

## Changes and Continuities of Land Conflicts in Wakiso and Mukono Districts



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### ABSTRACT

**Purpose:** The purpose of the study was to examine the changes and continuities of land conflicts in Wakiso and Mukono districts.

**Methodology:** The research adopted a cross sectional and descriptive survey research designs which involving both qualitative and quantitative studies where both purposive and stratified random sampling methods were used in selecting respondents (Police land desk officers, district land board for purposive) and stratified sampling for community/victims of land conflict. Sample of 385 respondents was used whereas SPSS was used for data analysis.

**Findings:** From the field findings, it was found out that 23.90% of respondents from Mukono and Wakiso district a number of land conflicts have successfully been resolved by Police land desks as one of the changes and continuities of land conflicts in Wakiso and Mukono districts. After analysis from the field, it was found out that 30.65% that police land desks when resolving land disputes they hear cases to give advice and opinion which was an indicator of changes and continuities of land conflicts taking place in both districts.

**Unique contribution to theory, practice and policy:** The findings would offer different experiences of the land desks both in Uganda police and elsewhere in the world and validate the need for long-term processes to address some of the critical barriers to achieving justice especially women, children among others trying to enforce their land rights, as opposed to short-term projects or work on individual cases. To governments of Uganda and others, these findings would offer ideal situations to share experiences and advocate collectively for equity in access to land, use and distribution among beneficiaries.

**KEYWORDS:** Changes and continuities, Land Conflict

### 1.0 INTRODUCTION

#### 1.1 Background of the study

This study was carried out in order to examine the changes and continuities of land conflicts in Wakiso and Mukono districts. Land is an essential natural resource for human activities and for the maintenance of all terrestrial ecosystems.<sup>1</sup> Studies have revealed that the availability of land as a resource is declining.<sup>2</sup> Worldwide, there has been and are still causes and impacts of land-related conflicts in countries that inherited a highly unequal distribution of land ownership, such as Brazil, El Salvador and Guatemala according to.<sup>3</sup> Still on the global arena, during an ANGOC 2018 study on land conflicts in Philippine, around 352 cases have been documented, covering 1,317,024 hectares, or about four (4) percent of the total territory of the Philippines. Such conflicts lasted an average of 14 years with some cases lasting less than a year to as long as 68 years. Majority of the cases documented (208) are in the island of Mindanao, 82 are situated in Luzon, and the remaining 62 incidents are in the Visayas.<sup>4</sup> The regions with the most documented land and resource conflicts are in Mindanao: Region XIII/CARAGA with 72 cases, Region XI/ Davao Region with 64 cases and Region X/ Northern Mindanao with 55 cases. Per land area, Region X/Northern Mindanao is most affected with 318,371

<sup>1</sup> FAO, "The state of the world's Land and Water resources for Food and Agriculture". FAO Rome 2011.

<sup>2</sup> P H. Verburg; Heinemann, A, Mertz, O. Nagendra, H Golubiewski, N "Land system science and sustainable development of the earth system": A global land project perspective. *Anthropocene* 2015, 12, 29–41.

<sup>3</sup> B. Moore, "Social Origins of Dictatorship and Democracy": Lord and Peasant in the Making of the Modern World. Boston: Beacon Press. 1966. T Wickham-Crowley, *Exploring Revolution: Essays on Latin American Insurgency and Revolutionary Theory*. Armonk, NY: M.E.Sharpe. 1991. N. J. Kriger, *Zimbabwe's Guerrilla War, Peasant Voices*. Cambridge: Cambridge University Press, 1992.

<sup>4</sup> T. Salomon, *Land Conflicts and Rights Defenders in the Philippines*. In ANGOC (Ed.) In defense of land rights: A monitoring report on land conflicts in six Asian countries Quezon City: ANGOC 2018 (pp. 106-123).

