

Justice in Land

**Assessing the Impact on the Evicted Tenants of Nsambya Railway Quarters,
Kampala.**

Julius Snoop Obita

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The Department of Geography, Faculty of Social Sciences and

Technology Management

Trondheim Norway

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NTNU – Trondheim
Norwegian University of
Science and Technology

Abstract

The challenges that evictions pose to urban residents are viewed as a threat to their sustainable living. Such evictions are associated with urban growth and focus on urban renewal and economic investment. Several justifications that lead to evictions are related to existence of vacant land, open green spaces slums and areas with old buildings. Nsambya railway quarters were not only old but also centrally located within the proximity of the capital city, therefore it was an area of high value for renewal. Despite the fact that Nsambya railway was located in prime land with high land value, the manner in which the land was appropriated, was claimed to be unfair by the evicted tenants. As, this study explores land justice in Uganda and assess how it the process was applied on the eviction of tenants at Nsambya Railways Quarters (NRQ), located in Kampala the capital city and within the proximity of the city.

The research sheds light on the role of the formal institutions in enhancing justice in relation to land and promotion of land use rights. The aim of the study is therefore to examine whether land eviction of tenants in Nsambya railway quarters was done as required by the laws that uphold land rights and its impact to the affected people. The study combined different aspect of justice, political ecology, actor network and informalities to answer the raised research questions. To capture this information the study applied multiple methods that include; direct observation, interviews and photography which also included transect walks.

The study wraps up the major findings which revealed that there was no proper procedural process that was employed to smoothly carry out the eviction exercise. The thesis concludes that emphasis should be directed towards addressing institutional challenges like technical and financial support for establishing a comprehensive urban land management system. With the object of handling all the required processes, that include proper land acquisition, registration, development and use. Further it includes, display of information and adequate communication, regarding the availability of the land, its state and conditions of the land. It is not the law that is a problem because it is in line with the principle of justice, but the implementation of the law has been affected by power and self-interest that leads to conflicts of the production of urban environment that marginalize the urban poor and benefit the investors and the government.

Dedication

*To my special friend and lovely wife Viola Obita, for the patience and endurance you exhibited
and for the times we missed each during this journey, thank you.*

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Declaration

I, Julius Snoop Obita declare that this thesis contains my personal input and the information therein is product of my field findings on Justice in Land: Assessing the Impact on the Evicted Tenants of Nsambya Railway Quarters, Kampala. To the best of my knowledge this thesis has not been produced anywhere, neither has been awarded to any individual or organization. All the sources of information used in writing this these have been cited and acknowledged

Acronyms

A.N.T	Actor Network Theory
CBD	Central Business District
CSO's	Civil Society Organizations
GKMA	Greater Kampala Metropolitan Area
KCCA	Kampala Capital City Authority
MNC's	Multinational Corporations
MoLG	Ministry of Local Government
NGO's	Nongovernmental Organizations
NHCC	National Housing Corporation Company
NLUP	National Land use plan
PDP	Physical Development Plan
PPIC	Parliamentary Physical Infrastructure Committee
RVR	Rift Valley Railways
TNC's	Transnational Corporations
UEB	Uganda Electricity Board
ULC	Uganda Land Commission
UR	Uganda Railway
URATA	Uganda Railway Tenants Association
URC	Uganda Railway Corporation
USD	United States Dollars

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Background of the study

Land issues have generated debates world over from lower levels of society to, regional, national and international levels which are reflected through conflicts of interest for ownership and access to land. This mainly occurs as a result of unfairness and injustices from the government's intervention, to regulate and control land acquisition, eviction procedures. Whether its decisions to permit these interventions follow the 'rules' specific on equity, transparency and legitimacy of the processes involved, is a factor of concern.

This thesis reports the findings of a study on land justice in Uganda and explores how the eviction of tenants at Nsambya Railways Quarters (NRQ) occurred. Emphasis is put on assessing the process of eviction, its impact to the tenants, their understanding of the process and experience. Some narrates will be discussed and examined to help understand the eviction ignitors.

1.2 Literature Review

All cities in Africa are experiencing evictions, due to fast urbanization, lack of land and land is increasingly becoming of high value in urban areas. City centers are often occupied with old areas, slum settlements and undeveloped land. Today with increased focus on urban renewal, the wish for a modern city, areas in city centers is increasing in value and increased interest among local and foreign investors. The quest for modern cities is pegged to development discourses such as neoliberalism and development narratives such as globalization, (Harvey, 2005). Consequently, McMichael 2000; Ferguson 1994 in Kilonzo (2008), argue that urban renewal and economic growth has a cost. In order to gain a more modern city and economic growth there are always winners and losers. Such transformations have both positive and negative implications to the socio- economic efforts of the developing world. Urban planning and urban renewal of cities in Africa has been affected by the current development discourse. Since the colonial time the structure of cities was affected by the emergence of pre-modern time cities and now neoliberalism.

Pre-modern times

Most African governments promoted and advocated for modernization of their countries with foreign support. This led to the desire of people to change and move towards advanced modernity. Pre-modern time was therefore referred to as the period of change. A typical example of an African country is Zambia which took the path of change to modernity. Though Zambia's emergence from the pre-modern times to modernity was affected by the economic decline. Nevertheless the Zambian people have continued to embrace the desire to change into modernity, (Rigg, 2007).

Neoliberalism

Neoliberalism is a development discourse that has been considered as a cure to political and economic ills of nations, a stimulant to capital accumulation and the global growth-worldwide, (Harvey, 2005). It is viewed as a market for the developed country's economic production with free market and flexible labor that help in enhancing capital accumulation, (Routledge, 2003). Routledge (2003) definition puts emphasis on the protection of private property, privatization and deregulation. The current advancement of neoliberalism is in contradiction to the economic argument of self-regulating markets and free trade policies, (Routledge 2003, Peck and Tickell 2002 in Afenah, 2009). Neoliberalism therefore aims to have economic growth, but this has not been the result of neoliberalism in many cases (Harvey, 2005).

As a globalized effort, it has affected the rigorous development of the first world countries and deprived free development, participation, process in third world countries, (Afenah, 2009). This clearly manifests itself when marginalized citizen lack access to local resources because it is strongly challenged by the neo-liberalization practices. The rights of the local people are compromised in favor of the foreign nationals, Afenah (2009), which is a precursor to citizen marginalization. According to Harvey (2008), it is the factor of urban transformation by the external forces-/investors that has facilitated capitalism gaining ground for consolidation through some creative destructive means.

As neoliberalism brings in transformation of urban space, it is the low-income class and their houses situated centrally or near the city center that become a target, (Afenah, 2009). Because these sites tend to be filled with old and dilapidated structures so as the city expands, it engulfs

such places for urban renewal, (Smith, 2002). When change-modernity is given to a city, any area close or outside its center that does not keep up with the change is seen as an eye soar. With this outcome, the neighboring buildings which are not to standard stand out as odd and may end up being demolished, except if it is for historical preservation or aesthetic value, (Harvey, 2008).

Eviction has also been influenced by developed countries to indirectly impose a neoliberalism agenda on the third world countries with the assertion of modernizing their cities and towns, (Kilonzo, 2008). Harvey (2008), also argues that the massive drive of internationalization of cities in the name of urban renewal has greatly led to the marginalization of the rest of the low income city dwellers. This is because the city renewal perpetuates the creation of class levels, making those without the ability to competitively confront the forces of urban renewal victims of marginalization and end up being relegated to the outskirts of the city, (Kilonzo, 2008). Indeed the pull and push factors such the emergence of the development theories has not only played a great role in redefining development path and direction in Africa, but it is also led unequalled development, (Kilonzo, 2008).

It is therefore important to understand that development trends in Uganda are significantly linked to the external global forces that have had great influence on the implementation of developments. Understanding how the development agenda is driven becomes inevitable because the one intriguing question is why the packages associated with these developments are looked at as a solution to the problems of the poor and yet sometimes it faces opposition from the local people, (Kilonzo, 2008).

The Eviction Perspectives

Urban renewal is taking place in most African cities to match to the current fabric of modernity. The processes that take place inform of renovation or rehabilitation and redevelopment are seen as components of urban development which should be a normal process carried out with regard to cultural, political and economic considerations. For example the renewal of waterfronts city areas in Mombasa Kenya, was perceived within the realm of cultural conservation where old and aesthetically appealing sites were preserved for tourism purposes, (Hoyle, 2001). According to, Balbo (2013), global market exposure of many African countries has led to the reproduction of

the images of the cities they see in the western world, when success is registered, the replication of the process continues.

Perceived urban renewal trends in Africa.

Several factors still contribute to the urban renewal in African cities. These include policies, the impact of globalization, and infrastructure. It is also indicated that State and city officials through the use of the laws do have more power and superiority to put to order the organization of the built up area either by regulation or imposition of orders. The city authorities tend to determine the nature of development that should be suited in certain location of the city both for the private and public buildings. For example residential patterns have been set aside based on class and race stemming for the colonial legacies. In other instance cities have remerged based on conflict and negotiations for example Juba the capital city of Southern Sudan could be seen as the most recent example. Given the account of the prolonged civil war that devastated it for decades, (Howard, 2003). Most documented cases on eviction are linked to economic and social political developments. More urban renewal cases in Africa have been linked to social discrimination where a certain ethnic group can be evicted or expelled from urban areas because of cultural/tribal belongings. Cited sources reveals the authorities in Khartoum Sudan evicted 500,000 people and literally expelled some including the people from Southern Sudan, (Audefroy, 1994).

In Nigeria, a study conducted by, Agbola and Jinadu (1997), in Ipinori community in Lagos revealed that urban renewal has shifted from redevelopment and rehabilitation to outright demolition after eviction. In a success story in Ghana the land tenure system makes access to land easy for both individuals and public sector, which influences government's intervention in provision for low cost housing, not just for free but as a player in the housing market. However, the only challenge observed in the housing market is that public sector targets the middle income whilst private sector targets the high income class, (Grant, 2009). Such success is best achieved with the integration of citizenship rights and participation, (Afenah, 2009).

In this regard, urban renewal of cities should be a focus to housing as a right. *“Every human being has the right to housing, it is not only the right to a roof, but the right to dignity and*

citizenship” European charter on the rights to housing article 1, (Audefroy, 1994, p. 8). Most countries in the world including developing countries have ratified to the international laws established under United Nations universal declaration on human rights. For example the right to housing is declared in a number of international covenants and treaties, such as article 25(1) of the United Nations universal declaration on human rights¹ was the first to mention that; everyone has the right to adequate living including housing as a fundamental human right. On the contrary it is evident that most countries have not only continued to violate the rights of people, but they have grossly perpetuated poor standards of living for the low income class, (Audefroy, 1994).

Eviction alternatives

In order to have urban renewal justifications are normally advanced by those in authority and the city planners. Some do advocate for eventual movement of the poor from the city centers either forcefully or through proper settlement mechanism like relocation. In most cases urban renewal is purposely directed towards decongestion of the city which is achieved through forced evictions, existing illegal settlements on land. There is a key discourse of market based evictions where land prices are too high so the poor end up being priced out, and the areas renewed. Despite the fact that there are limits involved in fulfilling the requirement of urban renewal. The plan to redevelop the neighborhood should actually not only be the efforts of professionals but also involvement of the local residents. The call to bring to an end the use of land as a political weapon for land allocation in addition to corruption which works against the poor is important,(Otiso, 2002).

In uncovering city concerns, Slater (2006), looks at how eviction of low income class neighborhoods by the government with the intention of upscaling them creates a distressing life. Such unprecedented eviction tends to have a negative impact on the low income class who lack access to better and affordable housing, (Slater, 2006). In an effort to rehabilitate low standard areas, the Urban renewal process creates a vacuum in urban lives and renders many low income residents vulnerable because they often live in locations that have high land values. Their vulnerability to both the government and landowners has neither eased their way of living nor

¹ <http://www.un.org/en/universal-declaration-human-rights/> accessed on 05/05/2016.

their sources of livelihoods because it is directly linked to the way they are treated and looked at. The displacement of the low income class tends to be given little attention and therefore no quick solution provided. On the other hand, Zukin and Kosta (2004), argues that far from destroying a community, urban transformation can restore the economy, such as shopping areas, well planned settlements and recreational facilities to produce a marketable and a sociable neighborhood, (Zukin & Kosta, 2004).

While, Newman and Wyly (2006), also agrees that neighborhood lives can improve with urban transformation. Byrne (2003), also believes that the only way the low income class can have an opportunity of living within the affluent society is when urban transformation takes place. Byrne (2003), argues that there will be 'rubbing of shoulders' through creation of employment opportunities and social interaction between the low and high income classes. However, this argument can only be valid in a long run with equal economic empowerment for the low income class to sustain their lifestyle. Through engagement in the informal activities such as welding and fabrication, car washing bays and salons.

In support of the idea of social mix, Tallon and Bromley (2004), argues for the urban policies that encourage the provision of housing and residential developments that take into account all classes of people. This creates opportunity for everyone to enjoy the good life that the city offers. Because social integration can increase the public and private partnership in terms of investment opportunities and city development, (Ibid). This propels compact developments which aid in preserving the city outskirts and the hinterland that would otherwise be the target for the low income class when evicted from prime land or areas, (Bromley, Tallon, & Thomas, 2005).

Forced Evictions

As cited in, Afenah (2009), forced eviction is an act of getting rid of people from their established places of abode by either those in authority or by individuals without any or adequate mutual agreement. Most often forceful evictions occur against the established human rights provisions partly with the involvement of various agents, including the government, private developers, and landlords, (Afenah, 2009). Despite the eviction process being the responsibility of government, it is the civil right activists that always come out to advocate against unlawful

evictions, (Smith, 2002). Forced evictions are prevalent in both developed and developing countries, according to COHRE, 2006 in Afenah (2009). It is an expropriation strategy that is taking route in the world with Africa and Asia most affected. It has therefore become an approach that governments and the municipal authorities use to free valuable land to attract foreign investors.

One of the outstanding issues in relation to forced evictions is the extent by which it becomes legal or illegal. The legal eviction of residents is viewed based on the compliancy of the procedures establish under both the local² and international laws³. On the other hand, illegal eviction is viewed as an act of contempt of court orders and contradiction of the legal provisions and guidance, (UNCHR 2005 in Afenah, 2009). *These contractions are highlighted in the analysis chapter.* For the case of Nsambya railway, the eviction can only be considered just if eviction orders were issued early. In addition to adequate compensation of all the tenants by government. On the contrary the government of Uganda did not oblige to its mandate and instead opted to forcefully evict the tenants which amounts to illegal eviction.

Audefroy (1994), cites an eviction that occurred in Lae city Papua New Guinea's were people's homes and stores were brought down to rubbles by government bulldozers, under the protection armed police and government officials. People properties destroyed and in some case little time was given to them to secure some of their properties. Yet Papua New Guinea is one of the countries that have signed for the ratification of International Human Rights Treaties, in the same case with Uganda.

² The local laws legal procedures are high under the significance of the study, and discussed under regulatory framework shading more light on the relevance of the laws.

³ The internationals are established under the united nations declaration of human rights charter of 1948

Displacement gets displaced

The coercive and uncompromising tendencies of displacing residents reduces the community's sense of belonging and progress. This disruption renders most of them homeless, disoriented and mentally unstable, (Marcuse, 1984). It is therefore pertinent for the government to develop policy matters that curtail the negative impact other than focus on policies that support displacement. The failure by the government to provide low- rent housing for the low income class, greatly burdens and pushes them from the proximity of the city centre because the government tends to focus on the middle and the high income class, Slater (2006).

Displaced in the city

According to, Terminski (2013), people who are displaced from the city, normally experience the challenges of rights violation especially in areas of human security. Their displacement is viewed as necessary and unavoidable by those in authoritarian government. Terminski (2013), further points that citizens who are faced with these kinds of realities, especially in the developing countries, are economically weak, with no social positions of influence, and outside the mainstream class.

1.3 Objectives of the study

The laws in Uganda on land rights have often been violated by the authorities, (Mabikke, 2011). This has led to the violation of several human rights that have an interconnection with the right to land. The aim of the study is therefore to examine whether land eviction was performed as required by the laws that uphold land rights and its impact to the affected people. In particular, it will examine the eviction case of Nsambya railway Quarters and will question whether the right procedure as set out in the 1995 constitution of the Republic of Uganda and the Land act (1998) were followed and then offer suggestions about the way forward.

1.3.1 Justification for the research objective

The impact of land use change in the community has often been viewed as negative in most places by the occupants, (Wu, Zhang, & Shen, 2011). In many cases land use change is conceived as manipulation of the physical environments which has an effect on human welfare

(Greed, 1999b). Therefore it is the activities that people do that make it active and give it meaning. It is the livelihood generated in a place that make it livable and vibrant, because it is the social setting that the residents have an attachment and interaction with.

The research sheds light on how the formal institutions play little role in enhancing justice to access city land and promotion of use rights. Land management challenges originate from institutional weaknesses and inefficiencies manifesting from both political and economic factors hindering progressive land reforms. Economic factors such as urban development, growth and the political decision made on land acquisition leads to institutional conflicts marred with laxity to adequately address inherent land problems due to legal flaws and ambiguities, (Ding, 2007). These unraveled situations forms the ground upon which this study is prepared. It is further motivated by the nature of land eviction that occurred in Nsambya railway quarters which was characterized as unfair execution exercise.

1.4 Statement of the problem

City planning and development is one of the key processes that influence land value and speculation. According to, Greed (1999b), such influences are due to the emphasis that is bestowed on geographical importance in relation to space and place, and their interconnected power. As, Pred (1984), echoes that city planning involve appropriation and transformation of space and nature which is part of reproduction and change of society from a spatial and temporal dimension. As a result, these places become repackaged and remodeled to attract the investors becoming a commodity that can be purchased or sold. Once a place is poised to be given a facelift, it automatically fights against any obstacle or hindrances to development such as public obstruction. The repacking of a place becomes a precursor for government to sell the specifically defined geographic places so as to make it available to the potential developers. Besides making such urban places appealing, it is often believed that the government deliberately and consciously intends to manipulate the public leading to conflict among itself, the developers and the public, (Greed, 1999a).

The act of continuous urban displacement has been characterized as an element that arises due to capitalism orchestrated by the wealthy and the politically influential groups of people, (Smith and Le Faivre 1984, in Atkinson, 2000). This holds the view that those with influence tend to

displace people from an area as they so wish, as long as their actions are profitable, then it becomes unavoidable to evict the low income earners occupying valuable land in urban areas. These displacements are attacks to the security of tenures of the least privileged in society who have no voice and are susceptible to low or no compensation. The lack of consideration of the consequences that such displacements have on individuals and the wider social network, often exerts pressure on the displaced persons, (Hall and Ogden, 1992 in Atkinson, 2000).

