

# **LAND RIGHTS AND LAND CONFLICTS IN KIBAALE SINCE THE COLONIAL SETTLEMENT**

**A thesis resubmitted to the University of Cape Town in fulfillment of the requirements for  
the award of the Degree of Doctor of Philosophy**

**BY: JOHN BALIGIRA**

**P.G.D.E, B.A Social Sciences & M.A History (Makerere)**

**SUPERVISOR: PROFESSOR LUNGISILE NTSEBEZA**

**UNIVERSITY OF CAPE TOWN - CENTER FOR AFRICAN STUDIES**

**FEBRUARY 2020**

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

## DECLARATION

I, John Baligira, hereby declare that the work on which this thesis is based is my original work (except where acknowledgements indicate otherwise) and that neither the whole work nor any part of it has been, is being, or is to be submitted for another degree in this or any other University. I authorize the University to reproduce for the purpose of research either the whole or any portion of the contents in any manner whatsoever.

Signature:

Signed by candidate

Date:

10/2/2020

## ABSTRACT

This thesis examines why there has been persistent conflict over land in Africa, with reference to Kibaale district in western Uganda. The land conflicts, especially in post-colonial sub-Saharan Africa, are attributed to such factors as the colonial legacy which has contributed to unequal access and conflicting identities. By tracing the conflict from the British colonial period, the thesis contributes to an understanding of how it evolved and why it was not resolved by the end of colonial rule and in post-colonial Uganda. The thesis draws on Mamdani's theory of decentralized despotism to establish the extent to which the post-colonial central governments' maintenance of some rural despotic authorities has undermined the land conflict resolution efforts. I contend that, though the post-colonial governments' maintenance of landlordism has partly contributed to the land-related conflict in Uganda, it does not fully explain why the conflict has persisted in places such as Kibaale district.

Based on data generated through in-depth interviews with purposively sampled participants, archives and from secondary sources, the thesis contributes to an improved understanding of why land-related conflicts in Africa have persisted. It particularly shows what has undermined the ability of post-colonial governments and other stakeholders to address the roots of these conflicts. The main findings of the thesis include: the bitter memories of the late 19<sup>th</sup> and early 20<sup>th</sup> century British colonial conquest and land dispossession of people in Kibaale are still reflected in the narratives of the early settlers; the government-sponsored and self-motivated massive resettlement of people from mainly Western Uganda to Kibaale district has increased the complexity of land disputes; different peoples' identities have also contributed to the conflict in Kibaale; and the national as well as local political actors have often intensified the conflict for the sake of political power. The thesis concludes that the instrumentalization of citizenship and belonging by the autochthons as well as the specific historical and socio-economic factors in Kibaale district have contributed to persistent conflict over access to and ownership of land.

## **ACKNOWLEDGEMENTS**

This work is a product of different forms of contribution by institutions and people. I appreciate the financial support which Makerere University and Canargie Corporation of New York (through Social Science Research Council) extended regarding my PhD studies at the University of Cape Town. More institutional support was extended by SEPHIS and OSSREA towards my training in Research Methods at Manila in the Philippines and Addis Ababa in Ethiopia respectively.

I am very grateful to all people who have directly and indirectly contributed to my PhD studies. I particularly acknowledge the early supervisory roles by Dr. Maanda Mulaudzi and Professor Anne Mager of the University of Cape Town (UCT) Department of Historical Studies and Professor Lungisile Ntsebeza of the UCT Center for African Studies who agreed to supervise me up to the completion of my studies. With Professor Ntsebeza's supervision, I got the opportunity of regularly meeting and discussing with other scholars and fellow students at the Center for African Studies in the Faculty of Humanities. Thus, I benefited from the scholarly discussions by staff members such as Associate Professor Horman Chitonge, Femke and Dr. Frank Matose as well as from my course-mates such as Clemence Rusenga, Vincent Zungu, and Senzeni Ncube.

Finally, I highly appreciate the contribution of my father, Joseph Kihika (R.I.P), who tirelessly paid school fees for my education for Primary up to Advanced level. I also thank my mother, Federesi Tinkasiimire and all my family members, for their patience, love and support during the long period of my PhD studies.

## DEFINITION OF KEY WORDS

**Kibaale** - a Runyoro language word meaning a large stone.

**Banyoro** – a word used to refer to the early settlers (also regarded as the indigenous people) of Banyoro region; similarly, those in/from Buganda region are known as Baganda.

**Balaalo** – the term commonly used in Uganda to refer to cattle herders from particularly Rwanda and south-western Uganda.

**Bagungu** – people of Bugungu in Buliisa district of mid-western Uganda.

**Bafuruki** – applied to mean in-migrants/immigrants in Kibaale district from other parts such as western Uganda.

**Land** – is defined in this thesis as the surface of the earth including its soil and the underneath materials.

**Land Question** – normally involves contests/struggles over land use/access and ownership.

**Communal land tenure** – either holding land on community basis or as a common property.

**Customary land tenure** – holding land per the customs of an area/region such as Kibaale district.

**Mailo land tenure** – first used in regard to the land in Buganda Kingdom and some neighboring parts of Uganda. This was after the signing of the 1900 Buganda Agreement, measured in square miles (hence the term *mailo*) and allocated by the British colonialists to chiefs and other prominent individuals. In the case of Uganda, this kind of tenure is enshrined in the 1995 Uganda Constitution and provides ownership rights in perpetuity to individual persons/institutions.

**Freehold land tenure** – enables the land holder to exercise full ownership rights, involving land utilization/development as well as disposal of the land to any person/group/institution, either by will or in exchange for cash; and extracting/using legally acceptable items/materials from the land.

**Leasehold land tenure** – involves exclusive possession and usage of land, either in exchange for cash or any other form of payment, usually in a specified time-frame.

**Conflict** – in this thesis is used to refer to struggle, confrontation, collision, clash between individuals/groups of people.

**Contestation** – is used to refer to individual/group disputation of claims made by others, especially, in relation to land.

**Bonafide occupant(s)** – refers to either a person(s), who before the promulgation of the 1995 Uganda Constitution, had occupied and utilized any piece of land unchallenged by a registered owner/agent of a registered owner for 12 or more years or had been settled on land by Government/agent of Government.<sup>1</sup>

**Omukama** – refers to the title of King in Runyoro and Rutooro languages of mid-western Uganda.

**Kabaka** – a Luganda language word meaning a King.

**Bataka** – a Luganda language term which stands for clan leaders.

**Busulu** – in Luganda, the word means ground rent, especially levied on *mailo* land tenants.

**Envujjo** – part of the *mailo* land tenant's agricultural output paid to the landlord.

**Kibanja** – tenancy obligations on a landlord's land.

**Obwesengeze** – official estates allocated to senior chiefs in Buganda.

---

<sup>1</sup> Uganda Government: *The Land Act 1998*, Article 29(1)

## TABLE OF CONTENTS

Declaration.....	2
Abstract .....	3
Acknowledgements .....	4
Definition of key words .....	5
Chapter 1: General introduction .....	12
1.1 Location of Kibaale district.....	12
1.2 Background and statement of the problem.....	13
1.3 Aim and objectives of the study .....	19
1.4 Research question .....	20
1.5 Rationale of the study.....	20
1.6 Significance of the study.....	21
1.7 Theoretical framework.....	22
1.8 Research methodology and data processing.....	24
1.8.1 How I negotiated my research relationship .....	25
1.8.2 Data collection.....	27
1.8.3 Data analysis .....	30
1.8.4 Ethical considerations .....	30
1.9 Structure of the thesis.....	31
Chapter 2: Literature review on identity, land rights and conflict .....	36
2.1 Introduction .....	36

2.2 The concepts of tribe and ethnic group .....	37
2.3 Theory of property rights .....	42
2.3.1 Evolutionary theory of land rights.....	43
2.3.2 Neo-classical property rights theory .....	48
2.4 Land tenure regimes and tenure security .....	50
2.5 Land rights and citizenship .....	52
2.6 Conclusion .....	54
Chapter 3: An Overview of the Land Question in Uganda .....	55
3.1 Introduction .....	55
3.2 European entry, turmoil and change in land administration in Buganda.....	56
3.3 Colonial land policy and conflict in Buganda .....	60
3.4 The colonial land policy in other parts of Uganda.....	63
3.5 The land question and conflict during the first post-colonial regime .....	73
3.6 The land question during the Amin era, 1971 – 1979 .....	77
3.7 The land question and conflict during the NRM period .....	80
3.7.1 The land question and conflict in Buganda region .....	81
3.7.2 The shrinking common pool resources and conflict .....	85
3.7.3 The post-insurgency land conflict in northern Uganda .....	90
3.8 Conclusion.....	93
Chapter 4: Colonial conquest, land dispossession and conflict over land rights in Kibaale .....	95
4.1 Introduction .....	95

4.2 Pre-colonial land tenure in southern Bunyoro.....	98
4.3 The colonial conquest of southern Bunyoro .....	99
4.4 How the Baganda chiefs and notables acquired land in southern Bunyoro .....	106
4.5 Colonial administration and discontent in Buyaga and Bugangaizi counties .....	111
4.6 The implementation and challenges of <i>mailo</i> land tenure .....	114
4.7 Conclusion .....	118
Chapter 5: Land rights' contestation and violent conflict in Kibaale, 1962 – 1970.....	120
5.1 Introduction .....	120
5.2 Inherited land rights' controversies .....	120
5.3 Post-colonial political manouvres and conflict over land rights in the 'lost counties'.....	124
5.4 Issues surrounding the 1964 referendum on Buyaga and Bugangaizi .....	127
5.5 Responses to 1964 referendum results.....	132
5.6 The Public Lands Act 1969 and land rights conflict in Buyaga and Bugangaizi.....	134
5.7 Conclusion.....	135
Chapter 6: Amin's land reform politics and the perpetuation of conflict over land rights in Kibaale district, 1971 – 1995 .....	137
6.1 Introduction .....	137
6.2 The Amin regime's consolidation efforts, 1971 – 1974 .....	138
6.3 The Land Reform Decree 1975 and its implications on conflict over land rights ....	141
6.4 New Settlers and the increment of land rights regimes, 1970s – 1990s .....	145

6.5 The 1995 Uganda Constitution and land-related conflict in Kibaale district.....	149
6.6 Conclusion .....	153
Chapter 7: Land Politics and conflict in Kibaale district since 1996 .....	154
7.1 Introduction .....	154
7.2 Competitive elections and conflict in Kibaale district since 1996 .....	155
7.3 Politicized land rights and conflict in Kibaale, 2001 – 2003 .....	158
7.4 Multi-partism and the intensification of conflict in Kibaale district in 2006.....	162
7.5 Political patronage, vested interests and conflict in Kibaale district .....	165
7.6 Conclusion.....	168
Chapter 8: General conclusion .....	170
Bibliography .....	177
Appendix A: Interview Guide .....	190
<b>List of maps:</b>	
Map 1: Location of Kibaale district .....	13
Map 2: Kibaale district administrative units and places mentioned in the thesis .....	25
Map 3: The ‘cattle corridor’ in Uganda .....	86
Map 4: Colonial activities in Bunyoro and the neighborhood before 1900 .....	101
Map 5: Mubende district during the British colonial period .....	111
<b>List of photographs:</b>	
Photograph 1: Eviction of ‘Balaalo’ pastoralists from Buliisa district .....	89
<b>List of tables:</b>	

Table 1: Absentee landlords of Kibaale mailo land with 500 hectares and above .....116

Table 2: Results of the 1964 referendum on Buyaga and Bugangaizi counties .....131

# CHAPTER 1

## GENERAL INTRODUCTION

### 1.1 LOCATION OF KIBAALE DISTRICT

The district is in mid-western Uganda as indicated on Map 1, between latitudes  $0^{\circ}37'$  and  $1^{\circ}13'$  north of the equator and longitudes  $30^{\circ}33'$  and  $31^{\circ}32'$  east of Greenwich. It covers a total area of 4,400 km<sup>2</sup>, of which 319 km<sup>2</sup> is lakes' area, and 4,081 km<sup>2</sup> is mostly attractive fertile land.<sup>2</sup>

Map 1



Source: George Magawa, Cartography section, Makerere University, 2010

<sup>2</sup> Uganda Government: *Report of the Commission of Inquiry into Bunyoro issues, 2006*, p.23.

## 1.2 Background and statement of the problem

The history of Africa in general and Uganda in particular has been characterized by land-related conflicts due to a multiplicity of factors such as the colonial legacy, eviction and population explosion. It is evident that conflicts which have mainly been caused by dispossession and unequal access to land in countries such as Zimbabwe are yet to be fully resolved.<sup>3</sup> It has equally been the same story in Uganda where the British colonialists departed before resolving the land conflicts which mainly resulted from the 1900 Agreement which they had signed with the so-called representatives of the King of Buganda.<sup>4</sup> From 1962, land conflicts of different magnitudes and caused by various factors escalated. Some of these conflicts like that of Kibaale district in western Uganda has been partly heightened by questions of local and national citizenship.