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hectares.<sup>5</sup> About 48 percent of cases documented were between communities against a business establishment, while 36 percent were between community members and 16 percent were between community members and the government.<sup>6</sup>

In sub-Saharan Africa still, conflict over land is intensifying at the local level in many countries.<sup>7</sup> Similar cases have also been reported in West Africa in a state of In Nigeria where 15% of women in the sample had personally been involved in a land conflict within the past two years with two of the top three most frequent disputes being with children and spouses. Similarly, 95% of local authorities surveyed in the baseline also believe that land disputes are a major issue in the country. In addition, that legal pluralism with regard to land tenure signifies the presence of different sets of rights and obligations concerning land and property. Legal pluralism does not necessarily mean that systems are equal but that they interact with, influence and oppose each other.<sup>8</sup>

In Rwanda, land has historically been a source of disputes and conflict, and was one contributing factor in the 1994 genocide. Beginning in 2003, the government of Rwanda pursued an intensive land tenure regularization program, which culminated in the registration of 10.3 million plots by August 2013,<sup>9</sup> in part as a means of reducing land-related disputes with the potential to fuel ethnic conflict. In Tanzania the factors contributing to the occurrence of farmer-herd conflicts, pointing to policy deficiencies and contradictions, corruption practices, insecurity of land tenure, inadequate capacity in village land use planning, and lack of land information as major contributing factors.<sup>10</sup>

In Uganda, different part of the country that for example in Bunyoro region land conflict is happening; between the Banyoro and Bakiga, central region in areas of Mubende, Kyankwanzi, Mukono, Wakiso to mention but a few where weak policies, corruption practices have hampered the journey towards solving the problem of land conflict in Uganda. With all this there was a strong need for action in terms of setting up a department like Police land desk to handle land conflict management because most of these land conflicts are characterized with acts violence involving clashes and killing each other's. The Districts of Mukono and Wakiso in Central Uganda (Buganda Kingdom), is known for having much Mailo land, which is relatively easy to change ownership. Also, the advantage of Mailo is that one can own the land forever. No newer titles of Mailo tenure are being issued, as all titles were issued before 1928. The Mailo tenure system sees two types of ownership: titled and Kibanja ownership. This former type of ownership is considered an occupancy right, and Kibanja holders are described as "tenants" as opposed to landowners. Kibanja holders have a significant vulnerability risk to property grabbing due to the perceived uncertainty related to this tenure system, even though the Ugandan government recognizes Kibanja as a form of land ownership. In its 2014 baseline study, IJM considered Kibanja ownership as one of four statistically significant risk factors for the prevalence of property.

### 1.2 Statement of the Problem

Land conflicts in Uganda are broadly categorized into three major types: boundary, inheritance, and eviction (sometimes termed as land grabbing-related conflicts), which emerge differently.<sup>11</sup> Originally, Uganda land conflicts were consequences of colonial legacy structure around relations and management. Colonialists introduced individualized ownership of property rights in land previously held either communally or on the basis of sovereign trustees. For example, the existing indigenous land rights systems as the case for kingdoms.<sup>12</sup> However, in response to settle the land question and deal with fundamental issues in land tenure, land management and administration post-independence attempts were made through the Land Reform Decree (LRD) of 1975, enacted by the Idi Amin government, the 1995 constitution and The Land Act, 1998, cap 227 as amended<sup>13</sup> have had limited success.

In addition, the Uganda police force under presidential directive to the Inspector General of Police, Genral Kale Kayihura, established a land Police Protection Unit ( LPPU ) to protect the less privileged from exploitation by land grabbers and stop illegal evictions around the country especially in the districts of Wakiso, Mubende Mukono, Mpigi, Kiboga and Lyatonde.<sup>14</sup> In 2013, Uganda government made further attempts in trying to reduce land conflicts in the country, and formulated a national land policy approved by cabinet to provide a framework for articulating the role of land in national development. The policy harmonizes the diverse laws on historical land injustices, land management and land use.

Despite the progress made to address land-related legislative issues, the land sector in Uganda still faces several challenges that include insecurity of tenure, overlapping and conflicting land rights, and glaring inequity in access to and ownership of land. Therefore, it's against this background that the study seeks to examine the changes and continuities of land conflicts in Wakiso and Mukono districts.

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<sup>5</sup> X. M., Gualberto. Summary notes on land conflicts as discussed during the Land Governance Training of Trainors and Mid-Term Review Mission for SALaR Project. [Unpublished]. 2019.

<sup>6</sup> Asian NGO Coalition for Agrarian Reform and Rural Development. 2015

<sup>7</sup> P. E. Peters, "Inequality and Social Conflict over Land in Africa." *Journal of Agrarian*, 2004.