Despite the land laws in place several arbitrary evictions have been carried out by the government and private individuals that has threaten the right to property. The procedure through which these evictions are carried out is also unfair because they are done with much force and with the help of the army and the police clearly violating people's rights.

Based on the above, I explore more on how justice was handled in the eviction process and its impact on the lives of the evicted residents, through the following research questions:

- i) Who were the actors involved in the land eviction process in Nsambya Railway Quarters?
- ii) How did the land eviction in Nsambya Railway Quarters occur? How was the plan implemented?
- iii) What impacts have the land evictions had on the evicted residents of Nsambya Railway Quarters? And how did they cope with the changes?

1. 5 Significance of the study

The need to always follow up evicted people and explore their plight to best understand how the eviction process is handled is a continuous process. Most literature related to eviction highlights the causes and effects. However, they focus on policies concerned with the eviction but do not indicate the severity of the eviction aftermath on the affected people. This study therefore is based on the case of tenants as a unit of analysis and details the genesis of the eviction, land justice and how the evicted tenants have coped after the eviction.

The 1995 constitution of the republic of Uganda article 237 established the four types of tenure systems upon which land shall be owned or held. It further guarantees the security of occupancy by the lawful or bonafide occupants. The right to own land by individuals based on the different

tenures, gives them a right to do any transactions on, right of use and managing land. This has led to the significant growth in commercialization of land through the booming real property development in Uganda. As such Quest for more land for development often becomes a precursor to continued conflict in land, which significantly leads to evictions. This contravenes the law under the Land (Amendment) Bill of 2009 of Uganda, which was designed to curb rampant, often forced, land evictions of occupants. The Land (Amendment) Bill also enhances the security of bona fide and lawful occupants. Putting emphasis on the law brings out clarity to the public domain so as to empower them with the hidden stock of information and knowledge. Little information as compared to this study which delves into the scale of the eviction and its consequences based on the field findings and as such present information as firsthand and not a speculation.

The recommendations suggested in this study can also contribute to policy changes in the process of how eviction is handled in Uganda. It also serves as an opportunity for identification of gaps in relation to land justice which can be addressed through further research. Because in scenarios where evictions occur without prior arrangement and knowledge of the affected people, implies that such treatment is most likely to continue. Therefore without proper planning and redress of justice in the land, eviction will be a fairytale. The, social cohesion is losing ground and the evicted people are likely to end up in the urban poverty trap, (Robinson, 2003). The research therefore, explores more on how justice was handled in the eviction process and its impact on the evicted tenants. Such impacts bring misery, pain and anguish to people as lamented by Fried in 1963, (Agbola & Jinadu, 1997). That, “Forced eviction is about the worst thing you can do to people.

1.6 Overview of the Chapters

This thesis is laid out in seven Chapters having an introductory section highlighting the details therein;

Chapter one; contains the background of the study, statement of the problem as to why the study was undertaken and outlines the research questions. Important in this chapter also are the objectives, justification, and significance of the study and literature review.

Chapter two; explores the historical background of urban planning in Uganda and contextualize my study area. I further discuss land justice in consideration to the existing regulatory framework and policies. In doing so, I highlight the relevant laws that relate to matters of land tenure, land rights and accessing land for housing and how effective they are in eviction cases.

Chapter three; unravels the importance of theory and how it helps explain reality. It includes the elaboration of the perspectives on justice, political ecology which describes how society experiences marginalization and challenges of achieving a win-win situation in urban areas. Actor network theory is also included to explore the reasons as to why actors act and the informality, which is one of the sectors that is increasingly being ventured into by the majority of people in urban Africa.

Chapter four; describes the methodology and the principles used to attain the study information. It also looks at how sampling was applied, review of case study, ethical considerations defining the conduct of the researcher and responsibilities.

Chapter Five; this section discusses and describes the findings generated from the field. They are linked to the related research questions, theories and literature. The analysis is centered on Understanding Justice in the process of land acquisition, the eviction and how the struggle for justice is perceived and experienced by the evicted and its impact.

Chapter six; finalizes the discussions of the findings linking to research questions and how the data have appropriately addressed the raised research questions to confirm how well the outcome of study has addressed proposed study. The section also details the results of the study, contribution to the field of land justice and gives give general recommendations for further research.

Chapter seven; concludes on how the process of justice on the land has been handled through the power of different actors and highlights on the areas of further studies, implementations and processes for justice to be achieved.

CHAPTER TWO

2.0 HISTORICAL BACKGROUND OF STUDY AREA

This chapter details the overview of land tenure systems in Uganda, overview of Kampala capital city, historical background of urban planning in Uganda and highlights the urban management and governance responsible for regulating and controlling development. I also discuss land justice in consideration to the existing regulatory framework and policies by highlighting the relevant laws of land tenure, land rights and accessing land for housing purpose as I contextualize my study area.

2.1 Overview of land tenure systems in Uganda

The 1995 Constitution states that “land in Uganda shall be owned in accordance with the following land tenure systems; customary; freehold; *mailo*; and leasehold” (Section 237[3]). Which are well redefined in the Land Act (1998). Customary land ownership is tenure regulated by customary rules, most commonly practiced in rural areas and where the operations in the land is limited to a particular class of persons. Freehold is registered is land held in perpetuity subject to statutory and common law qualifications, it is land held forever and can also be converted from public land. This kind of ownership is both in rural and urban areas. While Leasehold ownership is related to land held for a given period of time based on legal terms and conditions. It is normally held for a period of 49 year or 99 years subject to renewal. This tenure is commonly practiced in urban areas. Mailo on the other hand is land ownership that is common in Buganda central region where most chunks of land is under the custodianship of the king. The land is held in perpetuity, it was land rewarded to the Buganda kingdom by the colonial masters for their loyalty to the colonial administration.

Despite the fundamental reforms undertaken by the government on tenure management and control of land. There are still general institutional weaknesses. There is increase in conflict over public land all over the country faced with speculations leading to land grabbing. In urban areas the situation is worsening due to scarcity of land. The increase in demand for land for economic development spoils everything. Since the law allows government to compulsorily acquire land for public interest, it has been used as loophole to evict people. Yet the law is very clear on this one; Section 26(2) [a]) (Constitution 1995, ‘compulsory acquisition of land in public interest’.

Implying that any appropriation of land by government through forceful means applies if it is only for public good and service like roads, health and education among others. Anything outside direct public benefit is regarded as individual or personal interest. Which contravenes and is liable for adjudication.

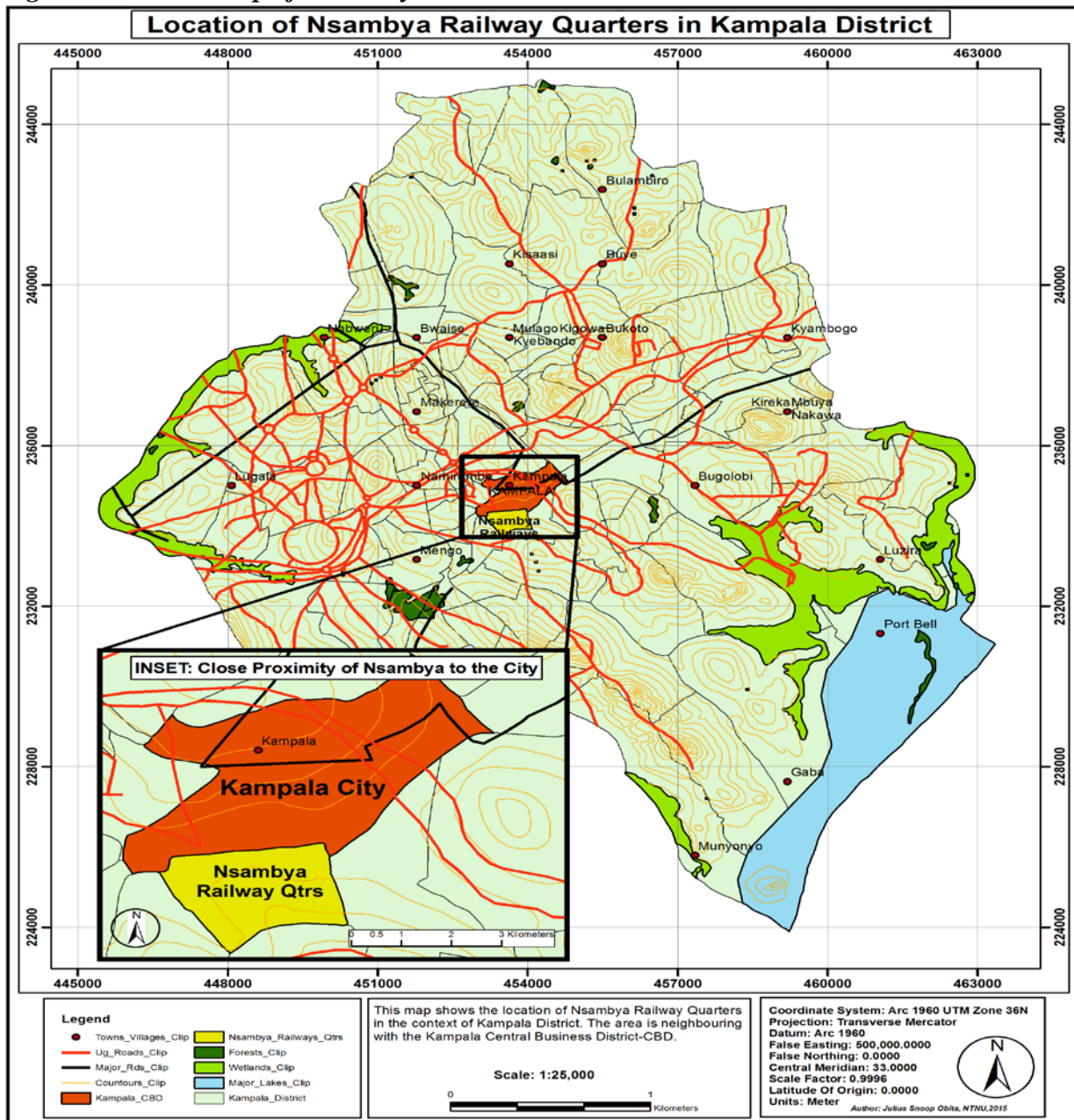
2. 2 Overview of Kampala Capital City

Kampala is the administrative and commercial capital of Uganda, situated 8 kilometers on the northern shores of Lake Victoria with its center located approximately 45 kilometers north of the equator and 0 15° and 32 30° E. It covers approximately 195 km² of the land and 13 km² of water and biodiversity. Kampala is bordered by Wakiso District to the North, East, West and Southwest and Lake Victoria are in the South East at an altitude of 3,910ft (1120m) above sea level. The steeper areas are located on the upper sages, merging into undulating slopes and ending into broad, shallow valleys (Kampala City Council, 2007). Kampala is also defined and structured by the extensive papyrus swamps, and perennial streams. Initially, it covered seven hills but the city later expanded and now stands on 24 hills with a population of 1,516,210 people⁴, (Uganda bureau of statistics 2014).

For purposes of efficiency and the need for the employed workers in the corporation to live close to the workplace, a housing scheme was developed and housed built for the workers and their families to reside in after the construction of the railway. The houses were built according to different grades of employment levels, that is; the casual laborers, junior officers and senior officers. From single roomed houses to bungalows and storied buildings. The railway quarters are located in Nsambya Township, near the capital city Kampala. The close proximity to the city offers very many opportunities to the residents by enabling the residents save on transport cost and the affordable houses given. Because the majority are low income earners. Figure 1 below shows the context map of Uganda with an excerpt of the study area.

⁴The population figures depict the estimated number of people living in Kampala capital city by 2014; the figures are based on National Population and Housing Census provisional results, 2014; NOVEMBER 2014 REVISED EDITION
<http://www.ubos.org/onlinefiles/uploads/ubos/NPHC/NPHC%202014%20PROVISIONAL%20RESULTS%20REPORT.pdf> accessed on 24/03/2016

Figure 1: Context Map of the Study Area



Source: Map prepared by the researcher, 2015

2.3 Political Context of Kampala city

Kampala capital city is established, in accordance with article 5 of the Constitution, to be the capital city of Uganda and administered by the Central Government⁵. For this case the constitution establishes a board called Kampala Capital City Authority which is mandated to govern the city. The act further provides for establishment of both the mayor as the elected political head of the city and the executive director as the technical head of the capital city appointed by the president. These officials perform different functions as established by the Kampala capital city authority act 2011. The authority devolves functions and services to the lower urban councils and the metropolitan physical planning department.

Some of the functions of the authority are to initiate and formulate policy, set service delivery standards, monitor the general administration and provision of services in the divisions; carry out physical planning and development control and monitor the administration of the Capital City among others. Accordingly the act goes ahead to stipulate the functions of the Metropolitan Physical Planning Authority which in most regard gives it powers to veto physical plans or activities that are inconsistent with the Metropolitan Authority Development Plan, the metropolitan structural plan or land use policy, handling and addressing planning issues within the Capital City, overseeing and monitoring the execution of the Metropolitan Authority Development Plan. The authority is answerable to the minister of Kampala but in a consultative manner.

With the centralization of decision making in planning matters concerning the city, it offers both opportunities and constraints. For instance despite the Authority having the powers, the ability to make decision and choice by the technical experts is always on check. Which hinders easy with service delivery and the ability to enforce plans without any compromise from those with high authority. The division of power and responsibilities sometimes breeds in conflict of interests within the different department because of different priorities. Despite the autonomous establishment of the authority, the information obtained from the field revealed that the city authority was not involved in the processes of the Nsambya railway evictions. Yet they are the

⁵ <http://www.ulii.org/ug/legislation/act/2015/1-8>. Accessed online on 05/05/2016

urban managers. This shows how conflict of interest jeopardizes the management and control of urban affairs.

2.4 Urban management and governance

Kampala City is one of the fastest growing African cities with an annual growth rate of 5.6% and an estimated population of over 2 million people. The rapid growth exerts pressure on the social infrastructural services and the urban environment, curtailing adequate service provision and delivery, which degenerates the quality of life of the urban dwellers, (Vermeiren, Van Rompaey, Loopmans, Serwajja, & Mukwaya, 2012). Kampala was gazetted as a township in 1902 and granted Municipal status in 1950 when a Council was appointed with a Mayor as its head. Under the Decentralization Act 1997, the city has five political and administrative divisions (municipalities) namely; Central, Nakawa, Kawempe, Rubaga and Makindye. At the administrative and Management level, the Capital City from March 2011 is headed by the Executive Director (financial officer) appointed by the President and is responsible for preparing the budget and its implementation. This process requires public participation to improve transparency and accountability, increased access to development and planning information. Politically, Kampala City is headed by the Lord Mayor (ceremonial position) who presides over political decisions of the district while the Divisions are headed by deputy mayors. Kampala as a capital city bears a hierarchical functional base for the progress of the country.

2.5 Kampala Physical Development Plan

The Kampala Physical Development Plan was prepared in 2012⁶ by Kampala Capital City Authority (KCCA). The mission of the authority is to deliver quality service to the city with a vision of being a vibrant, attractive and sustainable city.

Some of the objectives of the Kampala PDP are to enlarge and extend the Central Business District (CBD), to define and designate new Urban Quarters and Precincts as planning entities for better control, management and development and to encourage new housing models, including affordable housing, in future design of quarters and precincts. The land uses proposed

⁶ <http://www.kcca.go.ug/uploads/kcca%20proposed%20dev%20plan.pdf>. Accessed on the 22.04.2016

Figure2: Kampala Physical Development Plan 2012



The Kampala Physical Development Plan is categorized into 8 major land uses including residential, industrial, educational, conservation, recreational, public purpose, commercial and transportation. They are described below;

1. Residential

Residential land use has been categorized into three zones; central, inner city and peripheral residential zones. Central residential zone is located within the CBD and this is where Nsambya railway quarter is located. The Central residential zone is shaded light yellow. Inner City residential zone is located on the periphery of the CBD and it is shaded light orange. The inner city residential zone was proposed as a focal points for services and employment outside of the Inner City thus reducing traffic conjunction and unnecessary burdening of infrastructures within the city. Finally the peripheral residential zone has been proposed at the boundary of Greater Kampala Metropolitan Area (GKMA) for future expansion because of the development pressure and population growth. The zone is shaded orange.

2. Industrial

Industrial sites are located along the route of the planned Urban Freeway. These sites are located in the heart of Kampala city as business, and employment centers and other parts of the GKMA. It is shaded purple.

3. Educational

Two important Educational facilities exist within the KCCA boundaries; Makerere University and Kyambogo University. These two facilities can be regarded as knowledge centers. Makerere University's proximity to Mulago Hospital creates a potentially powerful base which may be developed into an academic and research Centre. Kyambogo University also has potential to expand and be developed as a research and development Centre, because of the undeveloped land to the north of the complex. They are shaded light brown.

4. Conservation

The Greater Kampala Metropolitan area is endowed with natural resources including forests, wetlands and lakes. Forests act as a great source of revenue generators for the government from the tourism sector thus the need to protect it. One of Kampala's landscape resources with the greatest potential is the lakefront on the shores of Lake Victoria. It holds vast potential as a recreation area as

well as a business and service Centre. The lakefront also has a strong relation to the wetlands and together they form a continuous natural system from the lake into the city center. The conservation areas have different shades and hatches of green.

5. Recreational

There is need to provide recreational facilities to satisfy the needs of the growing city in relation to relaxation, socialization and bonding. The recreational facilities have been shaded green and bound by red. Connected to the recreational land use is cultural facilities. These facilities are significant landmarks in the Kampala's culture and history. The proximity of these sites to each other creates a sort of cluster of culturally significant sites and gives a unique character to the entire GMKA. They are characterized by high viability and accessibility, making it a potential culture, tourism and recreation area. Cultural facilities are shaded pink.

6. Public Purpose

One of Kampala's most important health center is Mulago Hospital and it also serves as an extension of the Makerere University and houses its Medical School making it an important part of the city center. Other public purposes include police headquarter and posts, health centers and dispensaries among others. Different symbols have been used to identify the public purposes.

7. Commercial

Kampala's CBD is of particular interest and importance due to its role in Kampala's everyday life. The CBD includes a variety of mixed uses such as commerce, transportation, government and financial services. Other secondary service centers include markets. Commercial land use is hatched grey and black.

8. Transportation

The KCCA's transportation system is the heart and source of the metropolitan radial road system. The plan detailed the existing road system and identified potentials for a reconstructed road system. The roads are classified into different categories including Urban Freeway, Urban Highways, Existing major roads, and existing minor roads. Different line colors and outlines have been used to differentiate and elaborate their functions. Inclusion of this section is to purposely extract the few details of the plan and also highlight that for urban renewal to be effective and efficient, guiding policy become very important and need to be in place.

