. The theoretical framework of this research (chapter 2.6, figure 1) shows the relation between the different topics of this research. Following this research, it can be said that in achieving food security and in large-scale investments in land, being one of the results of globalisation, different local government levels play different roles. This chapter discusses these roles.

8.1 The role of local governments in investments in land in the area around Kampala

Lawyers are one of the actors playing an important role for foreign investors in Uganda. They advise and inform investors about the Ugandan laws and tell to which institutions to go to in order to obtain the necessary documents.

Land tenure system	LC level	Role
Mailo / Freehold / Leasehold (Kampala area)	1	Providing LC letter for employees, solving problems (within community)
	3	Environmental impact assessment, infrastructure development
	3 (ALC)	Informing LC5 and DLB, forwarding investors to LC5 or DLB
	5	Security, environmental impact assessment
	5	Convincing the registration of land, advising investor on how to utilise his land, surveying and mapping
	5	<i>Food security:</i> Implementing national government programs on achieving food security
	5 (DLB)	Leasing government land to investors
Customary / Leasehold (Northern Uganda)	1, 2	Approve who the original land owners are, approve the demarcation of land
	3 (ALC)	Inspecting land, mediating in disputes (within community)
	3	<i>Food security:</i> Training local farmers on how to increase their yields, distributing seeds to farmers
	5	Facilitating negotiations, making a land deal fair for both parties, investigate possible land disputes

Table 2: Roles of local governments regarding investments in land and achieving food security

In table 2, the roles of local governments in investments in land in the horticulture sector in Uganda are summarized. Investors in the area around Kampala argue that regarding local

governments, especially LC1s are important because they provide documents for the companies. Further, they play a very important role for the local people around the farm and for the workers of the horticultural companies. The districts come in at the point of environmental impact assessment, which is done in consultation with NEMA, the National Environment Management Authority. The Department of Land Registration at the ministry of Lands, Housing and Urban Development is responsible for the registration of land countrywide. The district comes in to convince the registration of land.

The LC3 is another level of local governance of importance for investors (table 2). Further, there is a role for District Land Boards. When an investor wants to lease land owned by the government, he involves the DLB. Also, the Area Land Committee at LC3 level has a role. When an investor wants to lease public land, the ALC informs the DLB and recommends the applicant or brings the application to the DLB.

8.2 Interest in attracting investments

Uganda is a country that welcomes investors. For most investors, the Uganda Investment Authority was very helpful in the process of investing. The investors in the districts around Kampala say that in general, Uganda is very open for investments and that they are willing to facilitate. The UIA itself also clearly shows why Uganda is a good country to invest in. They paint a beautiful picture of the good investment climate and the many investment opportunities. From the Dutch Embassy in Uganda, it becomes clear that the Ugandan government is actively working on attracting Foreign Direct Investments, and that they are happy with the presence of the Dutch flower companies because they bring international standards with them which can serve as an example for local companies. CSR is always important for these companies.

The districts around Kampala have different views on their role, as a government, in attracting investments. Some districts make no deliberate effort to attract investments. Other districts argue that they do not have an own policy, but they implement policies from the national government. These policies should make investing easier. The districts are happy with investments in the horticulture sector because it brings employment and development to the region. Disadvantages, however, are environmental issues. Companies should create a balance between making money and environmental degradation.

The main challenges investors in the horticulture sector in the districts around Kampala face have to do with theft and fake land titles. Security measures are necessary in order to avoid theft. Local people sometimes create fake land titles for land that is owned by the investors. In this way, they hope the investor will buy them out. Corruption also is a problem in all layers of governance.

8.3 Development and food security

All investors in some way contribute to the development of the area around their company or the people that work for them. All large flower farms part of this research have an extensive CSR policy. They for example organise day-care for the children of the employees, run clinics

(both for employees and other people in the community), build schools and give trainings. Their biggest contribution to the development of the areas around the farms is providing employment. People earn an income, which has a positive impact on the development of the communities around the farms.

Providing employment also is the main contribution of the investors to ensuring food security for the population. With a salary, people are able to buy food or to buy seeds to grow their own food. Further, some investors provide lunch to their workers. One of the investors owning a flower cuttings farm in the area around Kampala, grows next to flower cuttings fruits and vegetables. In this way, he contributes directly to food security because these crops are produced for the local market. He also wants to be an example for local farmers, so they can copy the work he does and start growing fruits and vegetables by themselves.