<sup>8</sup> Peters, 2004

<sup>9</sup> P. Gillingham, & F. Buckles, *Rwanda Land Tenure Regularization Case Study*. Evidence on Demand. Retrieved from <http://www.evidenceondemand.info/rwanda-land-tenure-regularisation-case-study>, 2014

<sup>10</sup> D. Mwamfupe, *Persistence of Farmer-Herder Conflicts in Tanzania*. *J. Sci. Res. Publ.* 2015, 5, 8.

<sup>11</sup> Ngologoza, 1998; Ministry of Lands, 2011; Mwebaza and Ziwa, 2011

<sup>12</sup> Rugadya, 2009

<sup>13</sup> The Land (Amendment) Act, 2004 and The Land (Amendment) Act, 2010

<sup>14</sup> News 07<sup>th</sup> sept, 2008

## **Changes and Continuities of Land Conflicts in Wakiso and Mukono Districts**

### **1.3 General objective**

The purpose of the study was to examine the changes and continuities of land conflicts in Wakiso and Mukono districts.

## **2.0 THEORETICAL REVIEW**

The study was anchored by Conflict Theory updated by Adam Hayes in 2020 and first purported by Karl Marx. The theory assumes that competition exists as a result of the scarcity of resources, including material resources; money, property, commodities, and more. Beyond material resources, individuals and groups within a society also compete for intangible resources as well. These can include leisure time, dominance, social status, sexual partners, among others. Conflict theorists assume that competition is the default (rather than cooperation). Conflict occurs between social classes, one outcome of this conflict is a revolutionary event. Human relationships and social structures all experience inequalities of power. In this way, some individuals and groups inherently develop more power and reward than others. Conflict theorists tend to see war as either a unifier or as a 'cleanser' of societies.

### **2.1 Strength of conflict theory**

Conflict theory seeks to explain political and economic events in terms of an ongoing struggle over finite land resources in Wakiso and Mukono districts. In the same struggle, Marx emphasizes the antagonistic relationship between social classes, in particular the relationship between the owners of capital which Marx calls the 'bourgeoisie' and the working class, which he calls the 'proletariat'.

### **2.2 Criticisms of Conflict Theory**

One common criticism of conflict theory is that it fails to capture the way in which economic interactions can be mutually beneficial to the different classes involved. For example, conflict theory describes the relationship between land owners and grabbers as one of conflict, in which the grabbers do not wish to pay for the land and owners are set in a position of defending their land as a resource. Moreover, institutions such as Uganda police, courts of law, land tribunals and land commission are failing to execute their duties.

### **2.3 General objective of the study**

The general objective of the study was to examine the changes and continuities of land conflicts in Wakiso and Mukono districts.

## **3.0 METHODOLOGY OF THE STUDY**

### **3.1 Methods and data**

The research adopted a cross sectional and descriptive survey research designs. The study was cross sectional in nature because the design allowed large amount of data to be collected over a short period of time and descriptive because data was collected without changing the environment amidst describing the relationship in the variables.<sup>15</sup> Description of data in both qualitative and quantitative was helpful to establish the views and opinions, feelings and attitude of respondents about the relationship between the study variables.

The study population consisted of community members police land desks and district land boards/committees in Wakiso and Mukono districts. Data collection methods catered for both primary and secondary sources (Amin, 2005). Survey questionnaires were administered to household's victims of land conflicts. Interviews were conducted to improve the content's authenticity. KIIs were used to collect qualitative in-depth data from police land desk officers and district land board officials. Focus Group Discussions involved respondents from the general public, not necessarily those affected by land conflicts, but representatives of various groups in the community. Secondary data is any kind of data that has been written by other scholars in field of study<sup>16</sup>. Secondary data for this study was collected by reviewing already published literature.

Quantitative data was analyzed and it encompassed calculations such as averages, totals as compared to grand totals of responses expected. The process of data analysis involved editing, examining the collected raw data to detect errors and omissions and correcting such mistakes when possible. The first editing was done in the field together by scrutinizing of the completed questionnaire. After central editing, questionnaires were then brought back and then computer data entry was done into a statistical package for social scientist (SPSS) software. Tables and graphs were generated, and then exported from SPSS into the Microsoft Word document and interpretation was done. The researcher used descriptive analysis to explore the demographic or background characteristics of respondents for better understanding of the study population.