2.6 History of urban Planning in Uganda

Urban planning descends from the British colonial period in which planning schemes prepared included provision of infrastructure and slum clearance. The enthusiasm of planning was further catalyzed by Patrick Geddes in 1918, with an idea of developing sensational town plans to add beauty to the environment that was viewed as an art with the aim of disseminating planning ideas world over particularly by British colonies, (Home, 2013).

During this time, most cities in East Africa were planned and built in the interest of the colonial masters and their allies that is the kings and chiefs, (Omolo-Okalebo, Haas, Werner, & Sengendo, 2010). The poor were relegated to city frontiers of rural areas, even though they factored in as laborers to build the city. The need for an ideal urban environment and segregation was based on the recognition of the standards and mode of life of the European, Asians and Africans. This therefore led to the development of the first planning scheme for Kampala in 1912 and later on other towns. Both, Lwasa, 2006 in Omolo-Okalebo et al. (2010), points out that the contemporary Kampala city is linked to the British presence in Uganda which led its declaration to township status, (Lwasa, 2006 in Omolo-Okalebo et al., 2010), and eventually necessitated the formation of a regulatory framework for the urban growth and development of Kampala. The planning scheme for Kampala was prepared by Professor Simpson and A. E. Miram and focused mainly on the central business district. It was later followed by the works of Ernst May in 1945⁷, (Omolo-Okalebo et al., 2010).

With the high rate of development taking place in Kampala, need arose to prepare a physical plan that would guide development and avoid illegal settlements by following approval process. Therefore provision of housing for African natives became a priority on the Development agenda of Uganda but it was also a way of acknowledging their rights and access to urban space. For example, provision for staff housing was initiated in the areas of Kampala, Entebbe, Masindi and Mbarara which had become necessary for most towns through government support in the form of subsidies. It was an attempt to enable the Africans benefit from the improved urban life by

⁷ Ernst May was hired by the British colonial authorities in January 1945 to institute a plan for the rapidly expanding city in the post-war building and economic boom. His plan stands out for the progressive element of being among the first in East Africa to include large settlements for low and middle-income Africans and Asians.

creating a neighborhood that allowed social integration with the Africans to enjoy modern civilization and culture, (May, 1948 in Omolo-Okalebo et al., 2010).

The recommendations developed by Professor Simpson set a standard to be followed throughout the urban centers in Uganda. Some of the recommendations intended to keep the Africans away from the urban life and instead confine them in their rural settings to keep their social fabric intact within their various tribal communities. Intention was to keep the Africans away from the city because of the worry that African traditional behaviors and fear of diseases such as malaria spread. Professor Simpson's claim was probable that the Africans could attract malaria parasites like mosquitoes because of their lifestyles. These were ideologies propagated on racial and social segregation through his recommendations when he uses the phrase; location of the population composed of Europeans, Asians, and Africans on the existing built-up area of Kampala, both in regard to the commercial and residential areas, (Omolo-Okalebo et al., 2010).

Therefore British presence led to introduction of modern life which was embedded in different class and financial status. The difference in class and financial status was based on the race of individuals and it led to towns such as Kampala and Jinja being gazetted for the Europeans and the Asians. It was later followed by formulation of different ordinances for strict control of spatial organization. These ordinances were purposely put in place to create the settlement pattern that still exists to date, (Mukwaya, Sengendo, & Lwasa, 2010).

2.7 History of Nsambya railway quarters

The Uganda Railway, also known as the Lunatic Express (Gunston, 2004), was built by the British colonialists under the foreign office⁸. The works on the line started at Mombasa port in the then Kenyan colony in 1896 and reached Kisumu on the eastern shores of Lake Victoria, in 1901. In 1931, the line reached Kampala. The Uganda railway line covers 190 Kilometers from Kampala to the Kenyan along Tororo-Malaba border, and 8 kilometers between Kampala and Port Bell. The railway was designed to ensure that the British had effective control over events centered in Uganda. It was under the supervision of a committee set up by the British foreign

⁸ New Vision 2012: this Uganda online bulletin that gave an excerpt on how the Uganda railway was referred and the purpose of its construction by the British Colonial Empire.

office to necessitate housing for the workforce that was to be employed in the Railway Corporation, (Gunston, 2004).

The research was conducted in Nsambya railway quarters at Nsambya parish, Makindye division located in Kampala capital city, shown in figure 1. The railway quarters accommodated a total of 8,679 households, according to LCI⁹ records, and many of them were low income earners. The geographical scope encompasses the surrounding neighborhoods of Katwe, Kevina, Ave Maria, kibuli and Kamwanyi located within Makindye division. These areas were selected with the assumption that the people affected by eviction from Nsambya railway quarters, moved and settled in these neighborhoods because of cheaper rent and their close proximity to the city.

Nsambya railway quarters were occupied by both Uganda rift valley railway employees and outside residents. Most of these residents had lived in the quarters for more than 12 years and were also among the first Uganda railway employees. This therefore had a meaning of identity to the tenants both from the physical and psychological context because of attachment developed. So leaving such a place that they had identified with for long more over in a manner of eviction is a distress to them. The controversial circumstances surrounding the eviction of the residents in Nsambya Railway Quarters disrupted the social cohesion of community and networks which they depended on as their sources of livelihoods. The perpetual events steered the low income city residents to form an alliance as a consequence of the worsening housing problems, to protest against the planned demolition without prior compensation as had been assured by the government and as an obligation, (Hansen & Vaa, 2004).

Access to housing in Nsambya railway quarters

According to information obtained from the field, access of housing in Nsambya railway quarters date back in 1970 established under the occupation orders, which required all the railway employees to reside within the quarters. Provision for housing for railway employees was based on employer-worker, relationship. This system was establish for all employees working in public/civil service from early 1960's as an entitlement/housing benefit. As such housing units

⁹ LCI; refers to local council One , these are the lowest local administrative structures of government, which can also be alternatively referred to, as the government representatives at the local lower level of the Uganda established administration system.

constructed for Uganda railway employees in Kampala were 900 units. However with low productivity of the Uganda railway corporation, it was seen by government as a liability. This affected the management of the railway corporation and witnessed the reduction of the workforce gradually from 10,000 to 1,164 worker in 2004 and by 2006 only 26 worker were left. Such events rendered Uganda railway corporations assets such as housing redundant. Because most of the houses fell vacant and some workers opted to live outside the railway quarters. So to raise some finances for the corporation the houses were rented out to people till the eviction exercise. Most blocks of houses were demolished and only three spared for the corporation management. These blocks are being occupied by both railway workers and the outside people. Photo 1, below illustrates some of the types of the housing units in the current state that were built in Nsambya railway quarters.

Photo 1: Type of housing in Nsambya Railway quarter



Source: Photo taken in the field by the researcher, 2015

Current state in Nsambya

Since the railway line became the property of the state of Uganda after the British left, a lot has changed. The train no longer transports passengers, but cargo only and is mired with dilapidated infrastructure hindering its efficient operation. The line management changed from the Uganda Railways Corporation to the Rift Valley Railways (RVR) in 2006 being fully privatized. The Rift Valley Railways consortium took over the operations of the Uganda and Kenya railways after signing a 25-year concession in November 2006. The takeover of the century-old line eyed more investment to upgrade the line, reduce inefficiencies and improve revenue generation. Presently, the Rift Valley Railways are operating the Kampala-Mombasa route, but only for freight services¹⁰. The privatization of the Uganda Railways Corporation saw the division of management in the housing sector remaining under the Uganda government ownership and cargo management under Rift Valley Railways.

This arrangement changed the housing situation for the corporate employees, in that they had a choice either to stay within the housing estate or seek accommodation elsewhere. Staying in railway quarters was made optional. Those who chose to stay were required to pay rent. Equally, the general public was free to rent within the railway quarters since the purpose was to generate revenue for the Uganda Railway Corporation. Given the affordable rent and its close proximity to the city, it attracted many people with large families because it offered great comfort and home to many. Subsequently, it also attracted various activities ranging from bars, food kiosks, shops and schools among others acting as a source of income for the informal groups and enabling them to acquire basic needs of life and enjoy the environment with great built social networks.

The eviction process in Nsambya Railway Quarters

The residents of Nsambya railway quarters were evicted in 2013 to pave way for new developments. Because the building in Nsambya railway quarters had become old and were located in land of high value. This prompted government to take a step to appropriate the land to be disposed to investor for development. The land appropriation was meant to follow a normal

¹⁰ As cited in the online New Vision, Uganda's newspaper (New Vision 2012).

acquisition process. Based on information from the field the notice intention to take over the railway land was communicated through the Uganda Railway Corporation management in 2010. If this information was true, then it implies that there was some compliance to the law by government. But on the other note, the contested issue is that this was just a communication which was to be fulfilled after government fulfilled its obligation of compensating the tenants.

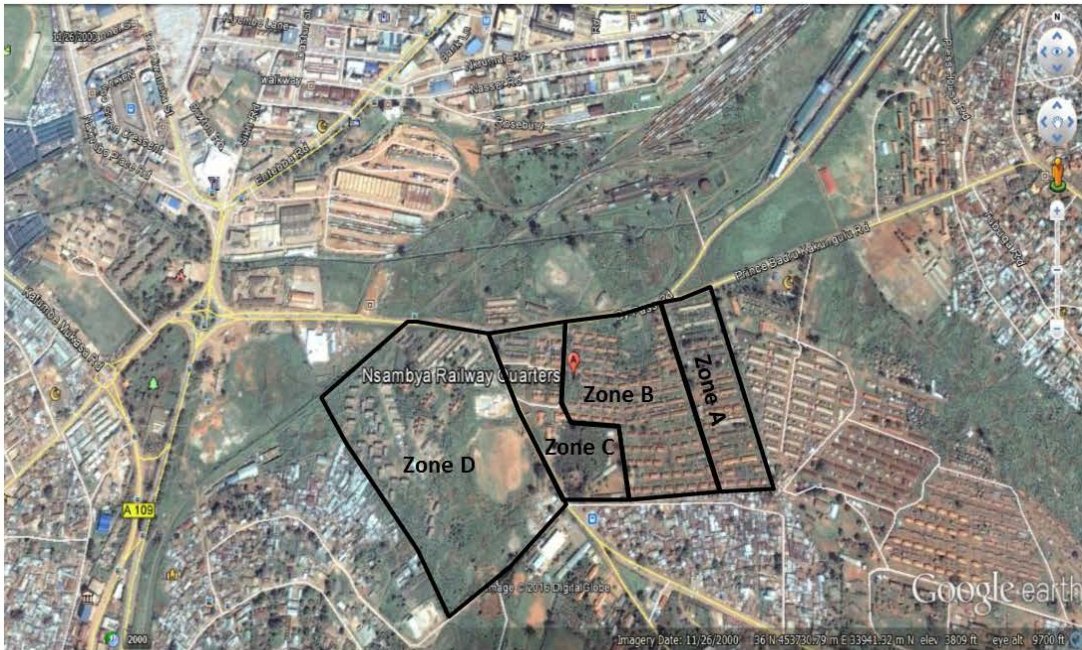
The field confirmations also informed that, the continued stay in Nsambya railway quarters by the tenants was based on the assurance of compensation before vacating the land. Indeed it is logical to argue that if the eviction notice was issued in 2010 without any promises or assurance of compensation, then tenants would have left as early 2011. Not until 2013 where the tenants were given only 24 hours to vacate the area. Such a duration is not enough to immediately look for other options or move away. Otherwise they needed some prior arrangements because the eviction adversely affected them. These actions by government coupled with the eviction rendered this area a hot spot for study. For purposes of having a surface view of the area I have included photos illustrating the area. Photo 2 below show the kind of developments currently being constructed in Nsambya railway land after eviction. As seen from the background developments such as stores and commercial plazas are being constructed.

Photo 2: Current developments in Nsambya Railway land.



Source: Photo taken in the field, 2015

Image 1: Nsambya Railway Quarters before and after eviction



Nsambya railway quarters before demolition, 2013.



Nsambya railway quarters after demolition, 2013. *Source: Google Earth Image, 2000*

The images displayed above illustrate how Nsambya railway quarters looked like before and after eviction. As earlier on mentioned in chapter one in the description of the study area. The different zones highlighted on the image 1, was occupied based on the employee grade. Thus zone A contained long blocks of houses with single rooms and were occupied by the employees in the lower grades, zone B had a mix of long block with single rooms plus independent two bedroomed units, occupied by those in third grade, zone C and D were housing units with more than three bedrooms with other auxiliary facilities occupied by the first and second grade employees. Therefore the two images above describe the same place in different time and surface look. The house constructed were of porotype blocks with different designs according to the zones.

2.7 Regulatory framework and policies

There are various stipulated policies instituted to guide land management, ownership and development in Uganda which are meant to serve as the platform where justice and arbitration are sought for, with fairness and consideration for all the affected persons or community. Despite the availability of policies and legal framework, the eviction process that occurred in Nsambya railway quarters was not well implemented/followed. This study, therefore, has detailed various relevant regulatory frameworks and policies that are in place to respond to eviction procedures and they include; the Constitution of Uganda 1995, The Land Act 1998, the Physical Planning Act 2010 and the National Land Use Policy 2011 (NLUP).

Constitution of Uganda 1995

The constitution, also known as the supreme law of Uganda provides for the creation of the Physical Planning legal framework. Chapter 1 article 2 states that this Constitution shall have binding force on all authorities and persons throughout Uganda. It further states that if any other law or any custom is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void. On the other hand article 26 (1) and (2) of the Constitution amendment Act (11/2005), gives the public a right to be compensated. It also stipulates that every person has a right to own property either individually or in association with others and shall not be compulsorily deprived of property or any interest in or right over property. Any description except when acquisition is

necessary for public use or in the interest of defense, public safety, public order, public morality or public health. It then states that the compulsory taking of possession or acquisition of property which the law makes provision for will be subjected to prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property. It also gives a right of access to courts of law by any person who has an interest or right over the property. However, it still remains a question as to what extent this provision is being upheld when it comes to the eviction laws or cases in Uganda.

The Land Act 1998

The land Act 1998 main objective is to provide security of tenure. Section 30 subsection 1 and 2 of the Act, recognizes the relationship that a person possesses or has with the land. Such as customary tenants on public land, lawful or bonafide occupants on registered land. The act further provides in section 29 (2 and 3) a Bona fide occupant who has occupied, utilized or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more. If the person had been settled on land by the Government or an agent of the Government, which may include a local authority, has a right to be compensated by the Government or an agent. This must be done under the resettlement scheme within five years after the coming into force of this Act. In consideration to the above, the tenants of Nsambya railway quarter were fully eligible for compensation under all normal circumstance. It is clear to notice that victims were both bona fide and lawful occupants in relation to the Land Act (1998).

In the Land Act (1998), section 31 tenants can only be evicted on the grounds of failing to pay the approved ground rent by the tribunal board for a period exceeding two years. It further provides the procedures to be followed before any eviction can take place. In such circumstances, the tenant will be given a notice in the prescribed form requiring him or her to explain why they should not be evicted for nonpayment of rent and shall send a copy of the notice to the committee. If the ground rent is not paid within one year from the date of service of notice, the tenant has not taken any steps within six months after the date of service of the notice to challenge the notice by referring to the land tribunal. The registered owner may apply to the land tribunal for an order terminating the tenancy for nonpayment of the rent.

The Physical Planning Act 2010

The Physical planning Act (2010), subject to article 55, section (4), subsection (5) states that the owner or occupier of any land or premises affected by the exercise of a right of entry under this section shall be entitled to compensation for any damage caused by the entry upon his or her land or premises. In this respect, the Act gives the concerned authorities the directive to perform their physical planning duties without overlooking the occupants of the land or the premises. It also emphasizes awareness creation through Physical Planning and Participatory Planning approaches as the key issue for proper planning which is people oriented. There are provisions in this act that requires all development Plans to ensure order, coordination and efficiency.

The National Land Use Policy 2011

The land use policy (2011) further, sustains this argument with clarity that Land is a natural gift for all Citizens of Uganda to hold, own, enjoy, use and develop either individually or in association with others (NLUP, 2011)¹¹. As Goodfellow (2013), a proponent of planning and development regulation observed the dilemmas for urban growth stemming from economic influence and political positions are hindrance to smooth and proper regulation of development, thus there are those who have more voice than others, this incapacitates the required process to take the proper course of action.

¹¹ (2011, NLUP): This is a National Land Use Policy on how land should be managed and regulated in Uganda.

CHAPTER THREE

3.0 THEORETICAL FRAMEWORK AND PERSPECTIVES

The importance of theory can never be undermined, as it is suggested that, the real world undergoes change and these changes need to be explained, (Kitchin & Tate, 2013). That is why we use different schools of thoughts to arrive at a conclusion or disagree on the realities that we face based on the outcome of those thoughts. The search for answers to our questions leads to inquiries as, Silverman 1994 in Kitchin and Tate (2013), alludes that “without a theory, there is nothing to research”, (Kitchin & Tate, 2013, p. 32). Theories therefore help us to explain the reality, to make us understand the daily phenomenon for unravelling the relevant discourses since a lot of factors are at play. With time Information gets outdated and to better explore and understand the life’s phenomenon, research becomes necessary based on an existing set of ideas about human actions, (Kitchin & Tate, 2013). This study will focus on the application of different theoretical approaches and set of ideas that will be used to discuss the field findings.

In this chapter, I discuss my study in connection with theoretical theories; that form the basis of urban land development in perspective of justice principles. Several theories and concepts have contributed greatly to the different thoughts and ideas forwarded to this study, these theories that converge together include theory of justice, Political Ecology framework, Actor Network and informalities in cities. I draw on these theories to obtain different views which unravel institutional injustices, marginalization, power relations and community efforts for intervention. It will be used to explain how justice in the land was given prominence between these opposing forces since it is a lens for viewing how human actions translate into justice and the methods used to attain it. It also explores more on the approaches used by the evicted residents to cope.

The main themes discussed in this study are land justice and the process of eviction in relation to the impact on the lives of the evicted tenants. In other circumstances, categories such as slums and livelihoods that have a relation to the themes may also be implied in the study.

The proponents of justice theory, argued that there are challenges in achieving justice because it is an institutional product that emanates from the constitution, which is a major regulatory framework, that rests upon the discretion of the state and government for its implementation, (J.

Rawls, 1999a). Further, achieving justice depends on how one defines it and who it is meant for, but the ultimate goal is justice for all, (Fernández & Schwarze, 2013). Justice theory is included because of violation of human and individual rights and lack of balance of benefits in the eviction of Nsambya tenants. There are people who benefit more than others, creating unlevelled ground, which political ecology unravels for us to understand the intricacies involved. However, it is difficult to refer to justice as a whole because of its ambiguity and therefore the concepts of justice, such as distributive justice are adopted for the purpose of addressing the unexpected outcome of the eviction exercise.

