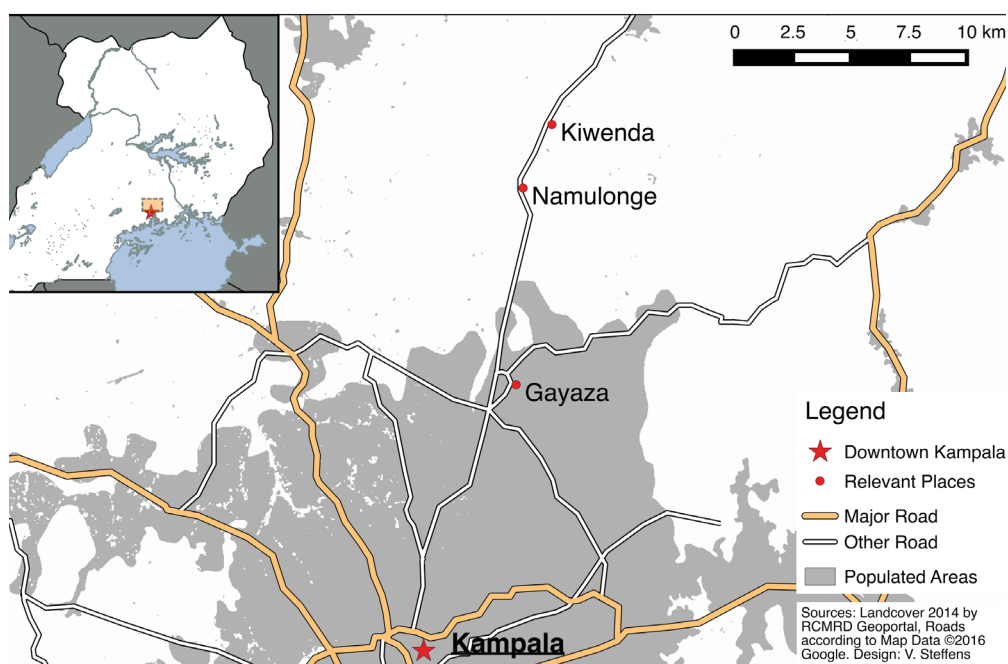




Wetland encroachment in the urban fringe: land dynamics in central Uganda by Matian van Soest

Kampala, “the city of the seven hills”, is the buzzing capital of Uganda, located on the northern shores of Lake Victoria. The city, once founded around the royal hunting grounds of the Buganda Kingdom, has long out-grown its administrative boundaries, and is today home to more than 1.5 million people, with another 2 million living in the greater metropolitan area (UBOS 2014). It takes an hour’s drive along one of its northern exit routes before the urban scenery breaks up into villages. Here, around the trading centers of Namulonge and Kiwenda, the landscape is characterized by the lush, green color of cultivated wetlands, while the settlements are confined to the hilltops (see picture 1). At first glance, the area seems rural, mainly due to the agricultural land use in the watered valley bottoms in between the hills’ slopes. A closer look, however, reveals dynamics that must be understood in relation to the nearby city (Simon 2008). Especially with regard to land use and the land market, the capital’s influence can increasingly be felt. Land prices rise as the upcoming Kampala middle class is looking for affordable land close to the comforts of the city. This drives local smallholders, who typically own little or no land, into the swamps in between the hills in order to generate an income. Aside from their agricultural production potential, these wetlands are valued for their freshwater supply, be it for cooking, washing, bathing or even drinking. Characterized by a humid environment throughout the year, wetlands function, so to speak, as natural water-treatment plants that filter out pollutants. Encroachment into these swamps can seriously disturb their delicate ecological equilibrium, resulting in degradation of the entire ecosystem and the water quality in particular (Dixon and Wood 2003; Nakangu and Bagyenda 2013).



In order to understand the current land dynamics that put pressure on the wetlands in Kampala's urban fringe, one has to take central Uganda's unique tenure system, the *mailo* land, into consideration, a relic of the country's colonial past. Established by the British colonial forces in 1900 with the short-sighted *1900 Buganda Agreement*¹, the tenure system still exists today, and has far-reaching consequences for the landless poor in the Buganda area. Unlike in most other cases of British colonial conquest in Africa, land rights in Buganda were not divided between British private owners and collective local communities, but rather among a number of Baganda as well as British individuals. The British made use of the existing power structures of the Buganda Kingdom, and divided land ownership rights among selected notables and chiefs, as well as missionaries and, of course, the British crown (West 1972). Anthropologists soon pointed out that the Buganda treaty introduced an entirely new conceptualization of land tenure to the region, namely the idea of land as private property, and with it the notion of land as a source of profit, thereby transforming former chiefs into landlords, and consequently rendering the people who occupied a *kibanja* – a piece of land – their tenants (Mair 1933).