Local governments have different opinions on how important achieving food security is for them. Achieving food security is not one of their core roles. What they do, however, is providing seeds to farmers during the raining season and planting fruit trees, as part of a national government program that aims to improve food production and nutrition (table 2). Due to urbanisation, many people in this district abandoned farming, which leads to problems because people cannot produce food for themselves anymore.

8.4 Northern Uganda

The main land tenure system in Northern Uganda is communally owned land. When an investor wants to acquire land in this area, the procedure is much more complicated than in the area around Kampala, since land often is owned by many different families and because disputes regarding communally owned land are very common. This also means that local governments have a different role. As can be seen in table 2, district governments in this area play an active facilitating role in investments in land. They welcome investors in the district and have a policy towards investments. They also want to make sure that a deal between an investor and local people is a good deal, for each party. The district further comes in to make sure there are no disputes on the land that is being acquired.

The role of Area Land Committees (LC3 level) is to inspect land before a title is issued and to mediate in land conflicts. They ask new investors to their plans and set up an application for the land, which is sent to the DLB (table 2).

The two investors in this area that have been interviewed do not notice anything of the facilitating role of local governments. Both investors have huge problems with illegal occupants on their land, fake land titles and theft. They have the feeling the local governments do not help them with their problems. They even feel the LCs work against them, as well as the police and even the juridical system. Local governments seem to protect the local people, although they cause problems. By doing so, they oppose investors since they are not able to produce on large parts of the land they own. This also hinders development and achieving food security. Despite this, local governments and investors in this area agree on the benefits

of investments in agriculture: it provides employment, which automatically leads to improved livelihoods of local people.

Although the district government in this area wants the investors to employ local people, the investors do not do so because these people are the thieves and squatters. The district government says they welcome investors and the UIA also paints a positive picture of investing in Uganda, but for these investors it does not feel so, because of all the problems they face. The difficulty in Northern Uganda is the customary land tenure system, in which land is owned by families. Many people do not have land titles. This causes many disputes, in which both local governments and new investors also are involved.

Regarding food security and development, these two investors argue that education is key. People need to be educated so they can get a job, start a farm and grow food for themselves. They should no longer depend on aid. When this changes, the problems regarding theft and illegal occupancy might decrease.

8.5 Policy implications

At this moment, several levels of Local Governance and institutions are involved in the process of acquiring land: Area Land Committees, District Land Boards or Uganda Land Commission, District Land Office, Department of Physical Planning, NEMA and the Department of Land Registration at the Ministry of Lands. This makes it a process that is difficult to understand, especially for foreign investors, but also for government officials themselves since the division of tasks sometimes is not clear for everyone. Therefore, a policy recommendation can be made about simplifying the process by reducing the number of steps that should be taken.

Another improvement would be to make the (local) government structure more transparent in order to avoid corruption. Regarding fake land titles, a good registration system will avoid problems and limit corruption in government because local government officials sometimes are involved in creating fake land titles. Especially in Northern Uganda the collaboration between investor and local government and negotiations with local people are not good. Here, the local governments should start to play the facilitating role they say they play. Investments in horticulture and agriculture can lead to more employment and more food for the local market. Therefore, local governments should start to properly implement the investment policies from the national government as well as their own policies, in order to avoid problems as much as possible. Further, improvement of the relationship between investors and local governments is necessary. Investors should aim to build good relationships with local governments officials. Local government officials, however, should not favour the interests of local people over the interests of investors. They also should not be corrupt, because that decreases the confidence of investors in government officials. This problem is countrywide and present at all levels of governance. It should therefore be solved at the level of the national government.

Decentralizing the registration of land will make it more easy and faster for local people to get their land titles and for investors to get the land titles on the land they buy or lease. If this in the future can be done at district level, the process no longer needs to go via the ministry of Lands in Kampala. More digitalization also is important in this respect; it will speed up the process.

A possible solution for the hunger in Northern Uganda is, also according to local government officials who were interviewed for this research, promoting more commercial farming, both for local subsistence farmers and for large-scale farmers. This will lead to more employment since people can start working on farms and to more food security if the crops being produced are (partly) for the local market. Important is that commercial farming also benefits the local people, and does not harm them in terms of (uncompensated) loss of land. Further, government programs targeting improved food security in Northern Uganda, for instance by providing access to agricultural information and by providing seeds to local farmers, are not well implemented. Therefore, proper implementation of government programs will result in more food security.