3.1 Theoretical linkage

Political ecology framework brings to our attention that the society is not an equal ground. The probable chance of attaining a win-win situation is rare because the wider scope is about winning and losing brought about by unequal power sharing. Political ecology is included because of the influence of power, the inherent power, dominance and marginalization of the subaltern population, (Robbins, 2011). This leads to injustices that the Justice Theory strives to unfold. The complexity of decision making by different actors, have an impact on the social and economic lives and choices of people causing an exploitative nature of human actions. For instance the appropriation of land by state and government authorities at the expense of the local people such as the case of Nsambya railway quarters, inevitably attracts conflicts.

Actor network theory is included to better understand the reasons why the actors act, their social interaction in the processes of their actions. It helps to establish relationships between or among people and organizations. Most actors are always resilient focusing on creating the means of action, developed within their social spheres, this increases their ability to stay composed and calm, trusting their social network, for achieving their demands, (Long, 2001). The Actor network theory is also included to better understand the processes of finding the place in the city and what Political Ecology emphasizes but lacks a good theoretical approach to explore the effects of power on human actions.

These theories are interlinked since they focus on human concerns and human actions. For example justice discusses the unfairness towards an individual or group of individuals that originates from political ecologist on the powerful influence, decision making and

marginalization among others. On the other hand, the Actor Network theory looks at how different individuals or group and actors respond towards the variables-problems described by political ecology. These give explanations and answers as to why there was injustice in the eviction of the tenants from Nsambya railway quarters.

Lefebvre (1991), exclaims that, despite the ingredients that dwell in a city, as a place that holds and offers great opportunities and potential to liberate, it's equally at mute with oppression, exclusion and marginalization, (Lefebvre, 1974) 1991). City (ies) arguably are meant to be seen to offer spaces of relaxation, but instead they are adeptly repressive and dominative in nature with no balance of benefits, (Swyngedouw & Merrifield, 1997). The fusion of interest among people in general breeds in complex power relations, which affects the production of just cities, resulting in unjust social conditions that negatively impacts some social groups especially those without power, (Swyngedouw & Heynen, 2003).

3.2 Theory of Justice

According to, Hansen and Vaa (2004, p. 2), justice is defined as a virtue of a just man. Thus, it is about how man's behaviors in society is in adherence and respect to the rules and regulations established by the societal structures. Hence creating a social order where happiness is the end product. It is a notion that in an environment where just people exist, then justice is more likely to be the product of society. However, happiness is also considered to be relative because it is equally related to ones level of satisfaction with justice. In the same sense it may not be completely correct to say that justice is answered because of its relativity, (Hansen & Vaa, 2004).

Bentham in Hansen and Vaa (2004), defines justice a state of happiness that is enjoyed by a reasonable number of people. It is formed on a general acceptance of a collective objective of happiness as opposed to individual subjective happiness. It is also looked at as a principle that guarantees individual freedoms that include protecting individual interests. It is further argued as justice where there is a conflict of interest which leads to priorities. Implying that what is seen as more important is given the first consideration. Ethical concerns in terms of conviction of values of human life where human needs are given more priority than the process, (Hansen & Vaa, 2004, p. 6).

Nearly all cities in the third world are overwhelmed with the dilemma of squatters, being estimated at a billion and more, (Neuwirth, 2005). As the land question is problematic, different advocates of justice present different opinion. Those who uphold the rule of law and private property rights detest land squatters while the proponents for the land squatters advance their arguments based on distributive justice, which promotes need, deservingness and equality, (Gibson, 2008). Therefore squatters as a result of eviction, have a right to justified treatment, because land should not be expropriated without compensation and should have proper legal procedures, (constitution of Uganda 1995).

3.2.0 Perspective of Justice: Distributive Justice

Distributive justice, concerns the fair, just or equitable distribution of benefits and burdens. These benefits and burdens span all dimensions of social life and assume all forms, including income, economic wealth, political power, work obligations, community involvement and shelter. This, according to (J. Rawls, 1999b) must be structured according to social establishments in which justice is to be institutionalized because the dispensation of justice is the mandate and responsibility of government authorities who are required by law to perform justice with reasonable consideration. With regards to what is legally or ethically right to societal satisfaction, there should be constant correspondences taking place between stipulated rules and regulations, (Fernández & Schwarze, 2013).

3.2.1 Outcome of justice; Liberty and Equality

As a proponent for liberty and equality, John Rawls (2001), advocates for unalienable rights where everyone has equal basic liberties. These liberties should benefit all members of society, regardless of their statuses and there should be a balance in compensating injustices, (J. Rawls, 1999b). it is a conceived idea which does not condone discrimination against social groups of society but integrates, supports and gives greater consideration to the most vulnerable in society like the poor.

In this regard fundamental rights such as rights to life, liberty and property ought not to be interfered with by the government or anybody, (Locke & Laslett, 1988). Therefore Justice in this study is defined as fairness in protection of the community rights and property with all legal

systems in place to uphold an ideal and proper administration of the laws of the land. Justice in the land has been highlighted in three sectors; property rights, protection of the investor and the transferability of benefits. Based on this study, justice is viewed in relation to land to mean easy access to land, ownership and use, where the occupants on the land are given considerable options. So to enable them gain economic value on land through direct involvement or engagement in productive activities.

Property rights

According to, J. Rawls (1999b), the society is often predominated with the problem of property rights, which is often caused by lack of clear market price mechanisms pegged by manipulative political decisions that do not measure accurately to social benefits and costs. The absence of proper control of prices contrasts rights allocation as well as constraining its usability, (Fernández & Schwarze, 2013). According to Rawls, this arises from mutating the existing laws and regulation resorting to illegal transactions because of power. This inevitably ends up creating parallel opposition for the legal appropriation of land and further constrains the legal protection that is supposed to be obtained from the constitution. In cases of expropriation and compensation mechanisms there tends to be rigidity on property rights protection. In some cases there might be a chance that the local agencies tend to manipulate the existing property rights to suit their intention and objectives, leading to inequality, (J. Rawls, 1999a).

The protection of investors

The nature of neoliberalism practiced today reinforces the state to assume a greater role as an overseer by asserting its authority on resource allocation and production of the neoliberal projects with the intention of ensuring that there is a conducive environment for investors and investment protection, while the marginalized are prevailed over, (Harvey, 2005). Because there is special protection for foreign investors. In so doing, it may create avenues for unfulfilled promises. It may also indirectly limit the host's government's behaviors towards the investor by trying to avoid any kind of human rights violations against them. However, it is also argued that for people to equally gain from the benefit that accrue from the investment projects, the hosts government should strongly get involved into negotiation of a fair deal for its population, (J. Rawls, 1999a).

Nature of benefits

One of the contentious issues that lack clarity in the process of investor access to land is the lack of specificity of benefits to be enjoyed by the people concerned. These could both be social and economic benefits since the ultimate goal for developing countries, including Uganda would be directed towards sustainable, improved quality and standard of life for the people. It should provoke the thoughts of questioning how the investor is going to integrate the local people, without compromising their day to day lives, (Fernández & Schwarze, 2013). This would create a situation where there are no guarantees for ensuring and fulfilling the obligation of improving the people's lives at the expense of the investment that leads to injustice. On the other hand, investors are most likely to reap huge benefits from the land which should have had a positive impact on the lives of the people. Because it is argued that investor dealings in some countries, such as Uganda, have little or no positive impact on the ordinary local person. For instance, in development partnership with the local people where alternative benefits like relocation or settlement in cases of eviction and employment are not addressed, then the project is regarded as counterproductive, (Van Aaken, 2009).

3.3 Political Ecology

Political ecology believes that it is not accurately possible to achieve an absolute win-win situation because there will always be an element of marginalization, (Robbins, 2011). It centers on the production of urban nature where politics and power affect the production of nature and leads to inequalities in cities where some loose and others win. Political ecology tries to understand and explore how these processes lead to inequality in cities and help us to understand the underlying processes that lead to these unequal cities. Not only does political ecology concern the ways in which resources use are shaped, but it also explains how different groups are affected, because the goal is to achieve equal cities for all, (Robbins, 2011).

3.3.0 Relationship between society and nature

Ecological sustainability and urban infrastructural development constitute one of the most important interfaces between nature and society, (Monstadt, 2009). This gives an understanding of how society is interwoven and inter-relatedly influences each other in a manner that human actions create drivers of social transformations on social services and infrastructures including

roads, water and housing. They inherit both strengths and limitations that shape society and its interaction with the rest of the environment in the city. This fundamental restructuring, of cities is set off by the co-evolution of transnational economic circulations of supply chains and corporate networks, global cultural influences and new political spaces, (Harvey, 1989; Lefèvre & d'Albergo, 2007). These global factors, place challenges to the territorial sovereignty of city governments due to the new political economy of cities, (Le Galès, 1998).

Capitalism is one of the salient features of the political economies of the city, catalyzed by global influences. Interest in land increases its demand, which leads to competition and struggle for its access. This in most cases leads to marginalization of the urban poor at the expense due the global forces and capitalism. Harvey (1989), states that “*what an eye does not see, the heart doesn't pine for*”. He only emphasizes on the need for the planning authority to focus on proper planning for equal urban resource allocation. On the other hand being futuristic, means that; “*there will come a time when both forms of global and local capitalism will come to an end and the quality of human life will be equal*”, Smith (1998, p. 49). This encourages and restores hope for all humanity, especially the less privileged who need to be resilient and keep struggling within their means and not give up their aspirations.

3.3.1 Power and struggles

Relatedly, Zimmer (2010), links the question of power and interest with human collective actions, puts emphasis on the fundamental importance of determining who the winners and losers are. This fact points to the importance of diversity in the urban environments which has not been fully acknowledged to date. The aim of humans therein is the satisfaction of their respective needs, however, not all humans can reach this aim equally because the resource use is mobilized and realized within existing social relations. In most cases it is the elites that get a bigger share of its profits and have access to all forms of power, which determines what kind of environment is produced, and in which way, (Heynen, 2006; Swyngedouw, 2006).

Vayda (1983), point out that the spatiality of social life requires the recognition of space not only as an arena through which social process flow, but also as the product of social relationships that assume different changing conditions. That is, scale is not only an objective category representing a unit of spatial magnitude, but it is also socially produced.

3.3.2 The importance of power

Power relations enable local people to form organizations and protests by which they attempt to fight for themselves, (Friedmann & Rangan, 1993; Hecht & Cockburn, 1990; Peluso, 1992). Other power relations can be derived from dominion, money and culture that can be used as an agency to gain power or to resist power structures. Different scholars share the same thoughts with political ecologist such as, Neumann (1992), emphasizes the need to put much effort on particular strategies that help in understanding power relationships. Despite challenges such as rights of access to land and limited capital tend to constraint the group's efforts, Okoth, also agrees that these challenges stem from influences of those holding political power because Individuals' access depend on the political structure and dynamics of the resource-controlling group, (Okoth-Ogendo in Berry, 1989). The interplay between power and money is in part a reflection how such factors unfold in Kampala. If you have the financial power and the political backing you can establish anywhere even in prohibited lands. But the poor are evicted even when settled in authorized spaces.

Further still, Heynen (2006), demystifies the dynamic characteristics of urban environment which produces power relations that result into uneven urban environments. Focus is on environmental justice movement which has exposed the spatial inequalities that exist in urban environments, produced by the underlying power structures in the form of class influence, status and political power. More explicitly the physical conditions that compromise urban environments are controlled, manipulated and serve the interests of the people who wield power at the expense of marginalized populations, (Swyngedouw & Heynen, 2003). It therefore exhibits a divide between those who benefit and those who lose from the urban changes which affects the social relations and hinders the understanding of the inherent power relation towards urban transformation. As these processes take place, the ever anticipated power struggles occur within the dimension of the different social actors often striving to fight their way out in order to create their spaces acceptable, protected and defended on the basis of class. Social power relations of the actors who wield power that determines or decide the manner in which access, control over urban resources is obtained, is what shapes the urban environment that we live in, (Swyngedouw & Heynen, 2003).

3.3.3 Political ecology and importance of scale

Political ecologists contend that corporate capitalism has adversely affected the environment and human communities. The presence of corporate networks such as Multinational Corporations (MNC's) or Transnational Corporations (TNC's), (Cook & Kirkpatrick, 1997). They exert pressure on government to provide for infrastructure services that should facilitate for their integration and expansion over powering the local community. These effects have awoken collective response and efforts of individuals, communities and Non-governmental organizations (NGO's) to seek, promote and preserve human settlements through grassroots social and environmental action, (Pezzoli, 1998).

A city is a component of processes that are part and partial of the local, regional, national and global networks and are at play in both social and political dimensions. Despite the interwoven nature of the processes taking place at various scales, less attention has been given to sociological process that bring change across scales since no critical consideration is given to urban problems by failing to adequately acknowledge the associated influences of capitalist urbanization and environmental injustice, (Swyngedouw & Heynen, 2003). It is worth noting that, sometimes these changes don't favour, especially the low class, thus their vulnerability is subject to domination, exploitation and repression, stemming from interest in land and the capitalist forces in relation to access to land. Resource use in an urban environment is aptly under the control, benefit and manipulation of the urban elites because they are the ones who control and manipulate those resources at the expense of the marginalized groups (Hurley, 1997).

Subsequently, it highlights the need to examine the ways in which various social actors exercise power and authority by incorporating their views and thoughts, (Woolgar & Latour, 1986). It paints a picture of a produced world where politics hold influence, but involves global forces. Some authors argue that they are scales which should not be seen as something to be discovered, but as something created as people interact in specific times and places, (Paulson & Gezon, 2005). It is characterized by the ideas and beliefs of the people produced from physical, mental, and social activity, (Lefebvre, 1991). These moments come together through activities and movements to produce space as practices of everyday life, measures or categories of spatial difference, and as the means for engaging in political action. Lefebvre (1991), further articulates

that space is conceived according to lived experiences, for instance, political space influences decisions and choices to be made, social space is the real interaction between people that can result in the production of knowledge.

3.3.4 Power and good governance

Power is a potential influence utilized in various levels to exert force on people. It is reflected as the ability of an authority or agency (ies) to control the environment of another, (Shafritz, Ott, & Jang, 2015, p. 86). It looks at the differences in formal institutions, processes and relation within the civil society, the state and the market in one part, matters related to public policy planning and how other stakeholders within the private sector and interest groups among others can participate in production of common good, (Benz, Fürst, Kilper, & Rehfeld, 2000; Kern & Bulkeley, 2009). Governance on the other hand is viewed as the process of good decision making that focuses on the interest of the urban poor. A situation where the urban poor and other key players in the city sector are integrated and are directly given a platform in urban affairs, (Kedogo, Sandholz, & Hamhaber, 2010). The government relates to the institutional setup whereas the governance involves fulfilling the objectives of the establishment. This can be done by any other players in the sector of the economy, including the private sector or Non-governmental organizations who have a great role in sustainable urban development. However, the challenge is being exposed to power struggles where parties often focus on exhibiting the attitude of who holds more power than how the power should be used, Hendriks (2013). Much emphasis has been put on policy matters, rules and procedures that detail city government attempts, or focus in the urban environment but fails to separate the city hall from city activities.

3.4 Actor Network Theory

Actor network theory is included to explore the reasons as to why actors act, their social interaction, and their practices to better understand the processes between actors. It helps to establish the kind of relationships between people, organizations, and institutions among others.

3.4.0 Actor network perspectives

According to, Latour (2005), Actor Network Theory (ANT), is a set of relationship between people, the state or organizations. Actor network theory has become conventional in us because

it is taken from the perspective that there is the presence of a shared interest in which we occupy the physical activities that exist in the environment. Society is a space that we live in as agents fulfilling our daily activities. Latour's discussion illustrates how we often become trapped in our worlds of understanding, which can only be simplified by those with adept knowledge. Further, it is the unforeseen ties and realities; good relationships, information and communications, that occur within society that bring out the hidden realities within the community people live in, (Latour, 2005). Subsequently, actions may not be fully realized because of preventive factors posed by other actors such as corruption, betrayal, manipulation and individual interests that need to be addressed if the people's efforts, formation and function is to be secure from distraction and destruction, (Latour, 2005).

3.4.1 How social networks function

Social networks, however, are argued to be a concept that has been at the core of human society (Kadushin, 2012). It is a string of connection that link and hold people together functioning as a network. It does not only enable people to focus and view society beyond each individual interest, but also viewed holistically to benefit all members within the network. Therefore, human networks arise as a result of acts by individuals and organizations. These networks have an impact in relation in the context of social statuses, position and institutional structures. The structures enable the members to precisely be able to develop a better insight of acknowledging and appreciating social or a collective way of doing things achieved through the interaction and extension of relationship by individual members and organizations.

People often come together, based on different factors or forces that pull or hold them together. For example, people who live within the same neighborhood tend to automatically bond and get connected to each other by sharing a variety of characteristics that may include values, and status; income, education and traditions, (Barnes, 2003). More important, the people tend to adopt one common behavior which identifies them in daily interactions as neighbors while coming and going out of their homes, co-workers as part of their jobs and kin encounter one another in family functions, (Feld & Carter, 1998).

In a similar view, the reason why such persons are able to influence their behavior is because of friendship, companionship and the warmth and pleasures of close emotional ties, (Festinger,

Back, & Schachter, 1950). On the other hand, Zhao and Elesh (2008), suggest that these relationships, not only imply to people living within a certain minimum radius, but also co-presence which is affected by the rationality of space and power relations that underlie personal attraction and social engagements. This forms a collective understanding of norms and ways of doing things. Mandel (2000), portrays social network functions as equal and would make everything great and better and would be considered as precepts that create effective, efficient and organized relationship.

3.4.2 Actor network attitude and cohesion

On the contrary, the established rules alone do not cause inequality because rules can be good on paper, but how they are implemented, managed and followed up that creates marginalization. This means that there is no guarantee confirming the relationship that exists within the social structures and may necessarily result in good outcomes or rigid social network. This is reflective of people's actions within the institution. According to, Kadushin (2012), the only way to measure how knitted or interwoven a social group is by observing their actions, response or resistance to those who confront them and whether they will act collectively as individuals.

Perhaps to agree with, Ocasio (1997), people will act according to the situation they are confronted with such as the decision made by the decision makers and their communication channels and focus on any issue. These will determine how cohesive they are to prove that social networking is a more formidable way of playing an actor role to achieve a common goal. The networks validity is more enhanced by well-coordinated functions. The presumption is that promotion of unity, people's interest or attractions such as feeling safe, comfortable and support triggers people to act. These may be substantive elements that make members have a sense of belonging, trust and respect for the group. Social networks are not only recognized through achievements, but also as open and considerate community, (Craven & Wellman, 1973; Wellman & Berkowitz, 1988).