Qualitative data analysis was done where the researcher organized and prepared data for analysis by sorting and arranging the data into various themes as reflected in the key informant guide and Focus Group Discussion Instrument. The researcher read through all the data to obtain a general understanding of the information collected, code the responses, and generated themes for analysis

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<sup>15</sup> Cope, 2014

<sup>16</sup> Science Direct, 2016

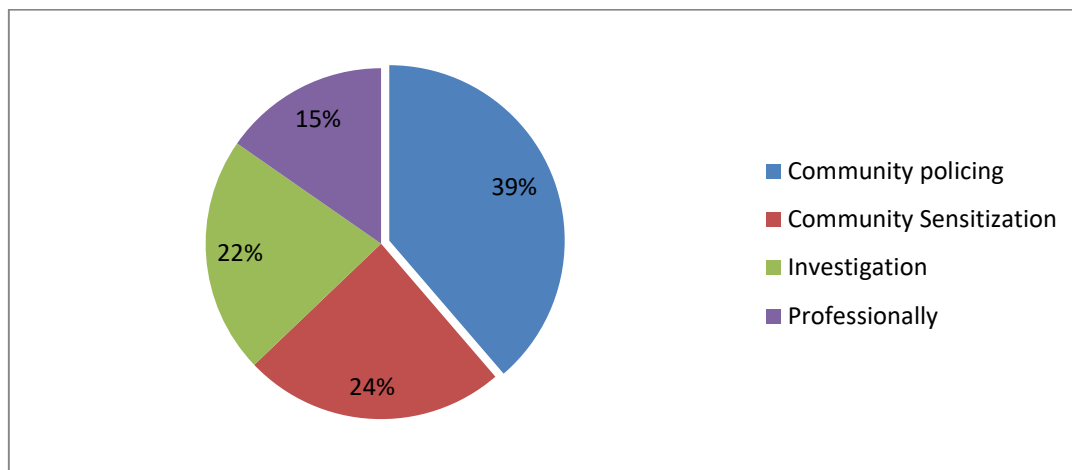
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and interpretation<sup>17</sup>. A mixture of thematic content analysis and narrative analysis was adopted<sup>18</sup>. This was through getting familiar with the data by reading and re-reading after previewing the recordings with the written interviews per selected interviewees. This was followed by coding (labeling) the whole text. Then, themes with broader patterns of similar connotation were identified, reviewing themes to make sure they fit the data, and then designating these subjects to provide for a comprehensible description that comprised quotations from the respondents.

### 4.0 RESULTS OF THE STUDY AND DISCUSSION

#### 4.1 Summary statistics of respondents in Mukono and Wakiso districts

**Figure 1: Summary statistics of respondent's views as regards to the state of land conflicts resolution in Mukono & Wakiso districts**



*Source;* Field Survey (2021/2)

Figure 1 shows that majority of respondents in both Mukono and Wakiso districts represented by 39% revealed that the state of land conflict resolution in was handled through community policing, this was followed by 24% of respondents from both district who said that land conflict resolution was through community sensitization, whereas 22% of respondents indicated in their results that the state of land conflict resolution was handled through investigation and lastly 15% of respondents exposed that the state of land conflict resolution was handled professionally in other words not by the people who don't have expertise. In this section therefore reasons for the high views fetched hipped praise on how commonly land conflict resolution cases or issues were handled by community policing why imply that through community policing, state legitimacy could be strengthened through police-community exchange, also trust could strongly be built through community policing and undermined through police militarization where community member in both Mukono and Wakiso districts always called on Police to address their issues as regards to land conflict in their areas. Additionally, valuable intelligence insights could also be provided from the community members to the police as regards to land conflict situation in their areas were concerned. Lastly it implies that Uganda Police land desk department could educate and inform the public about specific dangers of land conflict.

#### 4.2 Changes and continuities of land conflicts in Wakiso and Mukono districts

This objective of the study was to examine the changes and continuities of land conflicts in Wakiso and Mukono districts. The items showed the average response from the respondents for each item in relation to how changes and continuities have influenced land conflicts in Wakiso and Mukono districts. The items were rated on the 5 point likert scale ranging between strongly disagree, disagree, not sure, agree and strongly agree. The findings are shown in table below:

<sup>17</sup> M., Lewis, P. Saunders, Research Methods for Business Students. Pearson, New York. ABSTRACT: Research methodology in a research study 2009

<sup>18</sup> C. Marshall, Designing Qualitative Research (5th ed.). Thousand Oaks, CA: Sage Publications. has been cited by the following article: 2010.