This thesis uses the case of Kibaale district to examine why there has been persistent conflict over access to and ownership of land in Buyaga and Bugangaizi counties<sup>5</sup> since the advent of colonial rule. It focuses on establishing the reasons why the post-colonial regimes and other relevant actors have either deliberately or un-consciously left the land conflicts unresolved. Dunbar highlights the early part of the conflict and contends that it stemmed from the 1900 Buganda Agreement by which the British rewarded their Baganda allies with all Bunyoro land to the south of Kafu River including the whole of Buyaga and Bugangaizi counties.<sup>6</sup> Similarly, Kasfir traces the conflict from the Buganda Agreement of 1900 and considers it to have been between Baganda and Banyoro ethnic groups. He argues that the struggle for these territories was later defined in ethnic terms as both the Baganda and Banyoro practically participated in line with their traditional group affiliations.<sup>7</sup> The suggestion by Dunbar and Kasfir that Buganda Kingdom was rewarded with land from Bunyoro during the signing of the 1900 Buganda Agreement is questionable because it is evident that groups of people (driven by individual

---

<sup>3</sup> S. Moyo (2010), "The Zimbabwe crisis, land reform and normalization", in Anseeuw W. & Alden C., (eds.), *The Struggle over Land in Africa*, Cape Town: HSRC Press, p.248.

<sup>4</sup> A.D. Roberts (1962), "The sub-imperialism of Buganda", in *Journal of African History*, Vol.3, No.3, p.437.

<sup>5</sup> These are two of Bunyoro Kingdom's territories which had been incorporated into Buganda Kingdom (hence the phrase: 'lost counties') by the British colonialists in 1900 but were returned to Bunyoro after the referendum of 1964.

<sup>6</sup> A.R. Dunbar (1965), *A History of Bunyoro-Kitara*, Nairobi: Oxford University Press, p.105.

<sup>7</sup> N. Kasfir (1976), *The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a Case Study of Uganda*, Los Angeles: University of California Press, p.137.

desire for land and other material gains) from Buganda Kingdom fought alongside the British troops and grabbed land from the early settlers before 1900. Moreover, these two writers' understanding of the conflict in terms of imagined ethnic groups obscures the underlying causes of persistent conflict over access to and ownership of land in Kibaale district.

Espeland's story of how the land disputes between the Kibaale early and new settlers resulted in injuries and deaths of people, especially on what he regards as the black Sunday in 2003<sup>8</sup> is quite compelling. He argues that the circumstances under which 'neighbors became killers' in 'Businge' village in Kibaale district on 25 May 2003 were aggravated by ethnic considerations. Though he correctly asserts that the conflict was sparked by a biased land redistribution exercise<sup>9</sup>, his assumption that there were clearly defined in terms of antagonistic Bakiga and Banyoro ethnic groups is questionable especially after more than four decades of intermarriage and intermingling between the early and the late settlers. Moreover, he also seems to underestimate the rural people's claims for land ownership on customary basis when he states that "most people in Businge do not hold any documentary proof of their 'kibanja' rights to land".<sup>10</sup>

Deininger and Castagnini's study explores land-related conflict in Uganda. They rightly argue that the unequal access to land as a result of the colonial legacy in African countries such as South Africa and Zimbabwe have led to more or less similar land conflicts.<sup>11</sup> Their study focuses on the economic impact of land-related conflict, its incidence and the extent to which land legislation instruments such as the 1998 Land Act have reduced the incidence of conflict. It argues that the "co-existence of many tenure systems has created considerable scope for overlapping rights to the same plot that could lead to conflict".<sup>12</sup> Indeed, the customary rights' claimants have conflicted with the statutory rights' holders particularly Buganda region and Kibaale district since the colonial period. It contends that financial insufficiency has undermined the ability by the government of Uganda to implement the 1998 Land Act which would have

---

<sup>8</sup> R.H. Espeland (2007), "When Neighbours become Killers: Ethnic conflict and communal violence in Western Uganda", Bergen: Chr. Michelsen Institute, p.1.

<sup>9</sup> *Ibid.*, p.12.

<sup>10</sup> *Ibid.*, p.6.

<sup>11</sup> K. Deininger and R. Castagnini (2004), "Incidence and impact of conflict in Uganda", in *World Bank Policy Research Paper 3248*, p.1.

<sup>12</sup> *Ibid.*, p.2.

reduced the incidence of conflict. The study misses the point that the little funds which were meant for compensation of absentee landlords were embezzled by officials of the Uganda Land Commission. Though it correctly points to the financial weakness of government as one of the problems in conflict resolution in Uganda, it misses the fact that the 1998 Land Act has some contradictory provisions which undermine its effectiveness in mitigating land conflicts.

Mamdani's *Citizen and Subject* is not specifically about Kibaale district but provides an insight on how the British colonial legacy and the character of the post-colonial state have contradicted the efforts to minimize land conflicts. Mamdani asserts that a bifurcated state was established by the colonialists to address the 'native question': how could a tiny and foreign minority rule over an indigenous majority? He contends that the bifurcated state had two interlinked forms of power: urban power speaking the language of civil society and civil rights; and rural power concerned with traditional and ethnic aspects.<sup>13</sup> He points to the colonial state's judicial system which reinforced a decentralized despotic system. At one end were the courts of chiefs and headmen that dispensed justice to the natives basing on customary law while at the other end was a hierarchy of white judicial officials set to handle cases which involved non-natives.<sup>14</sup> He posits that the colonialists considered the customary as synonymous with a tribe with its own customary law which in turn excluded all migrants as strangers with no customary access to land. He observes that the bifurcated state was inherited by the African post-colonial state which maintained a decentralised despotic system. He points to democratization challenges in Uganda and raises important questions regarding the NRM government's democratization efforts: "Would not a multiparty contest in the city be about not just who would represent citizens in the city, but also who would be the master of tribes in the countryside? Would not such a contest both exacerbate clientelism in civil society and extend it to the countryside, thereby also activating and reorganizing democratic politics around inter-ethnic tensions?"<sup>15</sup>

Mamdani's work provides insights on how decentralized despotic systems in particularly colonial and post-colonial tropical Africa have upheld some landlordism and undermined equal access to land. Accordingly, my thesis draws on Mamdani's theory of decentralized despotism to

---

<sup>13</sup> M.Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.18.

<sup>14</sup> Ibid., 109.

<sup>15</sup> Ibid., 293.

understand why violent conflict between the Banyoro and other peoples (especially the Baganda and Bakiga) over access to and ownership of land in Kibaale district has persisted since 1962. However, the theory does not fully account for persistent conflict over access to and ownership of land in Kibaale district. Mamdani's theory assumes a quite static society, yet Kibaale district, like most other parts of the World, has been dynamic and exposed to such phenomena as constant massive in-migration and globalization. Moreover, the case of Kibaale district is more complex than what Mamdani and the other scholars have shown. For instance, as indicated in chapter 4 of my thesis, the conflict in Kibaale is partly a result of the local memories of a devastating and dehumanizing colonial war of conquest, the impact of British imperialism as well as Buganda sub-imperialism symbolized by *mailo* land in Buyaga and Bugangaizi counties (Kibaale district). By studying these issues from a historical perspective, my thesis contributes more to the understanding of why conflict over access to and ownership of land in Kibaale district has persisted.

The thesis argues that at the beginning of British colonial rule (1894-1900), land was used to motivate the Baganda to fight alongside the British against resisters in some parts of Uganda. From the early 20<sup>th</sup> century, the British colonialists established an indirect system of administration in the rural areas such as Buyaga and Bugangaizi counties, especially by approving the Baganda chiefs' ownership of large tracts of land in mainly Buyaga and Bugangaizi counties.<sup>16</sup> This meant that the British had started gaining the authority to allocate land, without which, it would have been difficult if not impossible for them to acquire and consolidate their political power in Uganda.

The thesis contends that the imposition of Baganda chiefs and landlords on the people of Buyaga and Bugangaizi counties laid the basis of contestation and violent conflict between the statutory and customary land rights claimants in Kibaale district. It argues that the landlord-tenant system in Buyaga and Bugangaizi counties was maintained throughout the colonial period to sustain colonial rule and promote the British colonial economic interests. It posits that the post-colonial Uganda government was unable to resolve the *mailo* landlord-tenant conflict in Buyaga and Bugangaizi counties through the 1964 referendum due to its political implications.

---

<sup>16</sup> M. Mamdani (1976), *Politics and Class Formation Uganda*, New York & London: Monthly Review Press, p.120

First, the mainly colonial-engineered Uganda independence constitution of 1962 recognized the Baganda landlord (ownership) rights over the *mailo* land in Buyaga and Bugangaizi counties.<sup>17</sup> This meant that as much as the Banyoro claimed customary rights over the land in Buyaga and Bugangaizi counties, the Baganda landlords were constitutionally entitled to the land in the same counties. Second, the central government led by Prime Minister Apollo Milton Obote depended on a coalition between the Kabaka Yekka (KY) party consisting of mainly Baganda landlords and the Uganda Peoples' Congress (UPC) party, largely composed of people from outside Buganda region.<sup>18</sup> This raised a question of how the central government would forcibly redistribute the *mailo* land ownership rights from the Baganda to the Banyoro without undermining its survival at the centre and in Buyaga and Bugangaizi counties. Third, the central government was not prepared to undertake any reform which was likely to reduce its authority to allocate land and in turn undermine its political power over the people (see details in chapter 4 of this thesis). Practically, the above stated dilemmas made it difficult for even the subsequent central governments to resolve the contestation and violent conflict over access to and ownership of land in Kibaale district.

The thesis observes that contestation and violent conflict over access to and ownership of land in Kibaale district has been worsened by the upsurge of new settler numbers since the 1990s. The new settlers include those in the two government-sponsored resettlement areas (Ruteete and Kisiita) whose inhabitants' tenure security against the Banyoro customary claimants depends on the central government. The contestation and violent conflict over the land in Kibaale district has become more complex than before due to some provisions in the 1995 Uganda Constitution and the 1998 Land Act which empowered Ugandans to enjoy citizenship and land rights in any part of the country including Kibaale district but at the same time recognized the customary land rights. The above factors/processes have resulted in more complex contestation and violent conflict over land in Kibaale district at three main levels: first, conflict between the Baganda *mailo* landlords who were/are considered as foreigners and the Banyoro who claimed to belong to Bunyoro with entitlement to ownership of land therein;

---

<sup>17</sup> Uganda Government (1963), *The Uganda (Independence) Order in Council, 1962*, Entebbe: Government Printer, p.11.

<sup>18</sup> N. Kasfir (1976), *The Shrinking Political arena: Participation and Ethnicity in African Politics, with a case study of Uganda*, London: University of California Press, 195.

second, conflict between the Baganda *mailo* landlords and others such as the Bakiga (legal and *bona fide* land occupants according to the Land Act 1998); and third, contestation and violent conflict between the Banyoro customary land rights' claimants and the recent settlers (also called Bafuruki, such as the Bakiga, Banyarwanda, and Congolese). Up to the present day, the various forms of land conflicts have been volatized due to continuous patronage schemes by the local and national politicians.

It is against this background that the thesis examines the persistence of contestation and violent conflict over access to and ownership of land in Kibaale district from a historical perspective. Its foundation is constituted by gaining new insights on how the 1893-1899 British colonial conquest war, enabled the Baganda who had fought alongside the British-led army, to occupy large tracts of land in Buyaga and Bugangaizi counties of southern Bunyoro at the expense of several local human lives and property.<sup>19</sup> As shown in Chapter 4 of this thesis, the level of devastation, dehumanization and land dispossession caused by the colonial conquest war in Buyaga and Bugangaizi counties is unprecedented by most of the colonial wars in Africa. So, those who contest the Baganda ownership of land in Kibaale district ask: why do those people in government ignore the fact that the land in Kibaale district was not bought but stolen by the Baganda after killing our ancestors who owned it?<sup>20</sup>

For further understanding of the nature of land dispossession, the thesis examines the implementation of the 1900 Buganda Agreement land clause and its contribution to conflict over access to and ownership of land in Kibaale district. It observes that the Banyoro were not involved in the drafting and signing of the Agreement which practically undermined their customary land rights<sup>21</sup> (see details in chapter 4 of the thesis). The imposition of the Baganda landlords/chiefs in Buyaga and Bugangaizi counties was immediately contested by the Banyoro. As noted by Doyle, the Banyoro in the two counties considered the Baganda chiefs as aliens who had not only grabbed their ancestral land but also subjected them to occasional maltreatment and

---

<sup>19</sup> S. Doyle (2000), "Population decline and Delayed Recovery in Bunyoro, 1860-1960", *Journal of African History*, vol.41, number 3, p.440.