3.4.3 Social network support and operation

Once the members have access to the needed support such as financial saving groups, and resource mobilization (human capacity), there are greater chance that such association may

enable the members meet their daily basic needs, (Kadushin, 2012). It also requires member's consistent support for the network to be able to maintain the status quo and it is also the most appropriate ground for mutual interaction and a ground upon which values and norms are solidified and consolidated. In addition, cohesion reinforces the internal system of these social networks within which ideas become formidable. Once the ideas are embedded within the system, its operation is adhered to and the objectives are fulfilled.

However, the positive outcomes such as democracy, tolerance and community participation along with challenges of slow decision making, the impatient members who have to be convinced to cooperate indicate that there will always be unequal power relations. Hence the networks legitimacy and acceptability is dependent on the role play of different actors, (Burt, 1982; Simon, 1947). However, aware that the network is composed of member with different interests, signifies that legitimacy is not always the case that network performance will be enhanced. Because of the unavoidable influences by those in authority who set standards that have to be followed, it is eventually taken over by bureaucracy for the efficiency of the network, (Galaskiewicz, Bielefeld, & Dowell, 2006). .

3.5 Informalities in cities

When people are displaced by urban development the need to find alternatives means of survival becomes a priority to them because eviction often affects their livelihoods. This has led to the blossoming of the informal sector which is relatively easier to manipulate amidst bureaucracy. Hansen and Vaa (2004), views informality as a democratic alternative to economic development. Neoliberal perspectives on the informality in Africa and other third world cities is emphasized as a potential for employment creation and economic growth. Since the focus of this was the evicted tenants, it was paramount to examine their main sources of livelihood depended on before and after eviction.

Subsequently it becomes important to focus on the economic activities such as shops, handicraft worker, welders and food kiosk that were being done by the evicted tenants of Nsambya railway quarters. The transformation of cities today is most often underpinned by political geography which is marred with contradictions and tensions treating the inevitable city/urban informalities trotting over the engines of urban change, (Yiftachel, 2009). The unprecedented action of

eviction against the residents by the government implies that in many cases there is a tendency that the government as a powerful actor holds the authority in controlling development trends in the city.

3. 6 Conclusion

The application of political ecology, justice, actor network approach and literature on informalities as a theoretical framework in this thesis. Has been based on my believe that there are injustices taking place in relation to land access, housing and planning for the growing cities in Africa, particularly in my case study area at Nsambya Railway Quarters in Kampala, Uganda. In every society where justice is cherished, the goal is to have equal democratic city for all where individuals experience a sense of inclusiveness without prejudice and denial of enjoyment rights. In include political ecology because it is in line with cities seen as unjust, varying power struggles resulting in unjust treatments. While the Actor network theory was used as a frame to understand the agencies, capabilities and assets actors have to perform to safeguard their interest and agendas with the aim of achieving benefits in what they feel they deserve. The theoretical framework to help me understand and explore the effects of power in the process of residents' eviction in Nsambya railway quarters Kampala. Its focus on power and the production of urban nature appropriately ushered me into the analysis section unravelling the conflicts that brewed between the authorities and the evictees.

CHAPTER FOUR

4.0 METHODOLOGY

Research methodology describes certain methods, and the principles for applying them. Owing to this approach, I discussed the processes I engaged in achieving my research study, which included a description of methodological procedures and strategies in the field to collect data. The methods and techniques of data also included positionality, ethical considerations, different expectation of the participants and myself.

The objective of this study was to assess the impact of justice in a land in the process of eviction. My interest started when I became aware of the situation that the residents of Nsambya Railway Quarters were evicted without following the legal procedures, lack of full participation and compensation of the affected tenants. The eviction not only rendered residents homeless, but also affected their source of livelihood and social networks. It is from these occurrences that I chose to explore Nsambya Railway Quarters as my study area to better understand the injustices that occurred, the impact it had on the tenants and how they coped after the eviction.

4.1 Reviews of case study

Case study research is characterized by convincing factors that gear a researcher to develop or create aspiration of dissecting the unknown to the known, (Bromley, 1986 in Robert K. Yin, 2012). This is the reason why eviction of residents from Nsambya railway quarters become an interest to me. My study is further characterized by an approach that seeks an in-depth understanding of Nsambya as a single and small number of cases set in their real-world contexts, (Robert K. Yin, 2012).

My case study approach was determined by the research question(s) I wanted to address. Thus the use of descriptive questions—“What is happening or has happened?” and explanatory questions—“How or why did something happen?” (Robert K. Yin, 2012, p. 5). This approach favored the collection of data in natural settings, compared “derived” data which can easily create doubt in the authenticity of the used data and its complexities. As, Creswell, 1998 in Limb and Dwyer (2001), states that the choice depends on what you want to do. So I wanted to establish issues related to land eviction and the process of justice implementation in the eviction

of tenants from Nsambya railway quarters discussed in my findings and analysis. The case study approach also helped me to conceptualize the experiences of the evicted tenants and their interrelationships, (Robert K Yin, 2003). Since cases tend to have blurred boundaries, it necessitated me to have an understanding of the geographical conditions that provide the context for its adequate interpretation (Cloke et al., 2004).

Nevertheless, the impetus for this study is the explanatory approach which deals with operational links and needs to be traced over time, rather than frequencies or incidences. As mentioned above the explanations created a distinction between justice implementation in land and its impact on the lives of the evicted tenants from Nsambya Railway quarters.

4.2 Approaches

Qualitative Methodology

Qualitative approach was applied since it is richly endowed with in-depth and enterprising methods which aim at gaining a deeper understanding of how people's everyday lives are affected (Kvale & Brinkman, 2009). Because qualitative approaches spans a wide range of empirical work with different philosophical and epistemological underpinnings (Limb & Dwyer, 2001). I employed this approach throughout my research by applying a variety of techniques, such as observation, in-depth interviews, recording, photography, and language translation. These techniques helped me, explore the feelings, understandings and knowledge of the evicted tenants of Nsambya Railway quarters by focusing on the complexities of their everyday life in order to gain insight into how they were shaping their social worlds and environments, (Smith in Limb & Dwyer, 2001). More details about the methodology I employed are explored in the data collection methods and techniques section.

Sampling

This refers to the means by which a researcher decides who should be approached to take part in the research study, (Crang & Cook, 2007). Purposive sampling was relevant to my study on all occasions by selecting informants based on their prior experience of the eviction incident, (Clifford, French, & Valentine, 2010). In most circumstances, individual informants were selected based on the notion that they were aware of what transpired in Nsambya railway quarters. On the other hand, I selected key informants from the institutions that were relevant to

my study particular institution like the Uganda railway corporation estate managers, and the authorities who are concerned or advocate for better land management and land evictions matters. In here I used interviews, observation, informal dialogue, listening and audio recording (Kitchin & Tate, 2013). This approach enabled me to gain selective access to appropriate groups of people who were concerned with, and/or lived in the research area. As described in table 1 below.

Table 1: type of informants and methodology used for data collection

Type	Method	Gender	Total no.
Key informants Uganda Railway Corporation	Interview/ Recording	Female=01 Male =03	4
Informants Evicted tenants	Interview recording	Female=06 Male = 04	10
Other stakeholders Slum dwellers Federation	Interview /recording	Female = 01	1
Total No.			15

Source: Field data 2015

I also used Snowball sampling procedure to draw my study population when I established the first two participants by getting their contacts from the contact person I knew who used to reside Nsambya railway quarters. I was further furnished with the contacts of the subsequent informants and referrals through the whole process.

Beside the mentioned methods that I used during my fieldwork study, there were continuous engagement with the data and constant check on the consistency of the findings from different sources as well as the same sources. Therefore, I was able to establish converging lines of evidence which made the findings relevant. The different sources gave me more confidence about concluding what had transpired compared to relying on a single source for information, (Robert K. Yin, 2012).

Field network

Since fieldwork is not only waiting to enter into a geographical location, but it is also a routine when we declare our intention to conduct a research on a particular study. A successful fieldwork begins from the initial stages of secondary data collection and then the field. This preparation and approach, made my research study a success and I was able to choose Nsambya railway quarters as my research area.

Site selection

Land evictions and displacements have been one of the most critical events that recently emerged in Uganda affecting both the rural and the urban residents, particularly the poor remaining vulnerable to those who wield both economic and political power. With the existence of several organizations that engage in advocating for land and property rights for the vulnerable people, much is still desired because few success stories have been achieved in as far as land eviction is concerned. The issue of urban land is at a center of economic investment in Uganda and the targets have always been the fragile spots, such as vacant land, open spaces, slums and areas with old buildings in which the study area Nsambya railway quarters is located. Despite being a densely populated area occupied by both the railway employees and non-railway employees. Establishing the eviction aftermath is what informed my choice to research on the tenants of Nsambya Railway quarters and also I focused on Uganda Railway Corporation (URC) as an institution that was in charge of managing the Uganda Railway (UR).

Accessing the field

The first requirement for accessing my area of study was the signing of an agreement with the geography department which assesses the nature of the research topic and assigns a supervisor. As a formal procedure I was also provided with an introductory letter from the department, which was critical in identifying me as a student from NTNU collecting data my Master's thesis. Fine and sandro, 1988 in Okimait (2014), forward the argument that it can be difficult to access relatively small areas and further emphasize the need for the researcher to be well equipped with valid and relevant documents that identify them before the gatekeepers. This helps to avoid waste of time.

My entry to the study area and access to the informants was gained with the help of the staff of Slum dwellers federation working as a community mobiliser. Her involvement in the study was important because the federation supports some of the evicted tenants, through credit, saving groups and income generating activities like farming. It was therefore possible to trace the whereabouts of these evictees, who I was able to follow up and established their contacts. This significantly enabled me schedule for interviews, as, Masson, 2004 in Okimait (2014), puts it that being introduced to informants by a known person, provides a leeway to the researchers who cease to be strangers. Therefore, my introduction by the community mobiliser to evicted families gave them confidence to provide the information required without hesitation.

Telephone Communication

This was the main means of communication that I used in the field to get in contact with the informants and to arrange a meeting with them throughout my data collection period.. First when I contacted some of the participants I introduced myself and explained the reason for the call. However above all this means I was able to get in touch with most of the participants and it simplified the whole process. I could make appointments prior to the meeting and put reminders proposed by my informants on the scheduled meetings. The telephone conversation was also very vital in helping me locate where the participants worked or resided prior to setting interviews and how and where to meet.

Researchers' role

My role and intention in the field as a researcher was to mainly focus on data collection exercise. For this matter, I tried to interact more with the informants by listening to them attentively. The interaction created was as an ice breaker, especially for the first question; can you please tell me exactly what happened and how it happened. For some details about the interview progress in the field (See Box 1). It also further shaped my deeper understanding of the plight of the informants and what they were going through that despite informing them that this was an academic research, their understanding and desire was focused on compensation. The situation made me comprehend how desperate the tenants needed help from the government.

Box 1: Re-orientation of the interview strategy

The experience I encountered with the first question of the interviews was of orientation to me. I seemed not to get well the way with the preceding question being. Because the informants tended speak out all issues at go getting over the preceding question. It looked like they had a savior. Once I realized this I had to streamline the way of phrasing the question by not translating directly, otherwise the informants seemed to be responding in the same format. So this equally enabled me to avoid repetition of similar answers to different question.

4.3 Data collection Methods and Techniques

I used different methods of data collection and techniques to obtain information from the research informants. Data collection methods and techniques involved the use of a group of informants to answer questions, (Ennew, 2009). For purposes of being inclusive and be able to obtain cross cutting issues, I employed the methods that helped me to cover all categories of informants since the evicted tenants had different status. That is, some of them were Uganda railway employees while others were outsiders. So I had to treat all of them as tenants and administered the same method, avoiding entanglement with divergent views that would easily conflict with my research objectives. This also enabled me to maintain the research focus and obtained the required results without being bias. The main sources of data for this research were primary and secondary sources.

Direct observation

According, Ennew (2009), observation is what takes precedence when gathering data concerning people, places and processes. This is a method of data collection, which entails watching over the subject matter. Therefore, the focus on human actions, physical environments and real-world events that took place on the evicted tenants of Nsambya Railway Quarters and the impact on their lives. Direct field observation was vital to my data collection process and objectives of the study. Because I was able to capture the conditions of living of the tenants and their surroundings which was good for comparison purposes. Collecting observational data was by use of the five

senses, taking field notes concurrently with other methods and ultimately creating a narrative based on what I saw, heard, and sensed. Observation was also a method to cross check information given to me by the informants and so to increase the credibility and reliability of the data.

Interviews

Research Interview is a common occurrence in social life because there many different forms of interviews. Interviews occur as professional reciprocation between the interviewer and the interviewee, (Smith, 2001 in Limb & Dwyer, 2001). It is an intersubjective conversation where knowledge is constructed between the interviewer and the interviewee, (Kvale & Brinkman, 2009). It also is a forum where views are aired out, opinions, feelings and perception over a given situation are discussed, (Refstie & Brun, 2011). It's a podium for construction of meaning jointly between the interviewer and the research informant, (Gudmundsdottir, 1996). To conduct my interviews, I used scheduled guide which required evicted informants, key informants and stakeholders to respond to fixed questions, (Darbi & Hall, 2014). Based on these interviews, I sought to understand how justice took precedence on eviction of tenants from Nsambya railway quarters and the impact on the lives of the residents (*See the appendix; I, II and III.*)

On the other hand, information from other informants was based on structured questions about their socioeconomic situation to establish how the eviction disrupted their ways of living. The interaction with the elites availed me confidential data, backed by my knowledge of the local context and as, Darbi and Hall (2014), argues that, interviews conducted with no local familiarity are useless. Consequently, I believe that I was able to collect 'unbiased data' from my interview 'subjects', by the way in which I *constructed* intersubjective understandings, (Crang & Cook, 2007).

Photography

I used photography as method to enrich my observation experience in order to overcome the brief nature of observation. I used photography as a research tool in order to complement other methods such as observations. I took photographs of the housing conditions and different livelihood activities that evicted tenants engage in. However, before, I took a picture I would

seek for permission from individuals to ensure that their privacy is considered during the field visits and when conducting interviews.

Daily logs

My daily log was an annex¹² to my interview notes during my field work. I recorded what occurred every day in terms of problems, challenges, events, composure and possible solutions. I also noted down some of the issues that transpired immediately when I was either with the informant during the interview and when I was in a taxi travelling to meet another informant or going home. I did this in order not to forget what I observed and was of interest, for example, some informant's responses to questions were short and others were longer. I also kept the daily log to remind me of additional/follow-up questions that were not in the interview guide. Other activities in the daily log included; how the day's activities progressed, how lovely the day was, the days challenges and how relevant the outcome was in my study and reflect on whether some of the actions I took compromised or jeopardize the exercise.

Literature review

For any study to be authentic and justifiable, related literature is paramount to serve as a foundation and a backup to the forwarded arguments and assumptions. It plays a part of confirming whether the study is on the right track and for that matter relevant. My focus here entailed reviewing and analyzing documents which were identified as relevant to support the research in constructing information sought to qualitatively discuss land justice, displacements, land management, policies, literature on land regulations and their applicability, the extent the stipulated regulations/ provisions are adhered to and the specific beneficiaries of the laws. Text review of secondary data mainly policy documents, articles and policy debates also helped reveal the stated policies, and their connection with the realities on the ground.

Ethical considerations

Ethics, broadly is defined as 'the conduct of researchers and their responsibilities and obligations to those involved in the research, (O'connell, Davidson and Layder, 1994 in Dowling, 2000). Ethics in research demand that a researcher acts in a manner that is honorable and right to both

¹² I preferred it that way because it was part and partial of my records that recounted for my every day acidity(ies)

parties. One ought to uphold ways that are just, beneficial and respectful, (Clifford et al., 2010). However, Clifford et al. (2010), stresses that despite the researchers' efforts to hold fast on morals, ethical dilemmas are inevitable. Further ethical behavior is purely determined by one's conscience with the people he is dealing with because the outcome of the study will be the researcher's responsibility. Therefore behaving morally helps to avoid doing harm, (Clifford et al., 2010). In so doing, the way I presented myself in terms of calmness and self-expression helped to me to gain continued acceptance and trust from the informants. Another instance was in cases where I visited key informant's office, when I got into the office, I avoided the behavior of just sitting straight without being asked by the informant to take up a seat.

Ethical consideration was also reflected through first; acquisition of Informed consent from informants before starting an interview. Secondly, request for permission to use quotations from their transcript in my research and a broad outline of my research, if need be, (Limb & Dwyer, 2001).

Credibility

The credibility of an explanatory case study can be strengthened considerably by searching for and testing rival explanations. Case study approach added strength to my study in being able to deal with a variety of evidences in line with the research objectives and questions. Foremost, interviews through structured and unstructured questions enabled me to collect data from key informants like the city authority and the Uganda railway corporation management on how the sale of land for a change in use led to the eviction of the residents in relation to the existing legal framework/regulations. Secondly, the approach of interviews also enabled me to generate information from key stakeholders, including the local council chairpersons, opinion leaders and Non-Governmental Organizations. This was to establish their opinion and find out if all relevant actors were involved in the process of residents' eviction in Nsambya railway quarters.

According to my field findings, the involvement of the relevant actors did not take precedence. Thirdly, the use of formal and informal conversation with the participants and the public, I was able to compare their views and I noted that eviction is a menace to the society given the manner in which the evicted are subjected to. This approach did not have a specific order of questions,

(Crang & Cook, 2007). But, I was compelled to put more emphasis on the considerable output focusing on issues related to the impact of land eviction on the evicted tenants of Nsambya railway quarters. I was also able to engage a few people from the public through informal conversation within the surroundings of the study area to get their general attitude towards issues of eviction. I posed similar questions revolving the research area. This helped me obtain a general overview of every situation or phenomenon that occurs in the society. It was to know whether people in society were concerned with the affairs that affect society. Since it was an informal dialogue, I managed to engage a maximum of five people. It turned out to be very instrumental because I learnt that people are very concerned with the affairs of their surroundings more so with the issue of eviction that has become rampant in Uganda.

Positioning and Personality

Positionality refers to how we as researchers are positioned within various power structures which affects how we understand the world (Crang & Cook, 2007). On the other hand, Mischel, 1986 in Moser (2008), points out that ‘personality’ refers to ‘the distinctive patterns of behavior (including thoughts and emotions) that characterizes each individual’s adaptation to the situations encountered. The individual’s personality plays a significant role in shaping power relations in all social encounters, including that of the researcher and the researched. As, Harding, 1987 in Moser (2008), associates it to how a researcher is positioned in society by sexual identity, age, social and economic status, gender, ethnicity and education among others. Which may inhibit or enable particular methods and interpretation. It is worthy to note that power structures in research can never be deleted, (Moser, 2008).