Up until today *mailo* remains the predominant form of land tenure in central Uganda. While the number of *mailo* land owners has multiplied since its establishment at the turn of the last century, the majority of the people in the Buganda area still don't possess ownership rights over the land they occupy. With the efforts to formalize land rights and promote a land market during the heydays of structural adjustment measures, the rights of occupants have been strengthened (Boone 2008; Coldham 2000; Hunt 2004). People cannot be evicted from their *kibanja* without proper reimbursement, and without being offered alternative land to relocate to. Often, however, the tenant and the owner come to an alternative arrangement, whereby the *kibanja* is decimated and the tenant is given full ownership rights over the remaining portions, while the owner regains control of the newly freed ground. Typically, the tenant remains with the land he (or, in rare cases, she) and his relatives stay on, including, if applicable, their burial grounds. In most cases it is the land used for cultivation or cattle-keeping that the tenant loses control over.

During my fieldwork I spoke to numerous people, who had recently, over the course of the last 5 years or so, been deprived of their *kibanja* as the owner had sold it off to an investor. Most of the new housing that is being built in the area is put on former *bibanja*², and the construction of relatively expensive houses and estates can be seen everywhere in Namulonge and the neighboring villages (see picture 02 for an example). In 2012 the former owner of the land in my research area passed away and bequeathed the land to his son, who in turn is now selling much of this property. The benefits are evident: because leasing a *kibanja* out to a tenant doesn't bring the owner much wealth, selling the land off to an investor is more lucrative, especially now since the demand for affordable land just on the city's doorstep grows. Moreover, the recently improved road infrastructure allows for a fast connection to the city, and makes the area attractive to the rising middle class in Kampala, who are willing to commute in order to afford a home.



1 It should go without saying that speaking of an "agreement" in the context of the colonial encounter bears a certain sarcasm.

2 The prefix *bi-* instead of *ki-* indicates the plural form.

The case of Mukassa, a farmer in Namulonge, serves as an illustrating example, as he lost much of his agricultural land in this way. His father was approached by the genuine owner of the *mailo* land that the family's *kibanja* was located on. The owner wanted to negotiate a deal with Mukassa's father, so that he could sell the land to a real estate firm. From the perspective of Mukassa's family, the father had no choice but to agree to the proposed deal, leaving him with little more than the housing for him and his four sons. Mukassa lamented that, while his father was now a titled land owner, he was basically unable to sustain an income to support his family, let alone make a profit out of the little agricultural land he was left with. Showing me the grounds of his former farm, where excavators had just finished levelling the terrain, he contemplated possible alternatives that could generate an income for him (see picture 03).



A likely option for him would be to search for cultivable land in a nearby wetland. Many of the people I interviewed during my research worked on fields in the wetlands that characterize the region's landscape. As I found out over the course of my stay in Uganda, most of them had faced a similar fate: they lost large parts of their land (or couldn't afford a sizeable *kibanja* in the first place), and were moving into the swamps to work. Wetlands are unattractive sites for real estate firms: the ground is moist; constructing a building requires a lot of labor and expensive materials. What's more, they are, at least in theory, protected by the government against exploitation and usually excluded from *mailo* tenure (Kalanzi 2015). This keeps them safe from investors, and renders them one of the few remaining land resources in the region.

From an ecological perspective, the land dynamics in the region then have implications that go beyond the social and socio-economic effects on the local population. The redistribution of land and the rising demand among the solvent middle class in Kampala drive the landless into wetlands, where they try to eke out an income. These income-generating activities, be they in the form of agricultural production or the mining of building materials, are a major encroachment into, and transformation of, these ecosystems. In order to understand these ecological changes, therefore, we have to consider processes such as the distribution of land. The colonial legacy with regard to land in central Uganda has had harsh effects on the local population, who are increasingly deprived of their access to land. In Lund & Boone's (2013:7) terminology, the *mailo* system could be best grasped as a user-rights tenure principle based on labor investment, considering the majority of the population don't own the land they occupy, but claim their rights based on its use. However, we now witness a shift to a market-based tenure principle, in which former tenants become property holders –leaving them, however, with significantly fewer land resources.

The resulting agricultural uses of wetlands are probably only the beginning of further, more problematic social as well as ecological changes that are yet to come in the context of Kampala's growth. In between the city's hills, thousands of people are living in slums that developed in former wetland areas. During the heavy

November rains the local newspapers are often filled with reports about flooding of these neighborhoods, which can turn into serious health threats due to the poor hygiene and sanitation (see for example Mubangizi 2015; Mukisa and Butagira 2015). The informal settlements in the urban swamps are, however, the only place left for the city's landless poor (Vermeiren et al. 2012). With the ongoing, rapid urbanization of the area, the same will probably soon hold true for the farmers at Kampala's fringe.

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