<sup>20</sup> Interview, H.F.M., Kisugu, September 12, 2013.

<sup>21</sup> N. Kasfir, (1976), *The Shrinking Political arena: Participation and Ethnicity in African Politics, with a case Study of Uganda*, Los Angeles: University of California Press, p.97.

systematized discrimination.<sup>22</sup> By early 1907, many Banyoro people had protested the Baganda chiefs and landlords and were only silenced in May 1907 when police reinforcements arrived and arrested the ring-leaders.<sup>23</sup>

Although the British colonial government employed extra-coercive measures to maintain the Baganda-dominated local government in Buyaga and Bugangaizi counties, it did not successfully stop the Banyoro resistance. By the 1920s, the Banyoro in the two counties had resumed their anti-Baganda campaigns under the umbrella of the Mubende Banyoro Committee (M.B.C).<sup>24</sup> The M.B.C members were particularly contesting the Baganda acquisition of Bunyoro ancestral land including the royal burial grounds at Mubende hill. The contestation continued throughout the British colonial period, often exploding into violent incidents, especially after the World War II Banyoro ex-servicemen had embarked on a militant struggle. The British government's attempts to find solutions through the Munster Commission of 1961 and the Molson Commission of 1962 proved fruitless. Accordingly, there was widespread violence between the Banyoro and the Baganda in the two 'lost counties' just before and after the declaration of Uganda's independence on October 9, 1962. As shown in chapters 5, 6 and 7 of this thesis, the post-colonial governments' land law reforms did not effectively resolved the conflict in Kibaale district.

### **1.3 Aim and objectives of the study**

The aim of this study is to contribute to an understanding of reasons for persistent contestation and violent conflict over access to and ownership of land in Uganda with reference to Kibaale district during and after the colonial period. Its specific objectives are to: analyse the nature and impact of land dispossession in southern Bunyoro during the British colonial period; examine the way how the land reform policies were framed and how they either addressed or intensified the conflict over land rights in Buyaga and Bugangaizi counties during the first post-colonial regime (1962-1970); analyse why the Land Reform Decree of 1975 did not resolve the

---

<sup>22</sup> S. Doyle (2006), "From Kitara to the Lost Counties: Genealogy, Land and Legitimacy in the Kingdom of Bunyoro, Western Uganda", *Social Identities*, vol.12, no.4, p.461.

<sup>23</sup> E.I. Steinhart (1993), "The Nyangire rebellion of 1907: Anti-colonial protest and the nationalist myth", in Maddox G., ed., *Conquest and Resistance to colonialism in Africa*, Vol.1, New York & London: Garland Publishing Inc., p.340.

<sup>24</sup> N. Kasfir, et al., p.137.

land rights contestation; and examine the political and economic considerations which have informed land reform policies in Uganda under the National Resistance Movement government since 1986 and why the policies have not addressed the conflict over access to and ownership of land in Kibaale district.

#### **1.4 Research question**

Land is relatively abundant in Africa yet most people hold small pieces while others are increasingly becoming landless.<sup>25</sup> This is partly attributed to European expropriation of land which has so far resulted in violent conflicts in countries like Zimbabwe. The reasons for persistence of such conflicts are illustrated by the case study of Kibaale district. The central question of this study is: why has contestation and violent conflict over access to and ownership of land in Kibaale district been persistent? In relation to the main elements of the above question, six sub-questions are being addressed: First, why were the British colonialists unable to resolve the contestation and violent conflict between the Baganda landlords and the Banyoro over the land in Buyaga and Bugangaizi counties by the time of Uganda's independence in 1962? Second, why wasn't the contestation and violent conflict resolved through the 1964 referendum and the subsequent land reform efforts during the first post-colonial Uganda regime up to 1970? Third, how effective or otherwise was the Amin regime's Land Reform Decree of 1975 in resolving the contestation and violent conflict between the Banyoro and the late settlers over access to and ownership of land in Kibaale district up to 1995? Fourth, why did the contestation and violent conflict between the Banyoro and the newcomers over access to and ownership of land in Kibaale district intensify after 1995 despite constitutional and land tenure reform efforts?

#### **1.5 Rationale of the study**

This study contributes to the understanding of why and how Kibaale district has been persistently characterized by contestation and violent conflict over access to and ownership of land since the the beginning of colonialism. It addresses the gaps in the previous studies such as that by Mafeje (1973) and Mamdani (1987 and 1996). True, these studies make compelling

---

<sup>25</sup> P. Raikes (2000), "Modernization and Adjustment in African Peasant Agriculture", in Bryceson D., et al, (eds.), *Disappearing Peasantries: Rural Labor in Africa, Asia and Latin America*, London: Intermediate Technology Publications, p.66.

arguments on the agrarian<sup>26</sup> and land questions in Uganda in general, but they do not capture the specific complex situations of land conflicts in Kibaale district. Although, for instance, Mamdani's theory of decentralized despotism highlights the limitations to land reform in localised despotic authorities in various post-colonial Africa countries,<sup>27</sup> it does not adequately explain why the conflict over land in Kibaale district has been more difficult to resolve than in most other parts of Uganda. This makes a specific and historical analysis of violent conflict over access to and ownership of land in Kibaale district an important contribution. It particularly highlights: why and how the Baganda chiefs and their relatives gained access to most of the land in Kibaale district; why they were considered as migrants/strangers; how the bitter experiences of the war of conquest as expressed in the narratives contribute to persistent contestation and violent conflict; and brings on board, the political and economic considerations of land rights which have continuously stymied the land reform efforts.

## **1.6 Significance of the study**

This study contributes to the understanding of why the contestation and violent conflict over access to and ownership of land in post-colonial Kibaale district has continued despite land reform efforts. Unlike the previous studies, this study systematically examines the contestation and violent conflict over the access to and ownership of land in Uganda in general and Kibaale district in particular from a longer historical perspective. Whereas the current literature such as that by Espeland (2007) and Green (2008) has been focused on explaining violent conflict from ethnic perspectives even when it is practically difficult to demarcate the boundaries of the so-called ethnic groups, this study digs deeper into the people's perceptions and experiences in relation to claims and counterclaims for access to and ownership of land in Kibaale district during the successive post-colonial regimes than the previous studies. It does so not only by studying the archives but through in-depth interviews with victims, perpetrators, elders, the

---

<sup>26</sup> From the Marxist political economy perspective refers to continued existence of impediments to favorable conditions for economic development in Agriculture. The incomplete development in Agriculture may be due to lack of independent class formation out of the peasantry in the countryside, capable of accumulating capital, necessary for change from predominantly agrarian to industrialized societies. As argued by Terence J. Byres (1995:509), meaningful socio-economic transformation would only take place if a state or an equivalent undertakes appropriate land reform and successfully mediate the agrarian transition. Scholars were/are concerned with unresolved agrarian questions because of their negative implications, in the countryside as well as in towns.

<sup>27</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.109.

youth, local government leaders/chiefs, and the national politicians/leaders. It provides evidence of how the entrenched interests of political activists have undermined the development of a social justice framework to inform appropriate land reform policies for addressing the absentee landlord-tenant contradictions and the problem of First-comer/Late-comer or national/local citizenry conflict over land in Kibaale district. The study further demonstrates that, unlike in many other parts of Africa, the role of traditional authorities in Kibaale land administration has been insignificant for the past three decades. It argues that the reduced role of traditional institutions has cleared the way for unregulated massive migration and acquisition of land, thus intensifying the contestation and violent conflict over access to and ownership of land in Kibaale district.

### **1.7 Theoretical framework**

This thesis draws on the theory of decentralized despotism to gain an insight of what has led to persistent contestation and violent conflict between the first comers and others over access to and ownership of land in Kibaale district since the colonial settlement. The theory, as advanced by Mahmood Mamdani, is based on the idea that European colonial powers in Africa established a bifurcated state (a dual system of administration) in response to the ‘native question’: how could a tiny and foreign minority rule over an indigenous majority?<sup>28</sup> Mamdani asserts that the colonialists applied direct (in the urban areas) and indirect rule (in the rural areas) which are better understood as variants of despotism: the former centralized, the latter decentralized. He contends that one side of the colonial state governed a racially defined citizenry and an associated regime of rights while the other ruled over subjects through their respective customary authorities. He observes that land remained customary possession to which peasants could access it through “state-appointed customary authorities”.<sup>29</sup> He that the British colonialists defined customary law as the law of the tribe and there were different sets of customary laws for tribes.<sup>30</sup> He posits that “the decentralized despotic systems under the conservative states were deracialized but ethnically organized while the radical states tended

---

<sup>28</sup> *Ibid.*, p.16.

<sup>29</sup> *Ibid.*, p.22.

<sup>30</sup> *Ibid.*

towards centralized despotism after deracializing and detribalizing power”.<sup>31</sup> He observes that the centralized despotic systems would later embark on decentralization and if not pursued with democratization, there would emerge “a despotism as generalized and as decentralized as it was in the colonial era”.<sup>32</sup>

The theory of decentralized despotism has been echoed in various scholarly works on post-colonial Africa’s democratization challenges. For instance, Jacqueline Klopp contends that the theory of decentralized despotism helps to “illuminate how Kenya’s ruling clique of the Kenya African National Union (KANU) generated and benefited from a series of localized clashes to cling on power during the 1990s”.<sup>33</sup> She highlights the way how the Arap Moi regime undermined Kenya’s democratization process by fostering local councils’ dependence on the central government. She argues that “this elaborate structure of administrative control connecting the local to the center provides a means to subvert democratization in Kenya”.<sup>34</sup> She observes that after failing to check the multi-party movement in the early 1990s, Moi and his clique of patronage officials tried to maintain the local people’s support for KANU through *majimbo* (meaning ‘province’) rallies, land allocation and force. Klopp particularly cites the land-related violent conflicts in Narok County during and soon after the general elections of December 1992 and 1997, which she attributes to Moi and his KANU party officials’ pre-occupation with maintaining their power at local levels through patronage and brutal force instead of undertaking political and land reform.

Though the theory of decentralized despotism highlights the general nature of the colonial and post-colonial systems, in some instances it does not provide adequate understanding of the specific problems which African post-colonial democratization/land reform efforts ought to address. For instance, the theory is quite applicable in some parts but not everywhere. Moreover, it does not cater for dynamic social identities and the forces which have led to highly complex land questions in specific parts/regions of Africa. Thus, my thesis refers to the theory of decentralized despotism to understand why contested local structures such as the *mailo* landlord-

---

<sup>31</sup> Ibid., p.137.

<sup>32</sup> Ibid.

<sup>33</sup> J.M. Klopp, “Ethnic Clashes and Winning Elections: The Case of Kenya’s Electoral Despotism”, *Canadian Journal of African Studies*, Vol.35, No.3 (2001), p.475.

<sup>34</sup> J.M. Klopp, op cit., p.480.

tenant relations in Kibaale district have persisted during the various Uganda colonial and post-colonial regimes. However, the thesis draws on the specific historical perspective of the Kibaale land question as well as other factors such as in-migration, for better understanding of why the contestation and violent conflict over access to and ownership of land has persisted since the beginning of colonialism.

## **1.8 Research methodology and data processing**

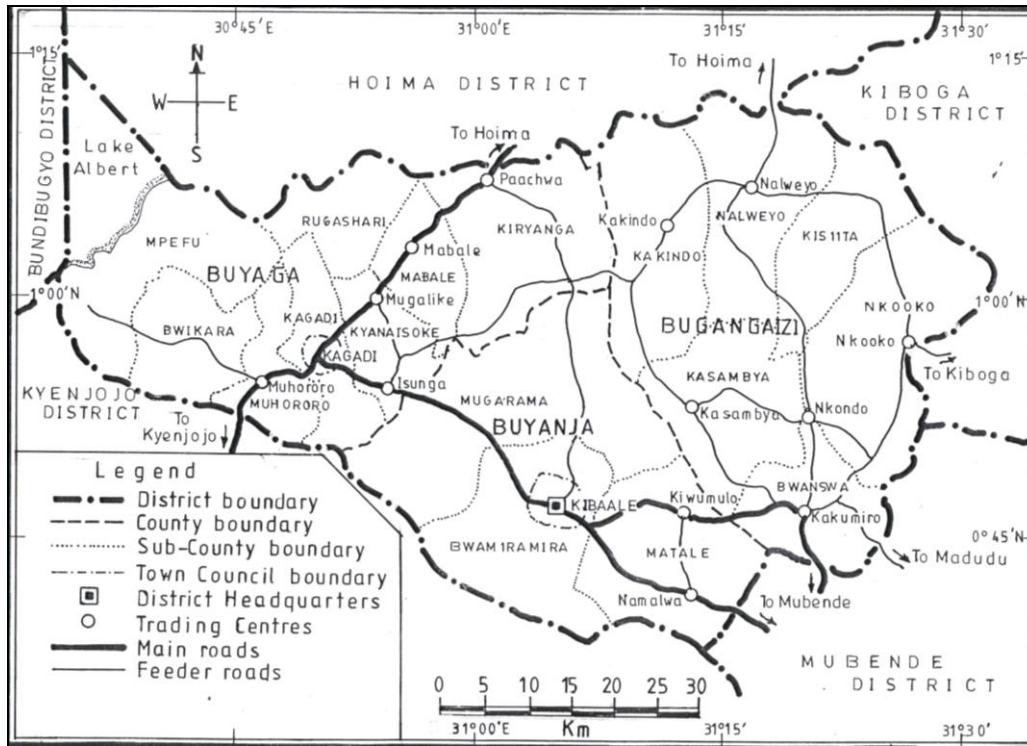
Kibaale district in mid-western Uganda is important for this thesis because it best illustrates an area which has been destabilized by persistent contestation and violent conflict over access to and ownership of land between the early and new settlers. It is particularly significant in terms of understanding the way how the British colonialists used land to ease their wars of conquest, to maintain their power over the colonial subjects, and the way the colonial project created difficulties for post-colonial land-related conflict resolution. Moreover, Kibaale district presents an example of a successive build-up of multiple layers of land regimes which has intensified the complexity of contestation and violent conflict between the claimants (mainly the Baganda and other new settlers) for statutory land ownership rights and those<sup>35</sup> for customary land ownership rights. So, a case study of Kibaale district, from a specific historical perspective, contributes to the understanding of persistent contestation and violent conflict over access to and ownership of land in post-colonial Uganda and other parts of Africa.