My education status played a great role, because when I visited several informants in different institutions and they saw my study and letter of introduction, it was enough to bring in a calm atmosphere and attracted an honest and mature discussion before commencement of the actual interviews. For instance, I discovered that some of the Key informants interviewed had also gone through such a process of research. Implying that they were aware of the situation I was in and as such I was to some extent offered preferential treatment. But above all I had to keep my profile low, this gave a good gesture and created a good rapport between me, the evicted tenants and the

key informants from the different institutions. In fact, some evicted tenants thought that I was sent from the government.

Reflexivity

It was significant for me to continually reflect on the validity of the research process in terms of the flow between the questions and answers that I received from the participants. With the view of ensuring that the research is within the research objectives. This was very important because it helped not to divert my self-conscious as the researcher in the research process. Keeping in mind the ‘what questions’ in relation to the surrounding, evaluating the possibilities of how the research environment could influence the data. (Dowling, 2000). With reflection, I was reminded of the need to be cautious about the real dangers that are inherent in my position as researcher within the powerful institutions of knowledge production (Rose, 1997). This enabled me to avoid a situation where I would direct and put commands on what should be done as a process of conducting the research. In terms of power relation between me and the informants it was visible to note that the conversations were balanced. There was no domination and there was consistence of responses from all the different informants I interviewed.

Participants’ expectations and Reciprocity

The question of how and what I was doing was going to help the informants was ringing through my mind. Some tenants expected me to be one of the officials from either the Ministry of Lands or from a government department who had come to update them on the matters of compensation. At the back of my mind, there was no doubt that I expected questions to come up by the nature of my research. Most of the participants I interviewed expected to hear about compensations because my data collection occurred within the period they were holding meetings on matters of compensation and they thought that it was a follow up process to confirm those who were to be compensated. I explained to them that I am a student and that the purpose of my study was to find how the eviction affected their lives and how they have been able to cope up. Some informants did not care much about it, their focus was on economic benefits. I told them that the output of my findings could play a role in policy change in handling eviction process and compensation or resettling of the tenants.

Different scholars have presented views and opinions on this matter. For instance, Ian Hay in Clifford et al. (2010), forwards the argument that a researcher has to bear in mind aspects of justice and benefits for the researched as well. The only question is whether these benefits should be instant or they should come in phases. Consequently, it implies that in so doing we are trying to be considerate to our informants especially for their time and information. In one instance, I visited a stakeholder informant at his office for an interview and ended up becoming an IT technician. He had lost a word file in his desktop and wanted it retrieved urgently. I helped him recover his information and he reciprocated by furnishing me with the data I was collecting.

Methodological considerations

Prior to my data collection exercise, I considered a number of different methods and techniques for data acquisition. I took from a conventional point of view that the use of different methods would be appropriate and applicable in my research. For instance, beside observation, interview, maps, I had considered using focused group discussions, however, it was not possible because mobilizing the informants to get a holistic view from a variety of persons was challenging. I also wanted to recruit a research assistant to be part of the data collection team, but realized the interviews I needed were to be done on a personal level because I was dealing with single units. This dynamic and flexible methodology approach enabled me to traverse through my study and I achieved my objective of being in the field for the Two months in Uganda. Although the targeted number of informants was 25, I was able to get 15 informants because the tenants who were the targets were forcefully evicted and they left and settled in different areas. The informants who I interviewed informed me that some of them went back to villages, others died while others went to search for employment elsewhere.

4.5 Field challenges

Despite the successful data collection exercise, challenges were inevitable as highlighted below:

1. I was not able to attain the targeted number of twenty informants
2. It was difficult to locate the evicted tenants since they were scattered. Those whom I got access to their telephone contacts, some were available while others were out of reach.
3. Most informants whom I succeeded to contact were no longer within the city

4. Some informants refused to have me record, interview or take photos because they were afraid that their identity could be known even with assurance of confidentiality and anonymity.
5. Failed appointments and postponement of appointments
6. Lack of interest in participating because of the disappointed of not being compensated and
7. Traffic congestions that led to increases in transportation cost because I had to use Boda-Boda¹³.

4.5 Methodological limitations

However, much experienced one is in the field of research, methodological limitations are inevitable. Some challenges are instantly noticeable in the field others are discovered after the field work is done when a researcher is back to his desktop. And because a study at this level has a limited time period and resource it is impossible to go back to field as one may wish to cover the identified gaps. For instance I realized that I needed to do more of document analysis than relying so much on interviews and observation. Reason being that I noticed to my own opinion, some information concealed from. Considering that some of the key informants whom I interviewed were in charge of the managing the housing estate, they told me that government involve in any discussion concerning the eviction. That they were only being given directive. To my opinion it is hard and next to impossible to believe or take it as gospel truth. This kind of challenges leaves some questions unanswered. Another technique I thought would be great of contribution to search a study would be a focus group discussion. Use of research assistant to help capture some details that may easily be missed out.

I was not able to obtain access policy documents neither correspondences from Uganda Railway Corporation in relation eviction matters. Because the documents were considered confidential and not easily availed to anyhow. So I majorly relied on empirical data from the field plus newspaper publication online to back some field claims.

¹³ Local means of transport in Kampala capital city and nationwide in Uganda involves the use of a motorcycle, for quick and easy maneuvers within the city.

CHAPTER FIVE

5.0 ANALYSIS AND DISCUSSION

In this chapter, I employed the research findings generated from the field experiences as narrated by the participants to the questions raised in this study; Who were the actors involved in the land eviction process in Nsambya Railway Quarters? How did the land eviction in Nsambya Railway Quarters occur? How was the plan implemented? What impacts have the land evictions had on the evicted residents of Nsambya Railway Quarters? And how did they cope with the changes? Different crosscutting issues were discussed in matters related to justice perspectives and experiences of land eviction, power relations and influences and how the evicted tenants coped. Data used in this section is derived from; interviews, observation and other relevant materials including reports and literature.

5.1 Justice in the face of eviction

5.1.0 Background

According to the Parliaments physical infrastructure committee report it recommended that selling or allocation of the Uganda Railway Corporation (URC) land, houses and other properties to investors were to be halted, because of the irregularities cited in sale process¹⁴. The argument was based on the controversy surrounding the illegal allocation of land to investors by the Uganda land commission and when it came to the attention of the Members of Parliament, they had to intervene. The petition by Uganda Railways Tenants Association (URATA) followed. They also queried the transfer of approximately 57.93 acres of land at Nsambya railway quarters from Uganda Railways Corporation (URC) to the Uganda Land Commission (ULC). According to the Parliament's physical infrastructure committee report, the tenants were supposed to be relocated based on the on minutes of the Cabinet adopted by the Parliament.

According to the field findings, this information came in handy because of the petition made by URATA that prompted Parliamentary committee on the physical infrastructure department to investigate circumstances surrounding the transfer of the said URC land to ULC. Major concern was related to how the Uganda land commission allocated land to different investors, with no

¹⁴ Adopted from the New vision newspaper (2012)

lack clarity so this raised suspicion. On the other hand, the Parliamentary Physical Infrastructure Committee (PPIC) also cited that the land was not allocated to the appropriate beneficiaries. It was these incidents that the members of parliament were against the sale of Nsambya Railway quarters land. That aside the PPIC argued that the government was planning to revive the Railway operation, therefore there was no need of selling the railway properties¹⁵, the Newvision (2012).

Subsequently, another report forwarded by Divestiture, Reform and Implementation Committee, under the Ministry of finance, recommended the sale of Uganda railway land to raise revenue. Then provide an estimated USD 21,148,400 to the corporation. Therefore, based on the outcome of the report, compensation of Uganda Railway Corporation members was to be done by government as determined the by the government valuer. Which did not go as planned. Nevertheless, the purpose of the petition by the Uganda railway tenant association was for them to be given the first priority to purchase the land as the siting tenants. Which is a right provided for in article 237 (1) of the constitution and the Land Act 1998. That specify the right of land ownership and occupancy (*See chapter two for rights of occupancy*).

5.1.2 Land justice: Rights

Based on the field data, I encountered several views in relation to what justice is. One of the definitions I came across was that justice is about respecting one's rights as one of informant mentioned:

"We know our rights because it emanates from human rights Acts". Evicted tenant interview 2015.

Indeed as, J. Rawls (1999b), argues that for justice to be felt in society, it must as well exist within the mental being or mental context of people. It reveals how conscious some people in as far the constitutional rights are concerned. Despite being taken for granted by those in authority, some tenants stick to their guns because they couldn't afford to watch their rights being ripped

¹⁵ This information was obtained from the Uganda news print known as the New vision newspaper (2012)

off. This gave them courage to stand firm and engage the government to compensate them. Sounding the same bell another informant lamented:

“We did not accept to be pushed out of the land because we knew we were the bonafide occupants and we were entitled to compensation from the government. When the government decided to evict us, we took the matter to the court and then it was taken to the parliament to resolve it. We had to fight for our rights and that is why we were heard”. Evicted tenant interview, 2015.

This revelation implies that the tenants were unhappy with both the process and the outcome of the eviction, there was unfairness. This follows closely to what, Long (2001), describes that actors are always resilient and they create the means of action, which are developed through social interaction within their social spheres. Once this is done, it increases their ability to stay composed and calm, trusting their social network, for achieving their demands. There is no doubt that the word “We” as used by the informants interviewed stood for consolidated efforts by a number of people and this can only happen where people come together for a common cause. J. Rawls (1999b), further holds it as an asset that will not only help people to focus on one goal and give up their personal motives and desired ends, but also focus on what should benefit all.

The generated information further suggested that justice and rights are linked to each other in a sense that once justice is practiced, then rights are respected. When justice is given consideration then it is justice served. J. Rawls (1999b), recommends that institutions mandated to dispense justice, should do it with consideration as the only way to achieve what is legally or ethically right and brings societal satisfaction. The informants further believed that their rights were to be protected by the government suggesting that in the event of such occurrences like eviction government should be the first to help them.

5.1.3 Land justice: Equal opportunity and representation

The interviews conducted, most informants expressed their dissatisfaction at the way the government responded to the eviction. One informant said:

“There were lots of damages and loss of properties incurred caused by government’s forceful eviction. So the only way we can feel that justice is

served, is when the government takes action and compensate us.” Evicted tenant interview, 2015.

According to this claim, it is presumed that whenever a terrible incident happens, complaints surface in all sorts. It also comes as an expression of anger one after the other. So tenants felt dissatisfied with everything both the procedure of eviction, failure to be compensated as bonafide tenants and the damages incurred during the eviction. These claims are in line with what Rawls alludes that society is faced with the inefficiencies in property rights especially related to land. This is true based on the interviews conducted, the intention of Uganda Railways Tenants Association (URATA) was to petition against the sale and transfer of the land ownership to Uganda land commission because it was expected that the sitting tenants would be given the first priority and opportunity to develop or purchase the land. J. Rawls (1999b), further argues that when it comes to matters of property rights protection, it normally gets complicated, especially in relation to expropriation and compensation mechanism. Tenants of Nsambya railway quarters in this finding, felt that it was their right to occupy the land and therefore the government was supposed to have consulted them and not any other person.

In a similar way Locke (1998) argues that the right to property is not just the creation of government but also a natural right of individuals. It is the state of nature, of liberty, free and equal, (Locke & Laslett, 1988). The evicted informants stated that because it was their right, their cause of action were justifiable. The view that once one is given a piece of land or resides on it, the ownership does not only end or stop at the house being occupied by that person but also the land which that house is built upon. Proponents of this thought hold the opinion that regardless of the existence of laws, the government in itself should not determine the ownership of the property of individuals but instead should engage the people to reach a consensus. This is because naturalists believe that rights are supposed to be enjoyed by everyone in society and government intervention should be seen as a solution and not a confusion.

5.2 Compensation Irregularities

5.2.1 Did you receive any form of compensation and from whom?

According to article 237 (1) of the Uganda Constitution (1995), all citizens who have ownership of land in different forms are spelled out in the provisions of the, (Constitution, 1995). This description is further supported by the National Land Use Policy of Uganda (2011) which states that, Land is a natural gift for all Citizens of Uganda to hold, own, enjoy, use and develop either individually or in association with others. It also spells out the requirements by government to exercise equality, especially in payment irrespective of tenure category, (NLUP, 2011)¹⁶. The statements “own and enjoy” as used in this incident contrast eviction procedures and stipulated constitutional frameworks, meaning that the evicted tenants of Nsambya Railway quarters had a right to be compensated but the government did not compensate them.

However, several interviews conducted revealed that few evicted tenants were compensated. Out of the 15 interviews, only three informants stated that they were compensated and the amounts received was not equal. In such circumstances, it is was difficult for me to ascertain the actual truth about the figures of money that were revealed to me by the informants. It was equally difficult to obtain the actual data about those tenants who were compensated and those who were not compensated. Such information was treated as confidential. But to my knowledge and understanding there was an element of bureaucracy and procedures involved. So it is possible to cast some believe that the figures of money received by the informants were not equal. The revealed amount of money were in equivalent of 4,400 USD, 3,800 USD and 300 USD respectively. One informant stated:

“The eviction was a blessing in disguise because I benefited 4,400 USD and I was able to acquire and buy a piece of land and start farming”. Evicted tenant interview 2015.

¹⁶ (2011, NLUP): This is a National Land Use Policy on how land should be managed and regulated in Uganda.

Another informant commented:

“Much as I received payment of 300 USD, it did not help me much because I spent it all in one day. I was only able to pay a cheap house rent for two month and transport my property. The situation was worsened when some landlords heard that people about the eviction in Nsambya railway quarters and increased house rent”. Evicted tenant interview 2015.

When I asked about the criteria for payment, it stated that the compensation was done according to peoples ranks/grade and zones of residents. For instance those who resided in bungalows were of high ranking tenants and had the power to negotiate on behalf of the tenants with the investors. While those who occupied single units and other small units were designated for the low ranking tenants and hence less pay. They also pointed out that the area was divided and allocated to different investors. This clearly shows that there was lack of clarity on policy about compensation and minimum intervention of the government for compensation. This is what Rawls (1999b) alludes against and discourages discrimination against social groups in society putting more emphasis that even the least must receive the maximum benefit. Image 2 below illustrate the types of housing units that were occupied by the railway workers based on their grades. For example as mentioned earlier the bungalows in zone D and C where occupied by those with high and middle ranks, then zone B and A where occupied by the workers with lower grades respectively (*see image 1, for the different zones*).

However, what is interesting is that how could be people from the same zone who were in the same grade receive different amount of money? This for sure leaves room for doubt and speculation as to what exactly was the reason or motive for this kind of compensation. One could still ask how did they determine or arrived at giving different amount of money to different people. This suggested to me that there must have been instances of individual negotiation power or it was based on some level of personal relationship.

Image 2: Type of housing Units



Source: Field data, Google Earth image.

On the other hand, participants who did not receive any compensation reasoned that the compensation was handled poorly and unfairly by the government. In fact they blamed the government for causing the situation and then withdrew itself, abandoning the tenants to struggle with the investors. Some informants believed that it was the government's plan to forcefully evict them without compensation. While others appreciated the support given by the members of parliament in helping them identify the investors. Otherwise they would have ended up not being compensated and loose out. This is explained by, Robbins (2011), that there are always winners and losers, and it's important to explore and understand the power structures and action that leads to this inequality and the processes of exclusion. This characterizes what Swyngedouw describes, that no balance of benefits can be attained or equally accorded to some groups of people, which of course negatively affects them, (Swyngedouw & Heynen, 2003).

Field data further suggested that most tenants were enraged because they cited lack of clarity in the process. They stressed that there was a high level of corruption attributing it to inefficiency of the top management of the Uganda Railway Corporation in charge of the railway land and the Uganda Railway Tenants Association. The informants claimed that the management was bribed

and ended up reducing the amount of money that supposed to be paid to all tenants. This is one of the major reason why most tenants rejected the compensation on the basis of unequal distribution. This automatically reflects corruption because the local agencies tend to manipulate existing property rights systems to suit their intentions and objectives, (J. Rawls, 1999a).

Further still, the evicted tenants revealed that the most intriguing issue, was related to the action taken by government to turn against its earlier made decision to compensate the tenants. The information that reached them was that the compensation was to be determined by the government valuer and they were happy with the government's efforts but it never happened. There expectations went to down the drain, especially for those who had put all hope in URATA. Such incidents are described by, Kadushin (2012), that once the ideas are embedded within the system, its operation is adhered to and the objectives are fulfilled. Suggesting that if one decides to subscribe to an association, all the terms and condition becomes everyone's obligation.

5.3 The roles played by the different actors

Based on the Uganda newspaper¹⁷ report on the Parliaments committee recommendations and the study findings from the evicted tenants. It reveals that the manner in which the eviction occurred and the subsequent compensation, was countered with power struggles among several actors including the state, the police, the private investors and the tenants association. The actors interfaced at different levels with different outcomes registered.

5.3.1 The state verses parliament

According to the report¹⁸, parallel arguments where advanced by the different committees. In reference to the recommendation by the Parliamentary committee on the physical infrastructure, it directed that the selling of the Uganda Railway Corporation (URC) land, houses and other properties to investors be terminated. While on the other hand, the Committee on Divestiture, Reform and Implementation recommendation to the cabinet through the directive of the president, to approve the sale of the Uganda railway land to private investors. Based on this

¹⁷ The Uganda Newspaper referred to is the Newvision print paper, which gave details about the recommendations of Parliamentary committee on the physical infrastructure on the sale of Nsambya Railway quarters.

¹⁸ The report here I refer to the Newvision highlighted in footnote 17.

action, the committee acted in an informal way using its power to accept the transfer and ignore the termination tabled by the parliamentary committee. This underpins the view forwarded by the political ecologists that these processes lead to inequalities in cities where political power affects the nature of urban production, (Robbins, 2011).

Despite the members of parliament effort to stop the sale of land, it did not stop the government from selling the land after the presidential orders which led to the cabinet and the Divestiture, Reform and Implementation Committee approval. The cabinet and the Divestiture, Reform and Implementation Committee provided justification for their actions in a manner that O'Connor (1994) states that these are forces perpetuated by irrational actions which shape the way some groups use resources and equally affect different groups. As indeed echoed by one informant that:

The old people who have lived in Nsambya railway quarters for long have been greatly affected. The issue of land grabbing should be addressed. Key informant Interview, 2015.