9. Conclusion and general implications

In the theoretical framework of this research, Maiyo et al. (2016) argue that it is the local level where a growing capacity and interest to address pressures on land might be found. Knowledge, however, on the role local governments play and what their responsibilities are regarding investments in land, is lacking. This research aimed to fill this gap. In this concluding chapter, the research: *“What role do local governments play in land investments in the horticulture sector in Uganda while considering achieving food security?”* will be answered.

The role of lawyers in land investments does not become clear from the current scientific literature. As Margulis et al. (2013) argue, the topic of land investments has been approached from different perspectives, for example from a state perspective or from the perspective of local communities. It has not been extensively researched, however, from the perspective of lawyers, which makes that their role is not clear. From this research, it can be concluded that lawyers play an important role for (foreign) investors in Uganda. They help investors through procedures and introduce the investors to relevant institutions and local governments.

Further, it can be concluded that the lowest level of local governance, LC1, especially is important for the community because the LC1 is involved when there are disputes among members of the local community. Regarding investments, LC1 officials are important for the contacts between the investors and the community. The other level of local governance of major importance is the LC5 (district level). Foreign investors in Uganda can only lease land. District governments facilitate the process of making a lease agreement. Further, they have a role in infrastructure development by investors, security and environmental impact assessment. District Land Boards are of importance for investors when they want to acquire government land. DLBs provide land and have a role in the application for land titles.

As German et al. (2013) show in their case study, governments play an active role in facilitating the access of investors to considerable areas of land by acquiring land in order to transfer it to the public domain. In Uganda, DLBs own land in name of the government. They are able to provide land to investors. However, DLBs as well as district governments do not acquire land. DLBs also do not actively facilitate investments. District governments more actively work on attracting investments in their region, mainly by implementing national government policies on investments. These investments do not necessarily have to be in government-owned land.

In the area around Kampala, where freehold and mailo are the main land tenure systems, the process of investing in land usually is not very complicated. Acquiring land is mainly about a transfer of land title from a local owner to the investor. Here, the role of local governments is limited to a rather passive facilitating role. After the investor invested in land and established

his company, local governments and investors barely have to do with each other. Both investors and local government officials in this area are mainly positive about their collaboration.

There are differences between the area around Kampala and Northern Uganda regarding the role of local governments in land investments. In the area around Kampala there are only few problems regarding investments in land and the role local governance play in it. In Northern Uganda are significantly more problems. This area is far away from Kampala, the political and economic centre of Uganda. This can explain the problems regarding land and the weaker (governmental) institutions. Further, differences in land tenure system contribute to the different roles of local governments. The major challenges regarding land investments are found when the land is communally owned, as seen in Northern Uganda. In this area, local governments say they play a more active facilitating role in land investments because they involve all (government) stakeholders and local people. Investors in Northern Uganda, however, face many problems, which mainly have to do with theft, fake land titles and other land disputes. They feel there is no support and even opposition from local governments regarding their investment.

Regarding food security, local governments implement policies from the national government. Generally, this topic is important for local governments. Some LCs, however, do not have direct policies on achieving food security for their population. Local governments in the area around Kampala support the presence of the horticulture sector because especially large flower companies provide a lot of employment, which leads to development and increases the capacity of local people to buy food and to produce their own food. This is in line with what Maertens et al. (2012) conclude: high value exports in the horticulture sector have positive effects on development and poverty reduction, for instance through increased employment. Environmental problems, however, remain a challenge and are a concern in the land grab debate, as Cotula (2012) and Karlsson (2014) show. Companies producing fruits and vegetables directly contribute to food security, as long as they produce for the Ugandan market.

The major challenges regarding food security are also found in Northern Uganda. Here, due to droughts, people sometimes face hunger. More (large-scale) investments in agriculture, with better seeds, crops and technology, could ensure more food security for the population, both in terms of employment and food production for the local market. The support of local governments is, however, required. Without their help and support it is difficult to start a farm and produce food. Maiyo et al. (2016) argue that local governments have an obligation to defend land rights of people and thus their food security. They also argue that the assumption that land rights ensure food security can be contested because tenure security may be used for other purposes. In Northern Uganda, local governments seem to protect the local people. They, for example, do not help investors when people come up with fake land titles and claim land, in the hope investors will buy them out. By doing so, local governments do not contribute to increased food security because local people do not farm on their, often illegally owned, land and investors are unable to produce on their land, and thus do not provide

employment and do not produce food for the local market. As Zoomers (2010) argues, many local governments face the fundamental dilemma whether they should protect local people and their land rights or create an enabling environment for investors. Therefore, in areas where most land is communally owned, the relation between investors and local governments and the local community should be improved. Local governments should start to play their active facilitating role in such a way, that both investor and local community benefit, especially in the sense of increased food security. They should aim to balance the interests of both local people and investors.