This thesis is a product of data which I collected in one year, mainly by qualitative methodology designed to generate in-depth information concerning the conflict between individuals/categories of people over access to and ownership of land in Kibaale district and other relevant locations in Uganda. Although I collected some data from archives, I spent most of my time and other resources on, first, carrying out purposive sampling of groups and individual research participants (interviewees) from certain settings, and afterwards, expanding my network of interviewees. Prior knowledge (highlighted in the next sub-section) of some people who were either involved or affected by the land rights contestations and land-related violence in some locations partly informed the sampling of interviewees. Some of the sub-counties and places of Kibaale district where field work was done are indicated on Map 2 below.

---

<sup>35</sup> Especially the people who regard themselves/are referred to as Banyoro and claim to be the 'children of the soil'.

Map 2: Kibaale district administrative units and places cited in this thesis



Source: George Magawa, Cartography section, Makerere University, 2010

### 1.8.1 How I negotiated my research relationships

Although I was born at Paachwa in Buyaga County of Kibaale district, I only got the opportunity to travel to various places in the district during field studies after 2000. I spent much of the time in Hoima district during my Secondary school education and in Kampala where I attended University education and got employed. My interest in understanding the conflict in Kibaale district was aroused by media reports of violent conflict during and after the February 2002 local council elections. The conflict was portrayed as a struggle between the Banyoro and the Bakiga ethnic groups for political offices such as the District Chairmanship.<sup>36</sup> However, my close contact with the Bakiga during my childhood in the home of my father who had married two ladies from Kigezi region (the origin of most of the new settlers known as Bakiga), kept me wondering what the conflict was about.

<sup>36</sup> Y. Mugabe (2002), "Banyoro block Kibaale road: MPs want Bakiga out", in *The Monitor*, March 21, 2002, Kampala: The Monitor Publications Ltd., p.1.

My earliest field work in Kibaale district was done soon after the 2006 Presidential and Parliamentary election violence which attracted the attention of many people, especially the scholars, politicians and those in the media. By that time, I had been appointed as Lecturer in the History Department of Makerere University. Some of my colleagues and friends often asked why the Banyoro in my district were sectarian and warmongers. A more intriguing question was raised by a colleague from Buganda: why are the Banyoro chasing the non-Banyoro off the Kibaale district land when you and your fellow Banyoro own land in Buganda?<sup>37</sup> Though I argued that the population of the Bakiga had increased so much that they competed with the Banyoro over political offices and resources, I felt the need to investigate the causes of persistent conflict in Kibaale district more deeply than ever before. Luckily, I was given some funds and tasked by the Head of history department to collect data and write a paper about the conflict in Kibaale district. I immediately went for fieldwork in Kibaale district where I easily got interviewees partly due to my birth connections to the area. But my inability to transcend the popular view that the conflict was about the Banyoro and Bakiga ethnic differences undermined the validity of data which I collected. My weakness was even reflected in the interview questions which I first designed in consideration of perceived ethnic categories (especially the Banyoro and Bakiga) to understand their opinions about the conflict. I eventually presented a paper in October 2006 which argued that the conflict in Kibaale district was largely an ethnic struggle which had been blown out of proportions by the political entrepreneurs.

However, after embarking on my PhD studies at the University of Cape Town, I developed a research proposal in 2010, tentatively titled: “Ethnicity, land ownership and conflict in Kibaale district” under Dr. Maanda Mulaudzi’s supervision. At that time, I intended to establish the relationship between ethnicity, land ownership and conflict in Kibaale district. Accordingly, I started exploring more appropriate ways of gaining access to the research field. It was still quite challenging for me to keep my being born in Kibaale district as an asset rather than a liability to the research project, to obtain reliable information from participants some of

---

<sup>37</sup> Discussion with Frederick Mulindwa, Makerere University History Department, April 13, 2006.

whom had been at the centre of the conflict, and as Maxwell puts it, to maintain fruitful relationships with participants throughout the research process.<sup>38</sup>

Despite all the challenges, I obtained ethical clearance from the University of Cape Town and permission to do research from the Uganda National Council for Science and Technology. This allowed me to proceed with the establishment of useful contacts in Kibaale district and in other parts such as Kampala. I consolidated my relations with the people whom I was already associating with, such as the politicians, my former students, and all those I studied with at various levels and were living in Kibaale district. It was from this category of people that I got my initial participants who subsequently introduced me to other research participants. By the middle of 2010, I had designed a tentative plan for my research project which was carried out as indicated in the following sub-sections.

### **1.8.2 Data collection**

I travelled from Kampala to the National Archives at Entebbe (officially known as Entebbe Secretariat Archives – ESA) where I did registration and fixed dates for subsequent data collection. The main reason for going to the archives was to collect data about the British colonial land policies and assess the extent to which they laid the basis for conflict between the first comers and other people in Kibaale district. During my first visit, the materials at the Entebbe Secretariat Archives were generally disorderly. I was told that most of the archival materials had been temporarily stored in boxes during the process of transferring them from some other rooms. I was advised to return to the archives after one month, when the sorting and cataloguing process would have possibly been done. However, I cross-checked the file records which indicated that the archives contained colonial reports, official correspondence, copies of Agreements, reports of commissions of inquiry and other documents concerning land issues. When I returned to the archives in Entebbe, I read some original materials including the copy of the 1900 Buganda Agreement.

Next, I travelled to the Bunyoro Kingdom headquarters in Hoima to explore the palace archives. I chose to visit the Kingdom palace at Hoima because the late King of Bunyoro, Sir Tito Winyi IV and other Kingdom officials had been actively involved in the struggle for the

---

<sup>38</sup> J.A. Maxwell (2005), “Qualitative Research Design: An Interactive Approach”, in *Applied Social Research Methods Series*, Vol.41, Thousand Oaks: Sage Publications, pp.82 – 83.

return of Buyaga and Bugangaizi counties to Bunyoro before and after 1962. Fortunately, one of my Research Assistants, Robert Rukahemura was doing some part time work at the palace and he was personally known to the Kingdom officials including King Solomon Gafabusa Iguru. He made an appointment for me to meet with Mr. Yolamu Nsamba, the King's Principal Private Secretary (PPS). I conducted an interview with Mr. Yolamu Nsamba for an hour, after which he introduced me to someone in charge of the archives. I perused through some of the archival materials which were quite disorderly and dusty. However, this gave an idea that the Kingdom archives consisted of some information about the British colonial policies and the land-related issues/struggles in Buyaga and Bugangaizi counties. I gave myself two more days for studying the archival materials in Hoima.

From late 2010 up to early 2011, I did purposive sampling of people who had directly and indirectly been either affected or connected to the conflict and were capable providing relevant information about the conflicts in Kibaale district. I proceeded to identify at least four people (including a local council leader, a youth, one of the oldest people and any other person) from each of the ten most conflict-ridden sub-counties of Kibaale district. I did in-depth interviews with most of these people to allow lengthy "face-to-face encounters between the researcher and informants, to understand the informants' views"<sup>39</sup> on conflicts in Kibaale district. Interviews were conducted in the local languages (Runyoro-Rutooro and Runyankore-Rukiga), which I am fortunately conversant with as well as in English in cases where the participants preferred to use English. Audio recording was done with permission from the participants. I conducted interviews with the initially selected individuals to pre-test the interview questions as well. During interview sessions, the initial participants either recommended or unconsciously contributed to the identification of more interviewees.

By the middle of 2011, I had identified more individuals who could be engaged in life story interviews. These included people who had either experienced or lived through the conflicts in the district for a long period. More than two interview sessions were held with each of these life story tellers at the time and locations of their convenience. For instance, I personally held interview sessions for life stories with six oldest people, five politicians who had been

---

<sup>39</sup> S. Taylor and R. Bogdan, (1998), *Introduction to Qualitative Research Methods: A guidebook and resource*, 3<sup>rd</sup> Ed., New York, Wiley, p.77.

directly affected by the conflicts, the chairman of the Mubende Banyoro Committee (MBC) as well as the leader of the immigrants (locally known as the Bafuruki Committee) in Kibaale district. As Slim and Thomson stated that “there is often no better place than the narrator’s home”<sup>40</sup>, the best life stories were recorded at the homes of these participants.

I collected data from group discussions and interviews in selected places as well. I obtained information from focus group interviews which I arranged in places such as Burora, Mabaale, Kagadi, and Kakumiro. One of the benefits of such meetings was that they enabled me to verify/crosscheck the information which I had earlier gathered. It is also interesting to note that before my PhD research period, I had attended some security and conflict resolution community meetings which enabled me to obtain useful audio recordings of what was discussed. The meetings were initiated by Uganda’s envoy to Kenya, Brigadier Matayo Kyaligonza who had been sent by President Museveni to establish the causes of the conflicts in Kibaale district after the 2006 Presidential and Parliamentary general elections. From these recordings, it was possible to establish the local peoples’ opinions about the conflict.

Apart from the audio records of the community group discussions, I also got access to recordings of radio talk shows (especially the one of March 10, 2006 which was attended by political leaders and parliamentarians) from Kibaale Kagadi Community Radio (KKCR). Like what was done by other radio stations in Uganda, talk shows on current issues conducted by moderators on KKCR were regularly put on air. Since many people in Kibaale district possessed mobile phones (connected to MTN, AIRTEL, WARID, ORANGE and UTL networks), they made phone calls and discussed with guests in the KKCR studio. This enabled many people in Kibaale district and the neighborhoods to discuss issues about the conflict through such radio programmes. Though the same radio station (KKCR) was blamed by government for hosting some individuals who aired sectarian messages, it provided opportunities for people to either express their grievances or to contribute to the conflict resolution process.

It became necessary for me to travel to the University of Cape Town (UCT) after the first phase of my field work, to discuss the research findings and what I had so far written, with my supervisors. Unfortunately, I was unable to advance due to my painful feet and backache which

---

<sup>40</sup> H. Slim and P. Thomson with O. Bennett and N. Cross, (1993), *Listening for Change: Oral History and Development*, London: Panos, p.68.

made it difficult for me to complete the transcription of interview recordings and to write up my thesis chapters in time. Due to delay in completion of my studies, I lacked funding for my extended studies at UCT and was forced to take a ‘leave of absence’ in 2013. My hopes of proceeding with studies at UCT were boosted by Professor Lungisile Ntsebeza who agreed to take me up as my new supervisor and the one-year funding by the Makerere University Directorate of Research and Graduate Training. Based on his advice, I revised my thesis title from “Ethnicity, land ownership and conflict in Uganda: A case study of Kibaale district, 1945 – 2007” to “Land rights and conflict in Uganda: A case study of Kibaale district since 1962”.

### **1.8.3 Data analysis**

During research, I maintained a record of my own observations, experiences and interpretations. After the collection of data from the field (especially from the interviewees and radio talk shows), I took some time listening to the recordings and transcribing. Next, I did Interview transcript analysis and coding to simplify and focus on some specific characteristics of data.<sup>41</sup> Then, I arranged to avail (either by reading out or giving a copy of) the interview transcripts to the relevant interviewees for authentication. I did further scrutiny and verification of data from interviews and documents by doing the following. First, I corroborated the data collected through interviews with the information in books/documents. Second, in the process of carrying out interviews, I corroborated the information from two or more interviewees to reduce distortions due to exaggeration and lies. After verifying and cross-checking the validity of the data, I used it to write up the chapters of my thesis.