5.3.2 Uganda Railways Tenants Association (URATA) versus the State

According to an interview with the secretary of URATA, information about the eviction came from Uganda Railway Corporation which the corporation received from the government. This led to the formation of URATA whose objectives was; to protect the interests of the tenants and listen to their demands, to ensure that all the tenants are fully compensated, and to represent and act on behalf of all the tenants. As a condition to be registered member, the association required that all the tenants contribute a membership fee. And the most tenants subscribed and contributed to the association. The money from the registration was used for hiring a lawyer according to the URATA secretary. This idea has also been supported by Latour (2005) that whenever there is a presence of shared common interest in a society such action become unavoidable. Given the required processes, URATA was able to petition against the transfer of approximately 57.93 acres of Nsambya railway land from Uganda Railways Corporation to Uganda Land Commission and eventually to the private investors through parliament. This outcome shows how human networks and efforts increase as a result of action by individuals and organization, which is

achieved through the interaction and extension of relationship by their structures, (Kadushin, 2012).

On the contrary, what entangled the efforts of the association, was that some participants described it as a betrayal and corruption. It is no doubt, as already articulated by Latour that those who signal to us that group's efforts and functioning is never secure from distraction and destruction end up being affected by influence, domination, betrayal and individual interests, (Latour, 2005). Indeed, most participants stated that they abandoned URATA because they could not trust it anymore, with this view, people acted according to the situation they were confronted with, (Ocasio, 1997). This was confirmed with several interviews from the informants who believed that the leaders of URATA had compromised and received bribes. This was a result of the leaders changing their stance after a series of meeting with the investors and giving new information to the tenants which was not welcomed and no consensus was reached.

In light of this attitude, Kadushin (2012), brings to our attention that the reason why there is no guarantee to confirm the relationship that exists within the social structure may not necessarily result in good outcomes or strong social network because of the regulated interrelationships within the established agencies whereby facts are often distorted and decision reached are not well relayed. This propelled me to understand how power relations lead to unfairness or injustice; a breach of trust as instigated by attitude and selfishness deviating from what, Mandel (2000), called mutual trust. One informant said:

“When the MP fell sick and could no longer follow-up the matter, some ‘hijackers’ took advantage and came in, formed an association called URATA to register people claiming that they were organizing to represent us and advocate for as a team. And in order to benefit one had to be registered and pay membership fee according to the size of the house a tenant occupied. But contrary to what they were promised, nothing good came out.” Evicted tenant interview 2015.

5.3.3 The Police verses tenants

From the data collected, most participants stated that they were overwhelmed by the action of police as quoted by many of the evicted informants in these statements:

“We were pushed out like criminals yet we were not prepared, because there were no time and consultations with the tenants. The police overpowered us because they only had one agenda and that was to remove us and take control of the premises”. Evicted tenants interview 2015.

The tenants protested against the police believing that the police refused to listen to them. The police acted the way it did because they were informed that the tenants had been fully compensated but they refused to leave the railway quarters. The eviction orders came from the District metropolitan commander assisted by the Kampala regional commander. The police's action were unreasonable enough because of the hard force applied. Yet the police are the custodians of the law. According to article (212) of the Constitution of the Uganda 1995, the police are supposed to keep law and order, protect people's lives and property. By the police failing to uphold their duties amount to subversion of justice. This attributes to similar argument posed by, Harvey and Harvey (1973), about city complication that arise due to failure by different state actors to patiently review the situation correctly because the findings revealed not everyone was compensated. This information was also confirmed to me by the key informants, the managers of Nsambya railway quarters.

Hence people were compelled to demonstrate despite the police's justifications and actions. Because the tenants also felt that they had the right to justified treatment, further indicating that land should not be expropriated without proper procedures and compensation (Hochschild, 1981). This, however, sounds ideal and resonates as a just move by the police to solve a crisis, because as identified in political ecology, there are always winners and losers, due to the processes that leads to the inequality(ies) experienced by the less privileged. People's agitation is therefore to create a win – win situation. According to the tenants, if they were consulted properly, they would have prepared themselves and left the land without a fuss. Therefore, to

them it was a strategy to remove them and in the event, people lost a lot of property worth millions, they were stranded and with no alternative of where to go. At that particular moment many families with children were vulnerable to the cold and mosquitoes out in the dark until daybreak. The tenants felt that the government had betrayed them as one informant narrated:

“We expected that with the Local Council structures in charge of administration in the area and as long sitting tenants, the police should have protected us, but instead they pushed us out of the railway quarters in the early hours of the morning between 2:00 am - 5.00am. The process was like an ambush”. Evicted tenant interview 2015.

5.4 Reactions towards eviction

The lack of consultation and involvement of the tenants by the government and those who were involved in the sale of Nsambya Railway land were to blame. The failure to consult the tenants, shows that the physical conditions that compromise urban environments are controlled, manipulated and serve the interests of the people who wield power at the expense of marginalized population, (Swyngedouw & Heynen, 2003). The police stormed the railway quarter evicting tenants without giving the opportunity to explain themselves. Unfortunately the action of the police did not deter the tenants from summoning the Inspector General of Police to explain for the reason of the action the police took which he advised them to follow the legal procedure. But one wonder if the police was following the very procedures which they referred to the tenants to follow (*See Box 2, for more reactions*). This action, therefore, called for the attention of several agencies, including the parliament, the Inspector General of Government, the Attorney General, Human Rights Activists and the Press to address the eviction. To add on to, J. Rawls (1999a), discussion on distributive justice, we recognize that the existing agencies, or various activities thereof, charged with preserving certain social and economic conditions are sought for intervention.

However, the failures to address the tenants' demands occurred due to the difference in understanding of the situation by the various actors. Harvey and Harvey (1973), assumes that because of the different levels of functions they are obliged to perform, limits the way they should handle the process. From the actor's view, the tenants had already identified the investors

and they were advised to settle the matter and if it failed then further step was to be taken. With this understanding, we see how important power is and also as it is acknowledged by other agencies. Just authors like, Friedmann and Rangan (1993) who see the power relation as what enables local people to form organizations and protests by which they attempt to fight for themselves once they are supported or once they have a backup.

The authors point out that social life requires the recognition of spatial space not just as a container through which social process flow, but also as ‘the product of social relationships that shapes or outlines changing conditions’, (Vayda, 1983). Most tenants interviewed pointed their disappointments with URATA representatives, they felt that they were compromised resulting in weakening their bargaining power. This rendered the tenants vulnerable because URATA had already taken advantage of the situation and they would not to let go of the offer the investor made that is most the tenants were ignored. It is the very reason that, Burt (1982), question the possibilities of these networks and groups to sustainably handle equal power relation without any deficiency of thought and subordination especially by those in authority to lead others. The data collected indicated conformity to the situation that occurred in the eviction of the tenants at Nsambya railway quarters. In the event of such incidents, Kadushin (2012), holds the point that, such are moments when the strengths and weaknesses of the group is put in a check that is whether the group comes to an end without pursuing the collective interest of the group. Indeed, during the period of conducting my field data collection, I found some members when they had organized themselves and were still pursuing for compensation.

One of the informants stated:

“There was use of excessive power by the police who tortured them. If they had assured them from the very beginning that there was compensation, they would have had their own plans and found a way out”. Evicted tenant interview 2015.

Box 2: Tenants comments on how the eviction was handled

The overall reaction from the tenants towards the manner in which the eviction process took place is alarming. The tenants claimed that it was uncalled for the police to act that way. Because many of them had lived there for a long time had families. There was no proper consultation and there was no proper compensation procedures for everybody to benefit. As recorded during the field study one of the informants stated that they believed that the government wanted them out of the place without compensation. In their understanding, there was no proper procedure followed, because the URC managing the estate was not directly involved. Because they were informed that the eviction letter came from the president through the land commissioner to the residents. The procedure was ignored and situation ran out of hand.

Another informant stated;

“Life must always continue no matter the situation or circumstance”. Evicted tenant interview 2015.

In a similar reaction other informant described;

“The eviction was unfair and inhumane, pathetic and horrible”.

Evicted tenant interview 2015.

They should have given the tenant's at least a second warning not just swinging into action because some of them had craft shops “Jua Kali” and the gardens they used farm were destroyed sending them into uncertainty and suffering. The government did not bother about the plight of the common person. In any case it is the government which is supposed to intervene and provide for the appropriate solution. Tenants felt that they were therefore not treated as citizens, but like foreigners/ strangers and families were in disarray”. This concern may confirm to the previous revelation that the communication that was sent to the Uganda railway corporation by the government was just a notice of an intention to evict. But it was not an eviction order as they claim. So such a view held

by the tenants is what justified their resistance. I equally imagine that government and tenants had different interpretation about the notice of an intention to evict and an eviction order. To my understanding probably there was lack of clarity with the manner in which the communications channeled.

5.5 The impacts of eviction on the tenants of Nsambya Railway Quarters

5.5.1 Effects on standard of living

Several reasons were given by the participants in comparison to their previous living conditions at Nsambya railway quarters to their current places of stay. The information gathered from the study revealed that people will always have a different opinion as long as there is a physical, spiritual, economic or social change and attachment to a place or environment. Fifteen (15) out of the 20 informants I interviewed shared that Nsambya railway quarters was a better place because of the good environment. As indicated by most informants they were happy because it was a nice place. I also came to understand that people prefer to stay where there are social benefits accrued to them such as access to water, electricity, security and access to free health service (clinic) to the employees, the non-employees and the free education. For most of the tenants the self-contained houses were comfortable. The majority has been confined to in Slum areas because out of the 15 informant interviewed 10 live in slum areas and only 5 lived in better environments and good housing conditions; private homes. One informant said:

“The environment and appalling living conditions in slums is unbearable, but I have no choice”. Evicted tenant interview 2015.

The photos 3 and 4 below, illustrates the nature and state of the housing condition that are being currently occupied by some evicted tenants. The conditions of living are worse because the evicted tenants found themselves fitting in such environment which are slummy and affordable to them. This exposes them to insecurity and health safety risks.

Photo 3: Conditions of housing in slums



Source: Photo taken in the field by the researcher, 2015.

Photo 4: Structure being constructed in swampy area



Source: Photo taken in the field by the researcher, 2015

The above photos show how some informants live in environments with poor sanitation, poor drainage systems which blocks waste water, poor hygiene, congestion and insecurity. I also observed that the general housing conditions where most of the informants live is grim. To add on, Swyngedouw and Heynen (2003) view, there is a clear manifestation of these incidents mentioned above that inhibit the aim of justice for all because of the divide between those who benefit and those who suffers from the urban changes. On the other hand, it is important to acknowledge that all is well for some participants as is the case of one informant who expressed:

“I feel comfortable because I now stay in my private house in the village and I come to the city once in a while”. Evicted tenant interview 2015.

5.5.2 Effects on the tenants incomes

In conceptualizing power relations in cities, political ecologists reveal that capitalism is what results in inequality, (Robbins, 2011). This has a direct implications to people's incomes as was the case for the evicted tenants at Nsambya railway quarters (*See Box3*). This comes along with an increase in the cost of living, disabling the ability of the resident's to sustain themselves in the city, (Redclift & Sage, 1994).

According to the findings most evicted tenants claimed that their expenditures had increased. For example transport increased with an approximate of 27 USD, because travel distances had increased. The house rent also increased and one had to pay house rent on time, delayed payments leads to being evicted again forcefully. This was different compared to rent at Nsambya railway quarters, where regardless of delayed payment of rent, one could not be harassed anyhow because houses were mostly occupied by Uganda railway workers. So there was always a guarantee that the employees would always pay for house rent, hence no need for harassing them.

Box 3: Single mothers ordeal with the eviction aftermath.

I had to struggle to pay a debt by selling my shop at good will so as to recover the money to pay back to the Sudanese which left bear and nothing to do. I was rendered totally helpless. Life became difficult for me till now. The police just came at night when we were asleep, I was woken by some noise and I saw police car full of policemen we asked what is happening but the only answer that you have to vacate now which was very sad. My glass plates, TVs, fridge were stolen I was in a confusion till now I don't know whether my head will ever settle, I do not have peace, I am psychological tortured especially with the loss of the shop. Imagine right now I am staying with my sister busy washing plates in my sister's house which is an inconvenience. I am just struggling with life and I am finding it too hard for me to cope up. I have to depend on friends and relatives. Even school fees is a problem for me.

Sometimes my kids study and but do not get termly report cards because of fee defaulting. And as you know I am a single parent, I spent almost two months in a garage that I was offered to sleep in after being evicted. Another two months in some ones verandah, honestly ever since I was evicted from Nsambya quarters, I am indeed still suffering a lot. My appeal to government is that they should pay us just the way other people were paid because we should also be treated like Ugandans, if we were also paid like others then nobody would be suffering. So the president should honestly come out and do something to restore our joy as Ugandans. And in future, if government is planning to evict people in an area it should always try to inform people and treat them in an equal and fair manner. Not a situation where some are paid and others are ignored.

5.5.3 Effects on the family

Due to the difficult situation, many tenants found themselves unable to meet their personal or family needs, one informant said:

“Having lived in the place for a long time and being evicted suddenly, is something difficult to go by, because I have to begin life afresh”. Evicted tenant interview 2015.

They had lived as at Nsambya railway quarters for more than 15 years; Children were affected in adopting new places. This account confirms, Kadushin (2012), assertion that such kind of relationship is “a chicken and egg” like relationship. Once disrupted, it ruins person's strength and effectiveness in society. The residents didn't expect to lose friends and neighbours, but because there was eviction, it led to loss of social and economic connections with nothing to do to change the situation. The loss of the family properties led to slowing down of the families' wellbeing, (*See Box 4 for the details*).

By the time of data collection some of them were staying with their relatives which inconveniencing and makes them feel very uncomfortable physically and psychologically. Notwithstanding, some informants on the contrary expressed a different opinion about the occurrence of the eviction. To them it was a different experience all together. It was a feeling of independence and a relief off paying rent. Since they managed to build their private houses and they were also able to do start development projects.

“The moment of eviction was very intense said one of the former opinion leaders-Local Chairman; people were forced into streets, and some ran mad and were taken to rehabilitation centers it even caused separations and divorce in families and some people committed suicide until I had to alert Police to rescue people from committing suicide”. Key informant interview, 2015.

Box 4: The effects of eviction; tenants' narration

The parents had to look for new schools for their children that was not easy as it was already end year of term (third term). We also lost jobs and businesses through vandalism and destruction yet these were our sources of income. The situation was bad and horrible, my joy and happiness was broken, ripped off and tattered. Because I had my petty cash for example, to sell charcoal along the roadside, bananas and be able to get some money which is not the case now. The situation worsened when schools days approach, because one is required to part with large sums of school and medical bills among others. *“It is the real time for spending”*. I cannot even afford paying house rent so it becomes extremely difficult for me to meet my personal and family needs as well.

5.6 Approaches to life's sustenance and needs fulfilment

5.6.1 Work and earn

Beside the interviews conducted, I observed the work and skills of some informants, and captured them in still photos with their consent. Four out of the 15 informants interviewed were still working under the Uganda Railway Corporation meaning that the majority of the informants was employed in the informal sectors including labourers and self-employed (Jua Kali). This a confirmation that most participants still work and earn. Getting work in order to earn after the impromptu eviction was hard and this also affected their way of lifestyle. However, not all the informants interviewed were employed, because Two out of the 15 interviewed informants pointed out that they had not yet gotten employment, since the eviction. This incident has subjected the tenants to hard survival means so as to meet their daily needs. The informants who reside in the slum areas stated that they were only able to engage in informal activities such as Kiosks, selling charcoal and water from 06:00 am to 6:00 pm. As alluded by, Hansen and Vaa (2004), that it requires urban resident to be creative so as to find solutions to their daily challenges by engaging in startup businesses. Below is an illustration of some informal activities such as crafts inside one of the evicted informant's house.

Photo 5: Source of life sustenance



The photo on the left was taken in the evening hours. The informant is showing me some of the craft she makes for sale. The place she keeps her craft, acts as sitting room. From the conversation, she told me that she used to have storage room in railway quarters before the eviction. So apparently this where the customers find her.

Source: Photo taken in the field by the researcher, 2015

5.6.2 Assets to cope with the new situation.

Since the evicted tenants do not receive any formal institutional support, it inevitably became necessary for them to devise other means of survival ranging from civil society organizations (CSO's), to informal means among others. Based on the interview with one informant, she narrated that she is the proud of the helper NGO she joined called slum dwellers federation. She said:

“This organization is a miracle and I thank God for it because it is my hope to complete my two roomed house otherwise I would not have managed”. Evicted Informant interview, 2015.

On the other hand, most tenants interviewed, stated that they saved in small savings groups which allowed them to borrow money and return it with little interest. The groups were mainly formed by women to help them meet their day to day needs such as sugar, salt and cooking oil among others. This savings group also was practiced by men and subsidized some of their needs. They had many social networks e.g. friends, business colleagues, church members, fellow workmates among others. They engaged in activities like furniture and poultry. Both savings for women and men created an economic impact in their lives. Though eviction scattered most members of the savings groups, some still maintained the savings group because apparently it is one of the means of survival that has helped some of them to stand firm and held the members together.

Family and friends affair also played and still plays a big role in the provision of both physical and financial support. From my data collection, some informants still depended on the support from family and friends because they were not working and had to figure out what to do. One informant said:

“Life was better because we had many friends who we relied on in times of need”. Evicted Informant interview, 2015

For those engaged in the informal sector had a similar reason, because most of their businesses were also dependent on friends and neighbors as the main customers. One of the informants dealing in Art and Craft said:

“I lost most of my customers due to the eviction and it took me time to establish new customers. Although my customers feared coming to the slum because of insecurity, the business is gradually picking up and there is hope that things will normalize and probably bounce back” (Evicted Informant interview, 2015).

Another informant, an electronics technician also stated:

“The surrounding communities at Nsambya railway quarters were my clients and moving to a new place and establishing a new client base in an already existing service takes time coupled with the challenge of building trust. Despite these challenges, I am able to maintain my family”. Evicted Informant interview, 2015

From my general observation based on the findings and the subsequent analysis, the eviction process lacked public participation and sensitization as required by the regulatory framework discussed in chapter two. Tenants were not involved and most of them suffered the outcome of the process where only few people benefited and the government is seen as a ruthless machine used to carry out evictions on the public.

CHAPTER SIX

6.0 DISCUSSION OF THE FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

In this chapter, I finalize the discussion of the findings by linking it to research questions that I raise in chapter one. In so doing I attempt to present how the data have appropriately addressed the raised research questions. Purposely to confirm how well the outcome of the study has addressed the topic proposed. Checking also how the results of the study have contributed to the field of land justice in practice and knowledge by making recommendations and suggest for future research to refill any gaps and links identified, and conclude.