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**Table 1: Descriptive statistics on the changes and continuities of land conflicts in Wakiso and Mukono districts**

		Strongly disagree	Disagree	Not sure	Agree	Strongly agree
C1	Frequency	48	81	107	92	57
	Percent	12.47	21.04	27.79	23.90	14.81
C2	Frequency	54	82	72	129	48
	Percent	14.03	21.30	18.70	33.51	12.47
C3	Frequency	57	87	73	118	50
	Percent	14.81	22.60	18.96	30.65	12.99
C4	Frequency	44	88	103	108	42
	Percent	11.43	22.86	26.75	28.05	10.91
C5	Frequency	71	65	86	96	67
	Percent	18.44	16.88	22.34	24.94	17.40
C6	Frequency	68	69	84	86	78
	Percent	17.66	17.92	21.82	22.34	20.26
C7	Frequency	49	89	106	109	32
	Percent	12.73	23.12	27.53	28.31	8.31
C8	Frequency	42	99	103	102	39
	Percent	10.91	25.71	26.75	26.49	10.13
C9	Frequency	71	74	89	82	69
	Percent	18.44	19.22	23.12	21.30	17.92

*Source;* Field Survey (2021/2)

From the field results, it was found out that 23.90% of respondents from Mukono and Wakiso district agreed that a number of land conflicts have successfully been resolved by Police land desks as one of the changes and continuities of land conflicts in Wakiso and Mukono districts. This implies that police land desk department was being utilized by community members in both district.

In addition, majority of respondents from Mukono and Wakiso district agreed that police land desks assist and advises local council chairman, clan leaders in the handling of land disputes which was seen as one of the major changes and continuities of land conflicts in Wakiso and Mukono districts. The findings imply that there was a major collaboration between police land desk, local council chairman and clan leaders in communities of Mukono and Wakiso districts.

Results also in table reveals that respondents agreed with 30.65% that police land desks when resolving land disputes they hear cases to give advice and opinion which was an indicator of changes and continuities of land conflicts taking place in both districts. The findings imply that police land desk was playing a big part in solving land disputes in the districts of Mukono and Wakiso.

Also to note, respondents alleged that women in the clans around Mukono and Wakiso districts play a very big role in the mediation process over land disputes, unlike in the past where women were only limited to domestic work. This implies that involving women was a positive innovation as one of the changes and continuities of land conflict management in Mukono and Wakiso districts.

An assessment of respondent's views in Mukono and Wakiso district as regards inspection of the sites on disputed land revealed that 24.94% of respondents alleged the presence of inspection of the site on disputed land in the studied districts which was seen as one of the new changes and continuities of land conflicts in Wakiso and Mukono districts. This implies that there is high level of transparency in the way land dispute are handled by police land desk department in these districts.

Furthermore, respondents agreed that police land desks always informs the people who come for mediation that they also have the option to go to formal courts in case they are not satisfied with the outcome of the mediation. The findings imply that there was always update of information from police land desk as regards to land conflict management was concerned.

Results also shows that respondents agreed with 28.31% of respondents that a final resolution was always reached in the mediation process which was one of the indicators of changes and continuities brought about by police land desk in the districts of Mukono and Wakiso. This implies that police land desk department has improved a lot on the land dispute resolution in the studied districts.

Lastly but not the list, respondents from Mukono and Wakiso districts agreed with 26.49% of respondents that concerned parties are always informed of the decision /opinion regarding the outcomes of the cases handled by court which was a big change in as far as land dispute resolution was concerned. This implies that all concerned parties were cooperating which has been a very serious stumbling block in land conflict resolution.

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Lastly, it was found out that 23.12% of respondents revealed both parties have equal rights to be heard, call witnesses and present evidence this was during the field study in Mukono and Wakiso districts. The findings imply that a good platform had been designed by the police land desk as one of the changes and continuities in the districts.