### **1.8.4 Ethical considerations**

In preparation for data collection in respect of this study, I got equipped with knowledge about research ethics. Apart from studying the research ethics guidelines provided by the University of Cape Town faculty of Humanities, I discussed the research ethics issues with my PhD project supervisors. I even obtained ethical clearance from the Uganda President’s Office Research Secretariat through the Uganda National Council for Science and Technology before undertaking the field study. When the process of data collection began, especially during

---

<sup>41</sup> L. Richards and J.M. Morse, (2007), *User’s Guide to Qualitative Methods*, 2<sup>nd</sup> ed., London: SAGE Publications, p.134.

interviews, I made sure that the participants' dignity was respected, their welfare was attended to and they were well informed of what my research was all about, to enable them to provide information of their choice with no fear. I promised to ensure their confidentiality, privacy and anonymity by avoiding disclosure of their identities/names. For documentation, I used initials of the participants' names though I kept a list of full names of participants under lock. I made sure that all necessary steps were taken to maintain a high degree of honesty while presenting data.

Although my ancestral home is at Paachwa in Buyaga county of Kibaale district, I made sure that this did not compromise my position as a researcher. I presented myself as a student doing PhD studies at the University of Cape Town. I told the research participants about my profession as a teacher which indeed many knew and assured them of my determination to use the research findings for purely academic requirements at the University of Cape Town. I however informed them that some of the information could inform the conflict resolution and development policy formulators in Uganda and other countries in Africa.

The participants were given the Informed Consent forms for perusal and to sign if they so wished. They were clearly informed that their identities would remain anonymous and that no one could compel any of them to attend interview sessions on terms set by the interviewer.

Finally, I undertook to minimize possible risks or harm by the research project, and to make sure that the political, religious and cultural aspects which may arise in the process are not offensive to either individuals or government.

## **1.9 Structure of the thesis**

The thesis examines why there has been persistent contestation and violent conflict, particularly between the early and new settlers, over the access to and ownership of land in Kibaale district since the 1962 British declaration of Uganda's independence. The structure of the thesis chapters provides a historical and systematic analysis of how, in various circumstances, the contestation and the violent conflict over access to and ownership of land in Kibaale district has persisted. Each of the chapters covers a political regime for convenient and specific analysis of how each of the successive post-colonial regimes has dealt with contestations and violent conflict over access to and ownership of land in Kibaale district, for what interests and to what degree of success. The study contributes to the understanding of the nature of the

land question in Kibaale district and why it has not been fully resolved since Uganda achieved independence in 1962. Specifically, the questions being addressed include: why the contestation and violent conflict between the Banyoro and newcomers in Kibaale district has persisted?; why have the successive post-colonial regimes and other relevant actors been unable to fully address the land conflicts?; why have the permanent resettlement schemes in the district been contested by the first land occupants?; and why has there been increased violent conflict whenever the multi-party elections take place, especially since the 1990s?. To contribute to a more systematic understanding of persistent contestation and violent conflict over access to and ownership of land in Uganda in general and Kibaale district particularly, the outstanding questions are tackled in the eight chapters of this thesis, following some chronological order. The first chapter is this general introduction which highlights the main issues of the thesis.

The second chapter reviews the literature about land rights and conflict, placing the Kibaale district conflict in the broad African context. The review of literature on theoretical issues highlights the main concepts used in the thesis while the rest of the literature helps to indicate the information gaps being addressed by the thesis. The review of literature about theories of land rights and conflict cover: the theory of property rights, evolutionary theory of land rights (ETLR), and the neo-classical property rights theory. The review identifies the strengths and weaknesses of these theories in relation to land rights and conflict in Kibaale district. Finally, I review the literature about land tenure regimes, land policies, land reform programmes in Kibaale district.

The third chapter provides an overview of the land question and focuses on the circumstances under which contestation and violent conflict over access to and ownership of land in different parts of Uganda has persisted since the colonial era. It establishes the background to the subsequent parts of the thesis by highlighting the way how the land question emerged and increasingly became complex during the colonial and post-colonial periods. It gives an overview of the factors which influenced the British colonial land policy in Uganda. The chapter demonstrates that the colonial land policy was conditioned by the need to maintain the colonial government's power and to promote the capitalist interests. It argues that the post-colonial state inherited and reinforced the colonial legacy because it was still an essential

element of the post-colonial state's existence. The chapter particularly highlights the relationship between the central government's need to maintain political support from Buganda and its failure or reluctance to sort out the contestation over the predominantly Baganda-owned *mailo* land in Buyaga and Bugangaizi counties of Kibaale district. It also examines the extent to which the massive migration of people from such parts as the over-populated Kigezi region of southwestern Uganda to Kibaale district since the 1970s has contributed to more complex land rights regimes and undermined the efforts to resolve the contestation over access to and ownership of land in the district. Finally, the chapter highlights the causes of increased incidence of contestation and the land-related violent conflict in various parts of Uganda, especially with reference to specific regional issues such as the Lord's Resistance Army (LRA) rebellion and its aftermath in northern Uganda, the conflict related to the extraction of oil in the Lake Albert region and the conflicts related to the dispossession of the majority rural poor people by the rich ones, including the internal and external investors.

The fourth chapter provides a specific historical background to the development of the land question in Kibaale district. It foregrounds the case study chapters of this thesis. It does so by, first, analyzing the interests of the British-led forces which contributed to their involvement in the conquest of Buyaga and Bugangaizi counties in southern Bunyoro. Second, by tracing the way how the Baganda chiefs and notables acquired *mailo* land in Buyaga and Bugangaizi counties and establishing why they were perceived as migrants/strangers. And third, by examining the extent to which the irregularities in the *mailo* land registry contributed to the difficulty in resolving the conflict over access to and ownership of land in Buyaga and Bugangaizi counties during and after the British colonial period. The chapter argues that, contrary to the generally held view that the Baganda and other notables acquired land in Buyaga and Bugangaizi counties after the signing of the 1900 Buganda Agreement, there is evidence to show that the acquisitions started six years earlier. It was during the 1893-1899 colonial war of conquest that the Baganda chiefs, who were part of the army of occupation, started acquiring land in the two counties. Moreover, as opposed to the generalization that traditional authorities held the prerogative of regulating land access in rural Uganda,<sup>42</sup> this chapter shows how the

---

<sup>42</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.17.

Baganda and the subsequent migrants accessed land in southern Bunyoro after the traditional institutions had been weakened and, in some cases, destroyed.

The fifth chapter examines the challenges faced by the post-colonial state in resolving the contestation and violent conflict over access to and ownership of land in post-colonial Buyaga and Bugangaizi counties (currently known as Kibaale district). It stretches from 1962, when Uganda's independence was declared by Britain before resolving the problem, to 1971, when the first post-colonial government under Apollo Milton Obote was overthrown by Idi Amin Dada. The main question being addressed by this chapter is: why did the post-colonial government in Uganda, whose officials were empowered by the 1962 Independence Constitution to address the conflicting claims for the ownership of territories which the British colonialists had transferred from Bunyoro kingdom to Buganda kingdom, fail to resolve the conflict over access to and ownership of land in Buyaga and Bugangaizi counties up to 1971? In this chapter, I argue that the post-colonial government was unable to resolve the contestation and violent conflict over access to and ownership of land in Buyaga and Bugangaizi counties mainly due to the political support it enjoyed from the landlords. The Obote regime, for instance, was in a dilemma of how it could force the Baganda absentee landlords to give up their *mailo* land ownership rights in Buyaga and Bugangaizi counties without losing Buganda's support for the central government.

The sixth chapter highlights the nature of the land reform policy by the government under Idi Amin Dada following the coup d'état of January 25, 1971 in Uganda. It particularly examines the circumstances which influenced the Amin regime's land reform policy, especially, through the Land Reform Decree of 1975 and the extent to which it either undermined or contributed to the resolution of the contestation and violent conflict over access to and ownership of land in Buyaga and Bugangaizi counties up to 1995. The chapter argues that by declaring all land in Uganda as public land to be accessed and used on terms set by government, the Amin regime through the Land Reform Decree of 1975 undermined the tenure security which the customary land occupants in Buyaga and Bugangaizi counties were set to enjoy under the Public Lands Act 1969. It also argues that, although the Land Reform Decree of 1975 temporarily frustrated the hopes of the Baganda absentee landlords to regain access to their *mailo* land in Buyaga and Bugangaizi counties, it gave way to new landlords who acquired long-term land

leases at the expense of the rights of the earlier customary land occupants. Moreover, by continuously weakening the customary structures through which the old and new settlers could have accessed and used land in the two counties, the Land Reform Decree of 1975 increased the possibilities for unregulated land acquisition and further contestation and violent conflict over access to and ownership of land in Kibaale district.

The seventh chapter examines why the contestation and violent conflict over access to and ownership of land in Kibaale district intensified starting from 1996 despite constitutional and land reform efforts. It is guided by one main question: why has there been persistent contestation and violent conflict over access to and ownership of land in Kibaale district despite the promulgation of the 1995 Uganda Constitution and the revision of land legislation under the Land Act 1998 and the subsequent Land Amendment Acts? To address the question, this chapter does not only examine the land-related legislations but mainly builds on data from in-depth interviews with purposively sampled people who represent different sections of society in Kibaale district as well as national politicians. The chapter argues that, the continued reference to or use of land rights in the struggle for and maintenance of political power at the central and local levels of government has undermined the efforts of resolving the contestation and violent conflict over access to and ownership of land in Kibaale district since the early 1990s.

Lastly, the eighth chapter is a general conclusion which recapitulates the main issues tackled by the thesis chapters. It highlights the contribution of the British colonialists to the development of the land question which has been characterized by contestation and violent conflict over access to and ownership of land from 1962, how the migration of thousands of people from elsewhere to Kibaale district has worsened the violent conflict over access to and ownership of land, and why the post-colonial regimes have not effectively resolved the conflict.

## CHAPTER 2

### LITERATURE REVIEW OF IDENTITY, PROPERTY RIGHTS AND CONFLICT

#### 2.1 Introduction

This chapter reviews some important literature about identity<sup>43</sup>, property rights and conflict. It mainly aims to highlight the main concepts used in my thesis to explain conflict over land in Africa. One of the most important concepts is identity, especially used to show how people of different identities clash over property rights. By drawing on this conceptual framework, I have explored the extent to which the conflicting peoples' identities have resulted in conflict over access to and ownership of land in Kibaale district and some other parts of post-colonial Africa. Mafeje correctly argues that the European colonialists reconstructed African reality by creating tribal identities in order to rule the Africans.<sup>44</sup> He contends that 'tribes' or 'tribalism' do not exist in any objective sense and it is a mark of false consciousness for the supposed tribesmen to subscribe to what is inconsistent with their material base.<sup>45</sup> Similarly, Berman observes that identity was used by the colonial authorities to divide and rule the Africans.<sup>46</sup> Olayode contends that, identity was and is still a strong catalyst for social mobilization and conflict in African societies.<sup>47</sup> Kasfir specifically analyses the nature of ethnicity and its contribution to some conflicts in Uganda.<sup>48</sup> Mamdani adds that conflicts often occurred because of the colonial construct that tribesmen of a particular area had the traditional right of access to land while all migrants – strangers, were not entitled to such right.<sup>49</sup> Peters also attributes most of post-colonial African violent conflicts to competitive claims for land rights

---

<sup>43</sup> See Edmond Keller (2014), *Identity, Citizenship and Political conflict in Africa* on how the complicated relationship between local and national identities contributes to violent conflict in post-colonial Africa. Also See M. Castells (2010), *The Power of Identity: The information Age: Economy, Society, and Culture*, Vol.2, 2<sup>nd</sup> ed., pp.6-8.

<sup>44</sup> A. Mafeje (1971), "The Ideology of 'Tribalism'", in *The Journal of Modern African Studies*, Vol.9, No.2, Cambridge University Press, p.253.

<sup>45</sup> *Ibid.*, p.259.

<sup>46</sup> B.J. Berman, "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism", in *African Affairs*, No.97, 1998, pp.310-311'

<sup>47</sup> K. Olayode, "Beyond Intractability: Ethnic Identity and Political Conflicts in Africa", in *International Journal of Humanities and Social Science*, Vol.6, No.6, 2016, p.244.

<sup>48</sup> N. Kasfir (1976), *The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a case study of Uganda*, Berkely & Los Angeles: University of California Press, p.44.