The land rights of local people in this area can be better secured when people have official land titles on their land. Many people refuse to get their land titles because they fear the government will start to tax them, which according to local government officials will not happen. When people have their land titles, the number of disputes will be reduced, as well as the problems when an investor comes in to invest in land. Here, decentralization of land registration (Onoja, 2015 & Toulmin, 2008) and digitalization can be improvements.

This study learns that depending on the land tenure system, local governments play a more active or a more passive role in investments in land. In order to make sure an investment leads to increased food security for the population, support from local governments is necessary. A recommendation for further research can be made concerning the difficult relationship between investors in Northern Uganda and local authorities. Because the process of investing in land, as well as establishing and running a farm, is very difficult in this area, it is relevant to investigate the exact procedures regarding investing in land and the supportive and enforcing role local governments play, could play or should play in it. Based on further research of this topic, policies aimed at bringing together investor and local government can be developed in order to ensure everyone will benefit from the investment and in order to avoid problems regarding land as much as possible.

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Appendices

Appendix 1: Complete lists of conducted interviews

Investor	Company	District	Date
1	Royal van Zanten	Mukono	08-02-17
2	Wagagai	Wakiso	16-02-17
3	Xclusive Cuttings	Wakiso	21-02-17
4	Dümmen Orange	Mpigi	07-04-17
5	Uganda Hortech	Buikwe	24-04-17
6	Aseel Impex	Kampala	06-04-17
7	Mountain of the Moon	Kampala	19-04-17
8	Oola Lolim farm	Nwoya (Northern Uganda)	02-05-17
9	Oola Lolim farm	Nwoya	02-05-17
10	Amatheon	Nwoya	05-05-17

Table 3: Interviews with investors

LC	Place (District)	Institution	Date
5	KCCA (Kampala)	Land Office	20-03-17
5	KCCA (Kampala)	DLB	23-03-17
5	Wakiso (Wakiso)	Land Office / DLB	22-03-17
5	Wakiso (Wakiso)	Environment Office	22-03-17
5	Mpigi (Mpigi)	Land Office	29-03-17
5	Mpigi (Mpigi)	DLB	29-03-17
5	Mukono (Mukono)	Land Office	30-03-17
5	Mukono (Mukono)	DLB	30-03-17
4	Lugazi (Buikwe)	Department of finance and planning	24-04-17
4	Lugazi (Buikwe)	Department of production	24-04-17
5	Anaka (Nwoya)	Land Office	02-05-17
3	Palenga (Gulu)	ALC	03-05-17
3	Lakwana (Gulu)	ALC	03-05-17

Table 4: Interviews with LC officials

Profession	Organisation	Place	Date
Lawyer	MMAKS Advocates	Kampala	16-03-17
Official	Uganda Land Commission	Kampala	27-03-17
Employee	UFEA	Entebbe	18-04-17
First Secretary Economic Cooperation	Dutch Embassy	Kampala	24-04-17

Table 5: Other interviews

Appendix 2: Interview templates

1. Interviews investors

- Introducing myself (and Emmily) – explaining study, internship, research, why we want to talk to him / her, why relevant for us
- Possibility to be anonymous – both himself and company. Names will then not be mentioned in the thesis document that will be published on the website of University Utrecht.
- Ask to record the interview?
- Ask respondent to introduce himself / herself

General information: crops, size of company, employment, since when in Uganda?

Questions regarding establishing the company / farm in Uganda:

How does the procedure of establishing a company (in this district) look like?

The process: who to contact, who helped, focus on local governments – district government important (LC5) or at the village level (LC1)?

Where did you get the necessary documents?

Lawyer involved?

Who was the seller of the land? (individual land owners or the government, DLB, ULC).

What type of land did you buy? Customary, freehold, mailo, leasehold?