6.1 Discussions of the Findings

6.1.1 Practice of power within justice

The issue of urban eviction is normally attributed to the government because of its uncompromising tendencies in land appropriation which most often involve the use of state machinery to effect evictions. Arguments of power relations have been discussed within the political ecology framework in chapter three. It reflects that the fusion of interest in urban land factors in complex power relations which results into evictions, (Swyngedouw & Heynen, 2003). This denies the production of an inclusive environment. Based on the data analysis, the intent of eviction begun when the government instructed Uganda Railways Corporation to hand over the titles treated as “special titles” that were required to be transferred within 30 days. I, therefore, argue that other than the government focusing on policy concerns that are intended to only benefit it, it should also focus on policies that support integration of the low income class, (Marcuse, 1984). For example adopting Neoliberalism as one of the driving forces for urban cities and urban upgrading demand, which propels the government to sell land and decide to relocate the people is a good choice. But it should be seen as a pathway for improving the standing of living for the low incomes class as well to enjoy the benefits that come along with Neoliberalism. However, the process was not implemented in a proper way due to self-interests, power and politics leading to the marginalization of the poor, (Afenah, 2009).

In this regard, since eviction becomes necessary to pave way for development or urban renewal. It should also be necessary to compensate the affected parties, for instance the Uganda railway

corporation sought for compensation for the land from the government. In response to the matter of compensation, field information showed that the ministry of finance allotted estimated USD 21,148,400 to the corporation. However, according to other information obtained from the different informants varying views emerged as to pertain the mentioned USD 21,148,400, which I found a little intriguing and concluded that such grounds indicate lack of clarity and intentional sabotage by those in key positions to disregard eviction processes, which encourage corrupt tendencies. This further created difficulty to me in obtaining accurate information from the government, Uganda Railway Tenants Association and investors who accused each other of sabotage and not fulfilling their agreements to the evicted tenants. I also realized that there was concealment of information regarding the compensation for the tenants and the whole process. This has left me to believe that real truth of the matter is has been hidden. ,

Despite the fact that by law the land belonged to the government while buildings belonged to the corporation, by legal implications it shows that, the government had the right of ownership and the Uganda railway corporation has a right of use. This conflict of interest as weakness created by the law leaves a lot to desire and calls for further legal reforms. For instance the land act of 1998 recognized right of both parties. But the same act gives more privilege to the occupant of the land. As long the occupant is legally recognized he is automatically entitled to compensation. On the other the same Law pins down the government. It clearly points out that government should only evict people if the intended development is for public good. But if it just for private development then priority has to be accorded to the sitting occupants, Land Act (1998). This therefore brings to our understanding that not only was the method used by the government to evict the tenants wrong, but also the tenant's refusal to vacate the land caused the government to act unfairly by using force.

Consequently, The government's coercive intervention in evicting tenants without being given adequate time, was contrary to the constitution because as workers and as tenants, the residents had legally stayed for long at Nsambya railway quarters. As earlier revealed that there was a notice of intention to appropriate the Nsambya railway land is different from issuing eviction orders or deadline. Because the tenants had also expressed interest to develop these places like any other investor but they were denied the opportunity. Therefore, in the event that government

had already decided to cause the eviction then the possible measure was to have come out clearly than keeping people in ignorance, (J. Rawls, 1999a). Much as the government holds view that the Nsambya railway quarters were in a deplorable conditions and close to the city center, does not justify the action of government to evict the tenants as it did. The Government needed to know the number of people who were residing in this area and compensate or relocate them appropriately. One of the stakeholders and a member of the slum dwellers federation said:

“Remember the low income earners are also people and the city needs them. So the city should not be taken to be only for the rich. The city is a survival place for everybody”. Stakeholder interview, 2015.

Land sharing should be advocated for, thus a piece of land is identified, developed and shared. This kind of practice would serve the city better and make the world a better place.

6.1.2 Key actors, perspective and decisions

Government as the custodian of the law takes the lead in all matter concerning eviction. It is known that land belongs to the people and shall be held in accordance with the different established tenure systems as provided for in the constitution of the republic of Uganda (1995). Therefore, there is a perceived fact that the government normally overrides its judicial authority and appropriate any land they get attracted to as was the case at Nsambya Railway Quarters. Another notion is that government has clandestine moves that involves conniving with landlords and quietly takes away the land by illegally transferring land titles. The Landlords also do not inform people until the people are evicted. The field data revealed that every process was queried by some members of URC management who tried to put to task some top managers as to why there was an agreement that was made without payments.

However, since the interests of the government and its state institutions cannot be blocked, through its various organs and institutions it went ahead to appropriate land without properly finalizing its agreement, between the Uganda Railway Corporation and the tenants. So to counter any resistance, government had to involve the police to forcefully evict the tenants out of Nsambya railway quarters.

Like Heynen (2006), points that even urban environments are produced by the underlying power structures in the form of class influence, status and political power.

Therefore from the indication Nsambya railway quarters being on government land justifies its action of eviction. But on the other hand considering the views of the Uganda railway corporation management they also claim that government never involved them fully in process and planning of evicting the tenants. If it was so then there was injustice for the Railway managers. The injustice on side of the tenants I perceive was related to lack of compensation, eviction short notice and destruction of property. Much as the information obtained from the key informants indicate that government gave notice for the tenants to leave Nsambya railway quarters, there was no timeline given to the tenants not until at a later date when the government changed its position that it was not going to pay the tenants. So it implied that government breached its obligation.

6.1.3 Public participation

Several opinions from the interviews, hold that government did not handle the eviction exercise in a constitutional manner. According to the informants, there are equitable land rights to everybody, whether the tenant is a squatter or not. According to the current regulation, if any government property for example land or a house is on sale, the first priority is to be given to the sitting tenants which government did not do. In addition, the government did not consult Uganda Railway Corporation as the property managers instead it created an administrative gap between Uganda Railway Corporation management and the tenants because they lacked an appropriate answer to convey to the residents, resulting in a blame game.

It might be argued that such outcome is due to lack of proper sensitization. From the data collected, the claims of the informants and other stakeholders suggest that government is so bent towards to economic gains associated with land sale more than the social benefits that should be spread. This is so because whenever the government identifies any piece of land that is vacant, strategically located or not properly developed, it becomes a target for sell at the expense of the people residing on that land. Indeed scientific evidence shows that processes of urbanization lead to increased demand for land and therefore makes evictions inevitable. The competing demands lead to the marginalization of the poor and the powerless. So the rich and the well-connected

individuals are able to manipulate situations and influence processes to their advantage. The government, without involving the public in participating, resorts to condemning such places as eye sores and detrimental to the city and yet it is the duty and responsibility of government to have alternative plans for the people. In a similar view, Yiftachel (2009), ponders that instead of inclusive planning, some groups of people end up becoming tools of exclusion and denial.

However, according to government sources, the data revealed that Nsambya railway quarters was considered as a slum which had to be cleared. Because it is so close to the center, and as such the government deemed it a potential area for revitalization and also for achieve the value of land. According to one key informant, vacating Nsambya railway quarter was unavoidable, but rather the issue of contention was on the matter of compensation. This perhaps shares the same argument with, Ocasio (1997), who describes that people will act according to the situation they are confronted with. The confidence exhibited by the tenants to resist eviction, was linked to other successful cases, where people resisted till they were compensated. The previous example relates to government parastatals like the Uganda Electricity Board (UEB), Uganda National Housing Corporation Company (NHCC) and Nakawa Naguru estates located in different parts of Kampala among others but URC has been unfortunate.

6.1.4 Consequences of eviction to communities

Eviction without relocation or proper settlement is quite devastating. There are high chances that an eviction can compound the problem of urban poverty because it is an abrupt and disruptive exercise. It is one of the contributors of urban poverty because it creates internal displacement, loss of property, the economic activity and other sources of livelihood are disorganized. The denial of the poor by failure to provide for low- rent housing becomes a deliberate method of routing them out of the proximity of the city where there are opportunities, (Slater, 2006). This brings challenges in rehabilitation and reconstruction of the evicted tenants, the loss sources of livelihood and properties because there is no intervention by government. Many instances occurred in Nsambya railway quarters that followed after the eviction such as, children missing studies, some of the tenants lost their small business. One informant's concern as stated:

“My worry is for the poor people who we used to give loans, counselling, educating the children, of the Aids clients. I do not know how they are coping after the eviction”. Stakeholder interview, 2015

It is important to note that in a similar incident, one would expect to receive the same treatment. There is no doubt, therefore that the tenants decided to fight for their cause, to ensure that they benefit, from what they feel they deserve in a collective way, (Kadushin, 2012).

Another narrative presented by some informants, exhibits differing views in relation to the issue of poverty resulting from eviction. One of the key informants held a different opinion, he stated that:

“There is nothing related between eviction and poverty because tenants were there strictly for residential purpose. The relationship between the tenants and the landlord is limited to housing and not carrying out any other extra activities within that environment”. Key informant interview 2015

He commented that Nsambya railway quarters was an area strictly for residential use. Rationally, that would serve as a good argument. But considering how large the area was, it becomes logical for one to realize that such an area attracts demand for various activities and services like shops, markets, recreational services, infrastructure such as roads, access to water, schools and health centers. The reality on the ground is that the tenants had developed the area with these activities and were in existence for a long time. Some key informants argue that the tenants were to blame because the government had sounded a warning but they insisted on staying. It is true that some of them were expecting to be compensated, but some rejected the token that was offered by the investor who bought the land. Basing on the data and in line with, Latour (2005), who casts some little doubts on the actions of some actors the difference in opinion by some tenants emerge from financial inequality. The amount offered was not distributed equally because the tenants wanted equal compensation but the investor rejected. Advocating for uniform payment therefore created a controversy as to why some should be paid more and others less.

Another key informant commented:

“Do not look at your brother going to be given a big bull and you also expect the same. That is not yours, so don’t follow your brother”. Key informant interview 2015.

This suggested that there was no clear mechanism or procedure employed to determine the rates to be received by tenants. Otherwise it would have been better to have prepared the tenants emotionally and psychologically to know what they would expect to be paid. This would have avoided conflicts and resistance.

6.1.5 Addressing land justice

When the existing laws are followed, then various concerns can be addressed and a conclusion reached. It is important that all the stakeholders are well sensitized and made aware of their rights even in the implementation of the eviction process. To assert this, it gains proper moral balance and satisfies the contending parties, (Gibson, 2008). Therefore, there is need for all actors to know their roles, responsibilities and should operate within the established terms and conditions that are well spelled out. Both at the institutional level and the community/local level.

There is normally a previewed opinion that the government tends to contradict itself, because of the failure to focus on its objectives such as improvement of the standard of living for its citizens as a result of power struggle, (Hendriks, 2013). There is a need for government to carry an urban needs assessment, so that the affected people living in squalid urban environments can be planned for. Where government should strive to prepare a budget, educate people about the good and bad of the place they are living in. Considering the outcome of the data, it was confirmed that the government did not do much in engaging the tenants. There is demand for the government authorities to always update the community of any kind of development that it intends to initiate and how it is to benefit the affected people. The Government should also have work plans for acquisition of land for temporal relocation as negotiations and resettlement proceeds. It is the same plight shared by, Fernández and Schwarze (2013), that with a well-intentioned government, societal satisfaction is achievable.

6.2 Recommendations

6.2.0 Access to justice

There is need to embrace and enhance the principles of justice on equality and liberty. When justice prevails, a consensus is reached upon. Access to justice is every individual's right, which is established both locally and internationally where the rights of person ought not to be interfered in the process of accessing justice, (J. Rawls, 1999b). This is further affirmed under United Nations universal declaration on human rights. When people are aggrieved and dissatisfied, they seek justice in the courts of law, but when they are denied access to have free and fair legal action it obstructs the course of justice. With such events people are driven to think that government does not care about them and resort to other means of expressing their anger, which leads to conflict and violence. People should not be left to cast doubts and speculation against the government, without being given clear and appropriate reasons. For any action taken by the state, justice should be dispensed in the interest of all parties for the benefit of all. Where people are given ample time to appeal to courts of justice in case they are dissatisfied with the decisions and action of government. And this should take course without duress and influence peddling or interference by the government. Therefore eviction should not be the immediate solution to any land conflict. And the urgency of eviction should not be carried out without reflecting on the plight of the people. Because there is need to comprehend the concerns of the affected people.

6.2.1 Power distribution

Given the direct involvement of the political leaders in making clear decisions without proper adjudication shows the amount of power the politicians wield. This has a bearing on participation as confirmed by the field findings that there is much power coming from the state. Some informants echoed that they are "powers from above". Meaning the decisions and directives that come straight from the state without consulting with other authorities. The other presumption that has caused the escalation of political powers is the forces of capitalism. The resultant pressure from the internal and external investors, in addition to the donor funders expands the problem of power relations. In this regard therefore, it call for practice of good governance, more democratic management of the city should be given to local government authorities' in order to have the powers to decide on their own without exertion of pressure from the central

government. In cases where there are massive projects that are deemed to affect majority people, government could come in as a mediator on behalf of the affected people.

6.2.3 Participation and policy adjustments

The improvement of the land and the housing sector is very vital. Government should engage in coming up with good and practical solutions that are aimed at addressing the issue of housing for the low income earners. Whenever, opportunities are created, it should be inclusive of the low income earners. Focus should also be directed towards public-private partnerships, private-private partnerships which involves the identification of different stakeholders who can be involved and engaged in land management in terms of conflict resolutions, housing development and distribution. The level and the extent of government lenience should be people centred because it is the government's obligation. Most people assume that there is no reason as to why government and its administration should fail to engage people at all levels in the process of development. In this regard, when the public is kept informed and consulted, the government earns credit for its efforts, the justice process on land eviction will be practiced and the legal framework put in place is able to support the process without interference.

6.2.4 Site and service schemes

The government should come out with clear schemes engagement of the site and service so that all the process is seen towards improving the standard of living for the low income class. The government could partner with agencies like Slum Dwellers Federation that aim to give better and improved lives for people. With this approach whenever evictions take place people direct their questions to the federation to give solutions to the evicted people. So other than leaving the people construct makeshifts to shelter themselves, government needs to adopt an approach of the site and services scheme in conjunction with key players to support in building low cost housing for the low income earners. This can equally help prevent further encroachment on both peoples' land and fragile land that needs to be protected.

Major land reforms should be a priority, where critical land issues, such as land grabbing should be addressed. Also emphasis should be directed towards addressing institutional challenges like technical and financial support for establishing a comprehensive urban land management system. With the object of handling all the required processes, that include proper land acquisition,

registration, development and use. Display of information and adequate communication, regarding the availability of the land, its state and conditions of the land. The issue of eviction should only take place when the government has provided an alternative to the people it intends to remove from the land. Otherwise government failure to play its role as a neutral actor, is considered to exhibit a lack of political will, denial of justice and interference with the rule of law. By denying the people exercise their rights, it culminates into abuse of the provisions of the law. Because dispensation of justice is the mandate and responsibility of government authorities who are required by law to perform justice with reasonable consideration, (J. Rawls, 1999b).

CHAPTER SEVEN

7.0 CONCLUSION

The deprivation of development and participation for the low income class signifies how they lack access to resources and benefits of urban transformation, (Robbins, 2011). The poor normally bear the brunt of development interventions and urbanization. More often development is a distress to the urban poor who are most vulnerable to evictions, (Heynen, 2006). Urban renewal targets the low income who do not have the ability and capacity to compete, so they end in slums again and the trend becomes cyclic. Because the poor mostly live in slums and public land, which have high land value. The less recognition of the tenants' rights is a means to marginalization. The poor are denied justice, due to ignorance of the law, bureaucracy and sabotage. The subversion of land justice for the poor results in eviction. The injustices experienced in relation to improper eviction process, lack of compensation and the short eviction notice.

The informal activity (ies) which is important the poor was mostly done by the non-railway employees. Therefore in the event of eviction, many of the informants engaged fully with the informal activities as a means of survival to cope. Though they used to save more when they were living in Nsambya the saving have reduced and the costs of living has increased. The informality therefore has been an important strategy for the evicted tenants to survive with an estimation of generating 60%-80% economic activities for the low income class. In addition to social network and family ties.

The study has shown that it is not the law that is a problem because it is in line with the principle of justice. However, the study has shown that the implementation of the law has been affected by power and self-interest that leads to conflicts of the production of urban environment that marginalize the urban poor and benefit the investors and the government.

Further studies are suggested to focus more on the process of governance and implementation critical to what happens on the ground, how they take place and the outcomes. In addition more emphasis should be put on public participation, through workshops, seminars and focus group discussions. This is to ensure that the government is able to identify priority projects or developments in collaboration with the public and their interests.

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Appendices

Appendix I: Key informant interview guide

1. Can you tell me your roles as a city planning department in relation to land use change specifically in Nsambya railway quarters?
2. What were some of the relevant laws that were being applied in land use change in Nsambya railway quarters?
3. Did you practically involve the tenants in land use change in Nsambya railway quarters and use, if yes how did you do it?
4. Did you as the planning authority to consider the rights of the tenants in Nsambya railway quarters?
5. Did you provide the tenants in Nsambya railway quarters with adequate information about land use change in Nsambya railway quarters and their subsequent eviction?
6. Can you please tell me some of the policies that were being applied to evict tenants from Nsambya railway quarters?
7. Were the evicted residents compensated as required by the Law-constitution?
8. What were some of the challenges that you faced as an authority in the eviction of tenants from railway quarters?

Appendix II: Stakeholder Interview guide

1. What has been your position on the eviction of the tenants from Nsambya railway quarters?
2. Who do you think is responsible for the eviction of tenants from Nsambya railway quarters?
3. How were houses accessed and occupied in Nsambya railway quarters?
4. From your own view, what are some of the key issues related to land use change in Nsambya railway quarters that government practically failed to address appropriately?
5. Do you think the eviction of residents like the case of Nsambya railway quarters can likely to compound the problem of urban poverty?
6. What do you think should be the most feasible and logical way of government addressing the problem of land use change in areas where people already inhabit, for instance like what happened to Nsambya railway quarters?
7. What is your last view, comment or suggestion on the eviction of Nsambya railway quarters tenants?

Appendix III: Evicted Tenants Interview guide

1. Can you please tell me exactly what actually happened during the eviction process?
2. How did you come to learn about your being evicted from Nsambya railway quarters and who informed you about it?
3. Were you involved or consulted on about the land use change in Nsambya railway quarters?
4. How did you react or respond to the news about your being evicted from Nsambya railway quarters. Did you protest or not and why?
5. Can you please tell me what you understand by the word rights and whether your rights were considered or not in the land use change of Nsambya railway quarters?
6. What is your comment about how the eviction was handled by those in authority?
7. How did you come to live in Nsambya railway quarters and how long have you been in Nsambya railway quarters?
8. From your own understanding what can you tell me about housing in Nsambya railway quarters as compared to your current place of stay, is it better or worse?
9. Do you work and earn and what kind of work do you do?
10. Do you have other sources of income apart from the current work you are doing?
11. Are you able to meet your personal or family needs?
12. Did you have any social network that you depended on for survival in Nsambya railway quarters and do you feel that it has been affected?
13. How did the eviction affect your personal and family wellbeing?
14. Did you receive any form of compensation and from whom?
15. Lastly, do you have any other comments and suggestions?