<sup>49</sup> M. Mamdani (1996), *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Kampala: Fountain Publishers, p.140.

between ethnic groups.<sup>50</sup> Similarly, Boone considers the conflicts in Africa as outcomes of identity-motivated struggles for citizenship and political power.<sup>51</sup>

Despite its insights on identity-related conflicts, the literature still lacks precision on definitions of identities such as tribe/ethnic group and does not adequately explain the persistence of violent conflict over land in different parts of Africa. Worth noting, however, is the relevance of Lentz's analysis of "relationships between and among persons regarding property".<sup>52</sup> Although expressions of belonging such as indigeneity and autochthony<sup>53</sup> appear to have, as Le Vine argues, "instead muddied the conceptual waters even further",<sup>54</sup> Lentz contributes to the clarification of such concepts, using a case study of the Black Volta. Lentz correctly argues that the same terms/concepts have carried varying meanings in different contexts partly because of their subjective definitions. As observed by Lentz:

intricate histories of interaction between first-comers and late-comers, and the typical ambiguity of the composition of the "bundle of owners" as well as the bundle of rights that the latter acquired, provided and continues to provide potential for a plurality of (re)interpretations, debate, and sometimes conflicts".<sup>55</sup>

Accordingly, the next sub-sections explore the meanings of some of the identity concepts/terms and the contexts in which they are deemed to have contributed to violent conflicts over land, especially as reflected in my thesis.

## **2.2 The concepts of tribe and ethnic group**

Tribe and ethnic group (and their derivatives such as tribalism and ethnicity respectively) have been often used interchangeably in explanations of conflicts and other social issues in

---

<sup>50</sup> P.E. Peters (2013), "Conflicts over land and threats to customary tenure in Africa", in *African affairs*, Oxford University Press, p.549.

<sup>51</sup> C. Boone (2014), *Property and Political Order: Land rights and the structure of politics in Africa*, New York: Cambridge University Press, p.315 – 318.

<sup>52</sup> C. Lentz (2013), *Land, Mobility and Belonging in West Africa: Natives and Strangers*, Bloomington; Indiana University Press, p.166.

<sup>53</sup> See Q. Gausset, et al., "Indigeneity and autochthony: a couple of false twins?", in *Social Anthropology*, Vol.19, No.2, 2011, pp.135-141.

<sup>54</sup> V.T. Le Vine, (1997), "Conceptualizing Ethnicity and Ethnic Conflict: A Controversy Revisited", in *Studies in Comparative International Development*, Vol.32, No.2, p.47.

<sup>55</sup> C. Lentz (2013), *op cit.*, p.128.

particularly Africa. Drawing on Gulliver (1969)'s definition of a 'tribe' as "any group of people which is distinguished, by its members and by others, based on cultural-regional criteria",<sup>56</sup> Mafeje argues that the European colonialists and scholars misconceived Africa as tribal and in most cases created 'tribes' which "provided the material as well as the ideological base of what is now called 'tribalism'".<sup>57</sup> He defines the concept of tribe as "a relatively undifferentiated society, practicing a primitive subsistence economy and enjoying a local autonomy".<sup>58</sup> He disagrees with the idea of coining the concept of tribe on African societies which "have been effectively penetrated by European colonialism and drawn into a capitalist economy".<sup>59</sup> He observes that anthropologists find it increasingly difficult to insist on territoriality as the basis of 'tribalism' and extend it to the urban areas where tribesmen might still identify themselves very strongly with their original regions.<sup>60</sup> Precisely, Mafeje argues that though tribal ideology and sentiment existed in Africa, tribes were non-existent in real sense. He suggests that generalisable concepts with more explanatory power than 'tribes' and 'tribalism' should be explored for better analysis of societies in the world.<sup>61</sup>

Mamdani also postulates that tribalism is an ideology "produced under concrete historical circumstances by a particular social group".<sup>62</sup> Although he does not clearly link the concept of 'tribe' with the European colonialists, he states that "in Africa, the political scientists identified the traditional with the tribal: tribal society was traditional and primordial, timeless and unchanging".<sup>63</sup> In his later publication, he states that though "tribes may have been subdued or conquered, they defined the parameters of an autonomous way of life".<sup>64</sup> Ranger clearly states that: "in the 1890s people in Makoni did not think themselves as 'Manyika' but by the 1930s (after the introduction of British colonial rule) most of them had come to accept that they were

---

<sup>56</sup> P.H. Gulliver, ed., (1969), *Tradition and Transition in East Africa: studies of the tribal element in the modern era*, London: Routledge & Kegan Paul, p.24.

<sup>57</sup> A. Mafeje (1971), "The Ideology of 'Tribalism'", *The Journal of Modern African Studies*, Vol.9, No.2, Cambridge University Press, p.254.

<sup>58</sup> *Ibid.*, p.258.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*, p.259.

<sup>61</sup> *Ibid.*, p.261.

<sup>62</sup> M. Mamdani (1976), *Politics and Class Formation in Uganda*, New York & London: Monthly Review Press, p.3.

<sup>63</sup> *Ibid.*

<sup>64</sup> M. Mamdani (1996), *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press, p.91.

members of the Manyika tribe”.<sup>65</sup> Mamdani recognises the role of tribal ideology in explaining social reality though he disagrees with the characterization of any group of people, regardless of its level of social development, as a tribe. He points to the necessity to understand why the word tribe was popularly applied to the colonial context and why it became less fashionable in the post-colonial era. Iliffe agrees with Mamdani that the tribal identities which had earlier been amorphous were later rigidified by the British officials to enhance their control over the colonial subjects.<sup>66</sup> However, he points to some uniqueness in the case of Tanganyika, especially regarding the extensive involvement of Africans in rebuilding the tribal society after the destruction by German colonial rule. He asserts that whereas the British colonial rulers wanted tribal units for effective government, many Africans had strong personal motives for creating tribal units to lead.<sup>67</sup> However, by the late 1950s, the definition of the term tribe had become problematic.<sup>68</sup>

Accordingly, the concepts of tribe and tribalism which were mainly introduced in the first half of the twentieth century by the Colonialists, European scholars<sup>69</sup> and their African colleagues were substituted with ethnic group<sup>70</sup> and ethnicity respectively. Those early social anthropologists were criticized for providing the tribal ideology to colonial rule by the post-independence African politicians and scholars<sup>71</sup> like Southall, Mafeje and Mamdani. Although the concepts of ‘tribe’ and ‘tribalism’ were discouraged in academic scholarship, they remained in use by ordinary Africans and politicians. It is not a surprise, as Mafeje observes, for a modern African who is a product of colonialism to speak the same language of colonialism.<sup>72</sup>

Southall particularly called for the substitution of ‘tribe’ with ‘ethnic group’ not because the “latter term offered greater analytical clarity, but rather that the primitive connotations of the

---

<sup>65</sup> T. Ranger (1989), “Missionaries, Migrants and the Manyika: The Invention of Ethnicity in Zimbabwe”, in Leroy Vail (ed.) *The Creation of Tribalism in Southern Africa*, Berkely: University of California Press, p.122.

<sup>66</sup> J. Iliffe (1979), *A History of Modern Tanganyika*, Cambridge University Press, p.318.

<sup>67</sup> *Ibid.*, p.324.

<sup>68</sup> C. Fluehr-Lobban, et al., “Tribe: A Socio-Political Analysis”, in *UFAHAMU: A Journal of African Studies*, Vol.7, No.1, 1976, p.144.

<sup>69</sup> C. Lentz (1995), “Tribalism and ethnicity in Africa”, *Cah. Sci. hum.*, Vol.31, No.1, p.304.

<sup>70</sup> A.W. Southall, “The Illusion of Tribe”, in Gutkind P.W., ed. (1970), *The Passing of a Tribal Man*, Leiden: Brill, p.47.

<sup>71</sup> P.P. Ekeh (1990), “Social Anthropology and Two Contrasting Uses of Tribalism in Africa”, *Comparative Studies in Society and History*, Vol.32, No.4, Cambridge University Press, p.660.

<sup>72</sup> A. Mafeje (1971), *op cit*, p.254.

former affronted the sensibilities of the African colleagues”.<sup>73</sup> As Ekeh remarks, the term ‘ethnic group’ carried the same meaning as ‘tribe’ though it was less offensive.<sup>74</sup> The concept of ethnicity has been extensively handled by scholars and the most relevant aspects to my thesis are hereby discussed. One of the earliest definitions of ethnicity was from Barth who considered four basic elements: “a biologically self-perpetuating population; sharing of cultural values and norms; field of communication and interaction; and a grouping that identifies itself and is identified by others as consisting of a category different from other categories of the same order”.<sup>75</sup> Barth and other proponents of the primordial theory regard an ethnic group as an ascribed status that is inherited from ancestors. Geertz, for instance, points to social identities based on primordial attachment: “that stems from the ‘givens’- or, more precisely, as culture is inevitably involved in such matters, the assumed ‘givens’ – of social existence: immediate contiguity and kin connection mainly, but beyond them the givenness that stems from being born into a religious community, speaking a common language, and following certain social practices.”<sup>76</sup>

As observed by Berman, such a primordial perspective of ethnicity ignored the fact that the pre-colonial African “political and socio-cultural boundaries were marked by fuzziness and flexibility; and Africans existed within a reality of multiple, overlapping and alternative collective identities”.<sup>77</sup> While drawing on Terence Ranger’s idea that European-invented traditions of governance in Africa gave way to ethnic categories,<sup>78</sup> Berman contends that this was most evident in “the definition of customary law, governing such crucial issues as marriage and access to land and property, which was supposed to be administered by chiefs and headmen”.<sup>79</sup> Hastings also recognizes the fact that colonial rule in Africa influenced the nature of ethnic identities, but rightly disagrees with the view that the Europeans were solely responsible

---

<sup>73</sup> C. Lentz (1995), *op cit.*, p.304.

<sup>74</sup> P.P. Ekeh (1990), *op cit.*, p.663.

<sup>75</sup> F. Barth, ed. (1969), *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*, London: George Allen & Unwin, p.11.

<sup>76</sup> C. Geertz, (1973), “The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States”, in Geertz, C. ed. *The Interpretation of Cultures*, New York: Harper, p.259.

<sup>77</sup> B.J. Berman, “Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism”, in *African Affairs* (1998), 97, p.310.

<sup>78</sup> T. Ranger, “The Invention of Tradition in Colonial Africa”, in E. Hobsbawm & Ranger T., (1983) *The Invention of Tradition*, Cambridge: Cambridge University Press, p.220.

<sup>79</sup> B.J. Berman, *op. cit.*, p.321.

for the creation of ethnic identities in Africa. He contends that “African communities had an inherent sense of identity, sometimes wider, sometimes narrower, whereby insiders were distinguished from outsiders, and that sense of identity was very closely linked with language use.”<sup>80</sup>

This is echoed in other studies such as that by Atkinson who traces the roots of ethnic identities in Uganda, for instance in Acholi region, from the pre-colonial era.<sup>81</sup> While analyzing the roots of ethnicity among the Acholi people, Atkinson emphasizes that it were the pre-colonial developments which produced the new sociopolitical order across north-central Uganda. He maintains that a new collective identity already existed in northern Uganda even before 1800. He argues that, most conflicts in Uganda’s recent history “have been intimately bound up with Ugandans’ perceptions of their societal and ethnic identity and that these perceptions are social constructions”.<sup>82</sup>

He observes that the lines drawn on colonial maps and images in peoples’ heads demarcating Acholi from neighboring tribes were increasingly operationalized, reinforced, and reified, in a pattern common to much of colonial Africa. The promotion of tribal consciousness in Acholi and neighboring areas was according to Atkinson done by the European Christian missionaries like J.P. Crazzolaro and his fellow Verona Fathers as well. This was done by developing written vernacular languages and producing written accounts of tribal histories and customs as well as producing local educated elite who further developed and articulated the Acholi identity.<sup>83</sup> He further argues that the post-colonial regimes as well as individuals and elite groups in Uganda continuously misused the ethnic and regional differences. He contends that the conflicts in northern Uganda, such as that between Kony’s Lord’s Resistance Army (L.R.A) and the Uganda government led by Yoweri Museveni, were mainly a result of politicization of ethnic identities by different individuals and groups. Certainly, Atkinson’s work provides useful insights about the dynamics of ethnicity and the related conflicts in Uganda. However, his

---

<sup>80</sup> Hastings, A., (1997), *The construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge: Cambridge University Press, p.149.

<sup>81</sup> R.R. Atkinson (2010), *The Roots of Ethnicity: Origins of the Acholi in Uganda*, 2<sup>nd</sup> ed., Kampala: Fountain Publishers, p.2.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*, p.7.

description of the pre-colonial Acholi as a distinct ethnic group vis-à-vis the neighboring peoples such as the Langi is questionable.