What is customary/freehold/mailo/leasehold land exactly?

Is there an agreement between the local government and investor? What are their rights and obligations?

Is there a (lease) agreement between you and locals (who sold land)?

Who are the former land owners? Are they still around?

From here more focus on role local governments played during the years the company has been operative, and now.

How do you consider the relation of this farm / company with local governments? Both at the time the company started and now.

In what cases do you go to the local government? For what reasons?

What are the experiences (at the time of establishing the company, and now) with local governments or DLB?

Competition / Challenges: Do you compete with other companies/farms?

As a foreign investor in Uganda, did you face certain challenges during the process of establishing the company?

Why did you choose Uganda?

Are there any other challenges you faced while doing business in Uganda?

Development: How does the company contribute to the development of the region? Projects, schools, clinic,?

Is development part of the business plan / strategy?

Food security:

In which ways does this farm / company contribute to the food security of the area?

Is food security a topic that is considered while making decisions / business strategies?

Is the population in this area / district food secure?

2. Interviews Local Government officials

- Introducing myself (and Emmily) – explaining study, internship, research, why we want to talk to him / her, why relevant for us

- Possibility to be anonymous – both himself and company. Names will then not be mentioned in the thesis document that will be published on the website of University Utrecht.

- Ask to record the interview?

- Ask respondent to introduce himself / herself

Questions:

What is the role of LC in an investment in land by a foreign person / company?

Investor usually involves lawyer. Lawyer leads investor to LC for necessary documents: what documents exactly?

What other things does LC do in the procedure of investing in land by a foreign person / company?

Explanation of land type in this area?

Role LC in land issues, other problems?

Which other actors are involved in the procedure? Are other stakeholders involved?

Are you as LC 1,2,3,4,5 related to lower levels of local governance, the national government or are districts more independent? If so, how are you related?

Which other levels of local governments do have a role in (foreign) land investments?

Relation with DLB?

Does a land registration system exist at district level?

To what extend is land ownership of governments, companies and households registered?

Do you as LC have interest in attracting land investments and do you have policy aimed at attracting investments?

How many investors in the horticultural sector are there in the district and where are they from?

Position regarding horticultural sector: Are you happy with the presence of this sector in your districts? Do you favour a certain sector over another sector?

What are the experiences with investors?

Food security:

Which topics / problems are considered to be important for local governments?

What are the main tasks of LC?

What is the importance of ensuring food security for the population in relation to other topics?

Can the population of this district, in general, be considered as food secure?

Are there policies regarding achieving food security?

In what way does the horticultural sector, that mostly produces for export, contribute to food security or hinder achieving food security?

Do you think the investors in the horticultural sector in this area consider food security as an important topic?

3. Interviews District Land Boards

- Introducing myself (and Emmily) – explaining study, internship, research, why we want to talk to him / her, why relevant for us

- Possibility to be anonymous – both himself and company. Names will then not be mentioned in the thesis document that will be published on the website of University Utrecht.

- Ask to record the interview?

- Ask respondent to introduce himself / herself

Questions:

What is the role of DLB in an investment in land by a foreign person / company?

Investor usually involves lawyer. Lawyer leads investor to LC or DLB, depending on who owns the land, for necessary documents -> what documents exactly?

What other things does DLB do in the procedure of investing in land by a foreign person / company?

Which other actors are involved in the procedure? Are other stakeholders involved?

Are you as DLB related to LCs, the federal government or are you independent? If so, how are you related?

Relation with LC5?

Does a land registration system exist at the DLB?

To what extent is land ownership of governments, companies and households registered?

Do you as DLB have interest in attracting land investments and do you have policy aimed at attracting investments?

Which factors play a role in providing land to these (foreign) investors in the horticultural sector? Economic, food security, employability?

How does the decision making process of providing land to investors look like and which actors are involved?

Relation with Uganda Land Committee and other stakeholders?

How does an agreement between DLB and investors look like? What are their rights and obligations?

How many investors in the horticultural sector are there in the district and where are they from?

Position regarding horticultural sector: Are you happy with the presence of this sector in your districts? Do you favour a certain sector over another sector?

What are the experiences with investors?

Appendix 3: Time planning

Activities	Jan	Feb	March	April	May	June	July	Aug
Theoretical framework & analysis								
Interviews	Preparation							
	Conducting							
	Processing							
Data analysis								
Hand-in								