### **5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Summary**

From the field findings, it was found out that 23.90% of respondents from Mukono and Wakiso district a number of land conflicts have successfully been resolved by Police land desks as one of the changes and continuities of land conflicts in Wakiso and Mukono districts. This implies that police land desk department was being utilized by community members in both district. Also majority of respondents from Mukono and Wakiso district agreed that police land desks assists and advises local council chairman, clan leaders in the handling of land disputes which was seen as one of the major changes and continuities of land conflicts in Wakiso and Mukono districts. The findings imply that there was a major collaboration between police land desk, local council chairman and clan leaders in communities of Mukono and Wakiso districts.

After analysis from the field, it was found out that 30.65% that police land desks when resolving land disputes they hear cases to give advice and opinion which was an indicator of changes and continuities of land conflicts taking place in both districts. The findings imply that police land desk was playing a big part in solving land disputes in the districts of Mukono and Wakiso. 28.05% of respondents alleged that women in the clans around Mukono and Wakiso districts play a very big role in the mediation process over land disputes, unlike in the past where women were only limited to domestic work. This implies that involving women was a positive innovation as one of the changes and continuities of land conflict management in Mukono and Wakiso districts.

After assessment and analysis of the views in Mukono and Wakiso district as regards inspection of the sites on disputed land revealed that 24.94% of respondents alleged the presence of inspection of the site on disputed land in the studied districts which was seen as one of the new changes and continuities of land conflicts in Wakiso and Mukono districts. This implies that there is high level of transparency in the way land dispute are handled by police land desk department in these districts. In addition, findings revealed that 22.34% police land desks always inform the people who come for mediation that they also have the option to go to formal courts in case they are not satisfied with the outcome of the mediation. The findings imply that there was always update of information from police land desk as regards to land conflict management was concerned.

According to the field findings, 28.31% of respondents that a final resolution was always reached in the mediation process which was one of the indicators of changes and continuities brought about by police land desk in the districts of Mukono and Wakiso. This imply that police land desk department has improved a lot on the land dispute resolution in the studied districts. respondents from Mukono and Wakiso districts agreed with 26.49% of respondents that concerned parties are always informed of the decision /opinion regarding the outcomes of the cases handled by court which was a big change in as far as land dispute resolution was concerned. This implies that all concerned parties were cooperating which has been a very serious stumbling block in land conflict resolution. It was found out that 23.12% of respondents revealed both parties have equal rights to be heard, call witnesses and present evidence this was during the field study in Mukono and Wakiso districts. The findings imply that a good platform had been designed by the police land desk as one of the changes and continuities in the districts. Similarly, three areas identified by writers were seen critical to any analysis of land conflict in urban contexts. First, an understanding of land conflict as socially produced suggests the need to interrogate the categories used to define and identify land conflict, to examine how these are used by those who are directly or indirectly involved, and to consider what may be missing from or obscured by these categories. Second, recognition of agency requires identifying the actors involved in land conflicts and how they interact, which may involve alliance but may also be antagonistic.

#### **5.2 Conclusions**

One central element of land conflict resolution and prevention, therefore, is the establishment of responsible governance of tenure in line with the Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (VGGT). Land conflict resolution further requires a broad range of just and accountable dispute resolution bodies respecting human rights, acting in line with the constitution and integrated in a hierarchical conflict resolution system that does not allow for forum shopping. The many tools presented in this guide can help in establishing responsible land governance and functioning dispute resolution mechanisms. Handling land responsibly and tackling issues of tenure in time does not only prevent land conflicts but may also prevent bigger conflicts and wars and can contribute to conflict management, reconstruction and redevelopment.

#### **5.3 Recommendations**

More Collaborations and coordination's between the police land desks and other agencies such as directorate of public prosecution, local councils, courts of laws and state house land protection unit. This will assist to reduce the friction amongst agencies/ bodies those performance similar roles.

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There is need for training of police land desk officers in current policies and land tenure systems its interpretation access, ownership and rights. This will help the investigating officers working in police land desks to be conversant with the land laws. This will in turn benefit them to avoid errors and prosecute the criminals who cause land conflicts.

Subsequent Community sensitisation of police land desk to the public especially vulnerable people such as women, children, disabled and the poor on the land laws, the best uses of land and the mechanisms of land transactions. This can be done in churches, mosques, burial places etc.

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