Paul Nugent asserts that “the colonial thesis that Africans were born into tribes that were rooted in a timeless past has been effectively critiqued by historians and social scientists alike”.<sup>84</sup> Nugent observes that “colonial structures certainly did force Africans to rethink their relations with their neighbors, but there is no reason to believe that this was the first time this had occurred”.<sup>85</sup> He adds that “before the 20<sup>th</sup> century, Africans were multi-lingual, held multiple self-ascriptions, shifted their identities, forged wider networks, and valued themselves against others. He correctly suggests that scholars should understand how identities were shaped and reinforced before, during and after colonial rule.

It is generally agreed that ethnic identities and other forms of social identity in Africa and elsewhere have been dynamic. However, there is need to understand how the perceived/real identities contribute to violent conflict, especially over property rights as indicated in the subsequent sub-sections.

### **2.3 Theory of property rights**

The significance of property rights in the socio-economic and political life of humans is reflected in a wide range of literature, the earliest being that by the ancient classical writers such as John Locke, Robert Nozick and Eric Mark, whose views were drawn on the state of nature. One of the propositions of the state of nature held that, except for common property like water and air, other things such as land, chattels and animals were ownerless to the extent that any individual could keep whatever he/she needed.<sup>86</sup> An account of how property rights emerged from a state of nature highlights the changing relations among people regarding their claims to land rights. As Lentz contends, “property rights over, and access to, land are mediated by membership in specific communities, ranging from the nuclear or extended family, the clan,

---

<sup>84</sup> Paul Nugent, “Putting the History back into ethnicity: Enslavement, Religion, and Cultural Brokerage in the Construction of Mandinka/Jola and Ewe/Agotime Identities in West Africa, c.1650 – 1930”, *Comparative Studies in Society and History*, 2008, 50(4), 920.

<sup>85</sup> Ibid.

<sup>86</sup> R.A. Epstein (2009), “Property Rights, State of Nature theory, and Environmental Protection”, in *New York University Journal of Law and Liberty*, p.5.

first-comers, or the ethnic group, to, in the modern property regimes, the nation-state”.<sup>87</sup> Lentz observes that “the original definition of spatial boundaries of landed property was, and continues to be, closely tied to a mental map of spiritual territories under the guardianship of earth deities that are propitiated by the first-comers at the earth shrines”.<sup>88</sup>

Some important debates on how property rights evolved draw on Harold Demsetz’s *Toward a Theory of Property Rights* (1967) which argues that “the emergence of new property rights takes place in response to ... new benefit-cost possibilities” and that private “property rights develop in a society when the benefits of having them exceed the costs of getting them.”<sup>89</sup> In response to Demsetz’s propositions, Krier disputes the idea that private property is conterminous with individual ownership.<sup>90</sup> He argues that “a limited-access commons is common on the inside, but private on the outside – the former because co-owners may not be excluded, the latter because non-owners may be excluded.”<sup>91</sup> Drawing on some of Demsetz’s propositions, Krier contributes to the establishment of the evolutionary theory of property rights. He asserts that the hunter-gatherers did not hold property rights when they still enjoyed access to large foraging territories. He notes that the idea of property rights began when hunter-gatherers acquired items such as food, tools, weapons, and temporary habitations from the common stock.<sup>92</sup> He argues that the rights or property in land began to appear some 10,000 years ago when agriculture was started. He correctly observes that as individuals or groups of people began to plant, till and harvest from specific pieces of land, signs of ownership claims emerged. With time, Krier argues, there was increased population pressure on agricultural land which in turn stimulated the development of new property rights.<sup>93</sup> The relevance of the evolutionary theory of land rights, particularly to the understanding of land-related conflicts in the sub-Saharan African countries is highlighted in the following sub-section.

### **2.3.1 Evolutionary theory of land rights**

---

<sup>87</sup> C. Lentz (2013) *Land, Mobility, and Belonging in West Africa: Natives and Strangers*, Bloomington: Indiana University Press, p.166.

<sup>88</sup> C. Lentz (2013), p.127.

<sup>89</sup> H. Demsetz (1967), *Toward a Theory of Property Rights*, 57 Am. Econ. Rev. Papers & Proc. 347, p.350.

<sup>90</sup> J.E. Krier, (2009), “Evolutionary Theory and the origin of Property Rights, in *Cornell Law Review*, Vol.95:139, p.144.

<sup>91</sup> *Ibid.*, pp.144 – 145.

<sup>92</sup> *Ibid.*, p.158.

<sup>93</sup> *Ibid.*, p.159.

As indicated in the previous sub-section, a process of gradual change of property rights was taking place in about 10,000 years ago when man was increasingly utilising land for agricultural and settlement purposes. This sub-section reviews the literature on the evolutionary theory of land rights (ETLR), based on the idea that increased population pressure and market integration leads to spontaneous evolution of land rights towards duly formalised individual property rights.<sup>94</sup> This theory has been mostly advanced by neo-classical theorists, who assert that communal land rights evolve into private property due to scarcity<sup>95</sup> and argue that property formalization promotes peace and harmony by clarifying property boundaries and reducing conflicting interests.<sup>96</sup> It is evident in the literature that several developing countries such as Kenya were from the 1980s up to the 1990s undertaking land tenure reform programmes to attain individualized tenure.<sup>97</sup> The drive for individualized land tenure was partly inspired by private property rights theorists and advocates, especially Hernando de Soto, who argued that, the poor people's land (which de Soto regarded as dead capital)<sup>98</sup> under communal ownership would give way to riches and harmony if upgraded to individual titled land.<sup>99</sup> The impact of the property rights advocates on land policies by African countries including Uganda in the 1980s is reflected in the literature including the World Bank's reports. For instance, the literature by Feder and Feeny mainly uses the example of Thailand to demonstrate the importance of land titling, such as the reduction of the incidence of land disputes in the developing countries.<sup>100</sup>

Some literature on Uganda points to the 1995 Constitution and the Land Act 1998 which stipulated the ways through which land holding under customary tenure could be converted into freehold tenure. It is asserted that customary land rights' holders could apply for certificates of customary ownership and later, if they so wish, apply for the conversion of their customary titles

---

<sup>94</sup> J.P. Platteau (1996), "The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment", in *Development and Change*, Vol.27, Oxford: Blackwell Publishers, p.29.

<sup>95</sup> E.M. Bassett (2007), "The Persistence of the Commons: Economic Theory and Community Decision-making on Land Tenure in Voi, Kenya", in *African Quarterly*, Vol.9, Issue 3, p.3.

<sup>96</sup> G. Barnes & B. Child (2012), "Searching for a New Land Rights Paradigm by focusing on Community-based Natural Resource Governance", *Proceedings of Annual World Bank Conference on Land and Poverty*, Washington DC: World Bank, p.1.

<sup>97</sup> F. Obeng-Odoom, (2011), "Land reforms in Africa: Theory, practice, and outcome", in *Habitat International*, No.36, Elsevier Ltd., p.162.

<sup>98</sup> H. de Soto (2000), *The mystery of capital: Why capitalism triumphs in the west and fails everywhere else*, London: Bantam Press, p.5.

<sup>99</sup> H. de Soto (2004), *Bringing capitalism to the masses*, Cato's Letter, 2, No.3, p.2.

<sup>100</sup> G. Feder and D. Feeny (1991), "Land Tenure and Property Rights: Theory and Implications for Development Policy", in *The World Bank Economic Review*, Vol.5, No.1, Oxford: Oxford University Press, P.139.

to freehold.<sup>101</sup> It is important to note that the conversion of customary tenure rights does not necessarily work in the same way due to unique land tenure configurations in some parts of Africa. For instance, the conversion of customary land tenure rights into freehold/individualized ownership rights in most parts of Uganda has not been satisfactory. This is particularly evident in Kibaale district where conflicts between various claimants for land rights, such as the individual landlords (mainly from neighboring Buganda region) who hold statutory ownership rights over square miles of land (under *mailo* land tenure) and the customary land ownership rights' claimants, have persisted.

It was assumed that change of the land tenure reform focus from the market-centred to the people-centred approach after the mid-1990s in various African countries would among other things reduce the land-related conflicts and improve the rural people's livelihoods. The western donor agencies encouraged a combination of the individual property paradigm and the customary tenure system in Africa at least in the short run.<sup>102</sup> It was hoped that the customary tenure would gradually evolve into a predominantly individual land rights regime which the World Bank and other donor agencies aimed to achieve in countries like Uganda through the improved land registry systems and the Global Land Tool Network (GLTN). Scholars hoped that a clear definition of land ownership rights would promote economic prosperity and harmony in Africa and other parts of the world. However, one wonders why even those policy-makers who earlier expressed determination to bring about well-defined property rights could not make reasonable progress.

An analysis of the ETLR theory and how it might either be applicable or not to the case of Uganda in general and Kibaale district particularly is the main objective of this sub-section. The analysis is focused on the efforts of different government institutions, Non-governmental Organisations (NGOs) and international development agencies to improve Uganda's land tenure system. According to Uganda's Land Sector Strategic Plan (LSSP) of 2001 – 2011, the Ministry of Lands, Housing and Urban Development (MLHUD) was required to establish an inclusive and pro-poor policy and legal framework for the land sector by revising obsolete laws, harmonizing

---

<sup>101</sup> J. Mugambwa (2007), "A comparative analysis of land tenure law reform in Uganda and Papua New Guinea", in *Journal of South Pacific Law*, Vol.11, No.1, P.53.

<sup>102</sup> F. Obeng-Odoom (2011), "Land reforms in Africa: Theory, practice, and outcome", in *Habitat International*, No.36, Elsevier Ltd., p.163.

and amending all land-related laws in order to ensure their conformity with the 1995 Uganda Constitution and the Land Act 1998.<sup>103</sup> But as indicated in the Uganda Auditor-General's Report of 2013, very little has been done in regard to mobilizing and sensitizing the people involved or affected by the land reform programme.<sup>104</sup>

The MLHUD was according to the 2001 – 2011 LSSP expected to computerize the land registry and capture information on land and land transactions to ease retrieval and delivery of land administration services. It was hoped that this would enhance the security and transparency of the land registration process. By 2010, the MLHUD had engaged IGN (National institute for geographic and forest information) France International to lead a World Bank-supported Consortium, for the Design, Supply, Installation, and implementation of the Land Information System and Securing of Land Records (DeSILISoR) Project.<sup>105</sup> So far, the project's pilot scheme which mainly involves the computerization of the land title records has partly covered Kampala, Jinja, Mukono, Wakiso, Masaka and Mbarara districts. Had it been properly applied, the DeSILISoR project in the six piloted districts would have possibly informed the processes of land registry and administration in other districts of Uganda. However, no improvement in land registry and administration in Kibaale district have been substantially achieved and this presents the question of what accounts for the slow reform process.

It is evident in the literature that Kibaale district has been characterised by rapid population growth, massive settlement and acquisition of land by people from elsewhere and there has developed intensive contestation over access to and ownership of land.<sup>106</sup> True, the intensive population pressure and land scarcity have contributed to uncertainty in the customary land rights, and there has emerged persistent violent conflict between communities, families and individuals. Opinions on how these conflicts can be reduced have indicated the need for land reform policies in Kibaale district such as the dissolution of the absentee-landlord system and the

---

<sup>103</sup> Uganda Government (2013), *Audit Report on the management of the land tenure reform project by the Ministry of Lands, Housing and Urban Development*, Kampala: Office of the Auditor-General, p.19.

<sup>104</sup> *Ibid.*, p.20.

<sup>105</sup> *Ibid.*, p.22.

<sup>106</sup> J. Baligira, "Land Politics and Conflict in Uganda: A case study of Kibaale district, 1996 to the Present Day", in Tukumbi-Lumumba K., at al., eds. (2017), *Peace, Security and Post-Conflict Reconstruction in the Great Lakes region of Africa*, Dakar: CODESRIA, p.157-159.

provision of individualized land titles.<sup>107</sup> An attempt by the government of Uganda to accelerate the evolutionary land rights process involved a scheme of compensating the absentee landlords in the case of Kibaale district and the survey and demarcation of land in various districts. Towards the end of 2011, the MLHUD claimed to have carried out systematic adjudication, demarcation and survey of land in Kibaale, Ntungamo, Mbale and Iganga districts and processed some land titles for issuance.<sup>108</sup> On the contrary, most people in the rural communities of Kibaale district did not gain from the land reform efforts. Only a few areas such as Bwanswa sub-county were covered and people were waiting for Certificates of Customary Ownership (CCO) which were/are unfortunately inferior to leasehold or freehold land titles issued in other districts like Mbale, Ntungamo, Iganga, Mbarara, Wakiso and Kampala. Moreover, the CCOs did not fundamentally improve the position of the majority people in their contested relationship with the absentee landlords of Kibaale district who still hold the superior legal land titles.

Despite the population pressure and increased demand for land in Kibaale district, there has not been significant progress towards clearly defined land rights as assumed by the ETLR theorists. Moreover, it has not been possible for many people in the Kibaale district communities to upgrade from their customary tenure rights to individual land title holders. Five factors have mainly restricted the ETLR process. First, most of the land in Kibaale district has been and is still legally owned by absentee landlords who are either in-accessible or unwilling to give up their ownership rights in exchange for a government-fixed price (generally below the market price). Second, the land fund to compensate the absentee landlords has either been insufficient or mismanaged. Third, there has been disagreement between the old and the newcomers, over who should benefit from the re-allocation of land so far secured and yet to be secured from absentee landlords. Fourth, the fee for the processing and acquisition of freehold/leasehold land titles is still prohibitive. And fifth, the relevant government authorities/institutions still lack the capacity/readiness to implement the land reform policies.

The above stated factors, though more need to be investigated, appear to have made it difficult for the ETLR to materialise significantly in Kibaale district. But even if it did, would it

---

<sup>107</sup> Nyangabyaki Bazaara (2002), "Politics, Legal Reform and Resource Rights in Uganda", a paper for *Research Project on Land*, Kampala: Centre for Basic Research, p.13.

<sup>108</sup> Uganda Government (2010), *Statistical abstract*, Vol.1, 2010, Kampala: MLHUD, p.35.

lead to adequate resolution of the conflicts over land? Although the ETLR theorists hold that the titling of the land has the potential to resolve the land and boundary disputes and promote greater tenure security and a concomitant increase in incentives for owners to make long-term investments in property”,<sup>109</sup> it may not fully address the conflicts in Kibaale district. A more comprehensive understanding of why the conflict over access to and ownership of land in Kibaale district needs to be established.

Liz Alden Wily correctly argues that customary communities need to devise new ways which reflect different levels of land ownership as they themselves perceive it.<sup>110</sup> She points to the fact that customary regimes are characterized by overlapping interests which have proved difficult for governments to streamline. As Platteau puts it, the inclusion of land titling in the land rights evolutionary sequence may increase costs for the majority low income earners in Africa. He warns that “the transaction costs of acquiring title will create strong biases in favour of the rich and well-connected individuals”.<sup>111</sup>

### **2.3.2 Neo-classical property rights theory**

The neo-classical property rights theory which provides for individualized property rights has been the basis of land policies in most African countries up to the early 1990s. However, its validity and effectiveness about propelling the African economies and promoting harmony in society came under criticism toward the mid-1990s. This sub-section reviews the literature for and against the neo-classical property rights theory to establish the extent to which the theory may be relevant to the understanding of the conflict over access to and ownership of land in Kibaale district.

The proponents of the neo-classical property rights theory believed that people “who own communal rights will tend to exercise these rights in ways that ignore the full consequences

---

<sup>109</sup> G. Barnes & B. Child (2012), “Searching for a New Land Rights Paradigm by focusing on Community-based Natural Resource Governance”, in *Proceedings of Annual World Bank Conference on Land and Poverty*, Washington DC: World Bank, p.2.

<sup>110</sup> Liz Alden Wily (2006), “Land Rights Reform and Governance in Africa”, *Discussion Paper*, Oslo: UNDP, p.36 – 37.

<sup>111</sup> J.P. Platteau (1996), “The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment”, *Development and Change*, Vol.27, Oxford: Blackwell Publishers, p.74.

of their actions”.<sup>112</sup> According to de Soto, the communal nature of land in the developing countries was the major cause of insecurity and poverty. He asserted that the poor people “would immediately become rich if they are given formal, individual title to their land”.<sup>113</sup> The idea of individualized land tenure was even embraced by international development agencies such as the World Bank and IMF which encouraged many developing countries in Africa to intensify land adjudication, survey and title registration so as improve on tenure security for more investment in agriculture.<sup>114</sup> It was hoped that the transformation of the largely rural customary land rights into clearer individualized property in land would neutralize the demographic-related tensions over land and pave the way for economic prosperity.

To the contrary, studies in several African countries from the late 1980s indicate that individual land title “registration create rather than reduce uncertainty and conflict over land rights”.<sup>115</sup> It has also been realized that as much as land titling can reduce the risk and transaction costs for some categories of people, it can as well create new uncertainties for other categories of people who rely on customary practices to establish and safeguard their land claims.<sup>116</sup> Indeed one of the negative aspects of the land titling process has been the registration of land titles in the names of heads of families who are predominantly males. As Haugerud observed, “since only the processor of a registered title had the right to sell land or to apply loan charges to it using the title deed as security, the way was left open for often lethal disputes within families”.<sup>117</sup> Thus, the registration of titles has not only favored those in the top social and economic positions of society at the expense of the majority less influential ones but has also opened the possibilities for further conflict.

Considering the shortcomings of the neoclassical practices of land reform, the African governments ought to have adopted more appropriate policies. From the mid-1990s, the land policies in different countries were modified to improve the land tenure security of people in

---

<sup>112</sup> A. Alchian & H. Demsetz (1973), “The Property right paradigm”, in *The Journal of Economic History*, 33, No.1, p.19.

<sup>113</sup> Hernando de Soto (2004), *Bringing capitalism to the masses*, Cato’s Letter, 2, No.3, p.2.

<sup>114</sup> W.J. Bruce, et al., (1994), *Searching for land tenure security in Africa*, Iowa: Hunt Publishing Company, p.251.

<sup>115</sup> D.A. Atwood (1990), “Land Registration in Africa: The Impact on Agricultural Production”, in *World Development*, 18, No.5, p.663.

<sup>116</sup> D.A. Atwood (1990), p.664.

<sup>117</sup> A. Haugerud (1983), “The Consequences of Land Reform among Small-holders in the Kenya Highlands”, in *Rural Africana*, No.15 – 16, Winter – Spring, p.73.

their respective customary areas. The World Bank and other western donor agencies also shifted from their earlier position and emphasized improved access to land as a valid way to foster global rural development. As reflected in its Report of 2006, the World Bank observed that “it may be more appropriate and more cost-effective to strengthen the security of tenure through institutions that combine legality with social legitimacy ... where customary tenure practices predominate”.<sup>118</sup> To use James Ferguson’s words, this was the World Bank’s pretence to promote ‘less state interference and inefficiency’<sup>119</sup> for more access to market through civil society and local communities.

## **2.4 Land tenure regimes and tenure security**

The literature such as that by Place, Ostrom, Schlager, Bromley and Boone are worth reviewing to establish the basis of understanding why conflicts in Uganda generally and Kibaale district particularly have persisted. This highlights some important aspects of land tenure regimes and the extent to which they either promote or mitigate conflict in Africa. Common in the literature is the idea that land tenure regimes are part of the larger institutional structure of a society.<sup>120</sup> It is also indicated that each land tenure regime consists of bundles of rights, either for individuals or groups which are normally guaranteed by the state.<sup>121</sup> This was earlier stated by Cohen that “a natural right to property is meaningless unless it is recognized and protected by the state”.<sup>122</sup> From this perspective, it is likely that individuals/groups with state-supported bundle(s) of rights will conflict with those who claim natural/customary rights to property.

Place (2009) also contributes to an understanding of bundles of land rights and the degree of tenure security in Africa. He observes that land tenure systems in Africa normally change in response to pressures to accommodate new demands for land access, use, and security. He argues that tenure insecurity arises from a sense of ‘lacking’ in single rights, combinations of rights,

---

<sup>118</sup> The World Bank (2005), *World Development Report 2006*, New York: Oxford University Press, pp.165 – 166.

<sup>119</sup> J. Ferguson (2006), *Global Shadows: Africa in the Neoliberal World Order*, Durham, DC: Duke University Press, p.39.

<sup>120</sup> D.W. Bromley (1989), *Economic Interests and Institutions: The Conceptual Foundations of Public Policy*, Oxford: Blackwell Publishers, p.37.

<sup>121</sup> E. Schlager and E. Ostrom (1992), *Property Rights and Natural Resources: A Conceptual Analysis*, University of Wisconsin, p.250.

<sup>122</sup> Felix S. Cohen (1954), *Dialogue on Private Property*, Rutgers, p.371.

certainty of retaining rights, from actual or risk of dispute over rights, among others.<sup>123</sup> He notes that tenure security of migrants may come under threat when natives assert ancestral/customary rights to land which they claim to have been illegally occupied. He argues that this may cause conflict between the migrants and the natives. He rightly argues that conflict may also arise if the successors' land rights are not clarified prior to the death of a landholder or when tenants attempt to claim for more rights to the land.<sup>124</sup>

Boone regards land tenure regimes as property regimes which define the manner and terms under which rights in land are granted, held, enforced, contested, and transferred.<sup>125</sup> She argues that the rights in land are not only the cornerstone of relations of production but also stand in a political relationship between their claimants and their enforcer – the state in the case of unitary systems.<sup>126</sup> She proposes a framework for conceptualizing African land tenure regimes which entail: property relations or rights; authority rules; citizenship rules; and territorial jurisdiction.<sup>127</sup> Truly the nature of land tenure regimes is normally a reflection of the distribution of power between the state, its citizens, and the local systems of authority.<sup>128</sup> As argued by Platteau, land tenure regimes have always been integral parts of social and political processes (changes) even before the colonial era in Africa.<sup>129</sup>

Indeed, the different types of land-related conflict depend on the nature of the land regimes. Boone correctly contends that, land conflicts vary in the sense that: some are connected (or disconnected from) electoral politics; in some cases, the central government may be involved in the conflict; and in other instances, the conflict may be engineered by some form of social identity. These variations, according to Boone, are useful in explaining ethnicity, the state, national political dynamics, and elections in Africa.<sup>130</sup> She rightly argues that the different

---

<sup>123</sup> F. Place (2009), "Land Tenure and Agricultural Productivity in Africa: A Comparative Analysis of the Economics Literature and Recent Policy Strategies and Reforms", in *World Development*, Vol.37, No.8, Elsevier Ltd., p.1327.

<sup>124</sup> *Ibid.*, p.1328.

<sup>125</sup> C. Boone (2014), *Property and Political order: Land rights and the structure of politics in Africa*, New York: Cambridge University Press, p.4.

<sup>126</sup> *Ibid.*, p.5.

<sup>127</sup> *Ibid.*, p.6.

<sup>128</sup> C. Lund, et al., (2006), *Land Rights and Land Conflicts in Africa: A review of issues and experiences*, DIIS, p.3.

<sup>129</sup> J.P. Platteau (1996), "The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment", in *Development and Change*, Vol.27, Oxford: Blackwell Publishers, p.32.

<sup>130</sup> C. Boone (2014), *op. cit.*, p.6.

political expression of land-related conflict “occur because tensions fuelled by rising competition for land are refracted through the different local institutional configurations that make up land tenure regimes.”<sup>131</sup> However, her argument that land-related conflict is usually nonviolent or else violent in small, private ways is not consistent with the fact that land-related conflicts in some parts of Africa have been very violent and catastrophic.

The argument that the nature and level of land conflict intensity depends on tenure security and configuration of land tenure regimes is quite relevant to the case of Kibaale district. The 1995 Constitution of Uganda provides for four main categories of land rights regimes in Uganda. These include: customary; freehold; *mailo*; and leasehold. Each of the regimes corresponds to specific land rights or bundles of rights which are unfortunately not clearly laid out by the 1995 Constitution and the Land Act 1998. This study argues that the land tenure security of individuals and various groups of people in Kibaale district has often been threatened due to lack of clear definition of land rights and the absence of state or community guarantee for the rights. As noted by van Asperen and Zevenbergen, tenure security entails both objective (*de jure*) elements (e.g nature, content, duration and enforceability of rights, state guarantee, quality of boundary descriptions and conflict handling) and subjective (*de facto*) elements (e.g landholders’ perception of the security of their rights).<sup>132</sup> Tenure security plays an important role in safeguarding people against forced evictions by individuals, groups and even government. This study contends that, following the failure by either the community or government institutions to guarantee people land tenure security, the often engaged in extralegal actions responsible for some incidents of violent conflict in Kibaale district.

## **2.5 Land rights and citizenship**

Land is so important in Africa that it has been a site and source of conflict. As noted by Emeka, “land offers the base structure, and sometimes the only basis for social security throughout life among Africans”.<sup>133</sup> It is not only important to many Africans as a link between the living, the

---

<sup>131</sup> Ibid., p.8.

<sup>132</sup> P. van Asperen & J. Zevenbergen (2007), “Can lessons be learnt from improving tenure security in informal settlements?” *Workshop 17: Housing and Sustainable Urbanization in Developing Countries*, Rotterdam: ENHR, P.3.

<sup>133</sup> Emeka E. Obioha (2013) “Changing land reforms and Conflict over land in Sub-Saharan Africa”, *J. Hum. Ecol.*, 44(3), p.208.

dead and the unborn members,<sup>134</sup> but it is also a symbol and source of political power. Due to its increasing value in the circumstances of population expansion, Africans have often been involved in claims and counterclaims for various land rights, such as the access right, use right and ownership. It follows that the quality and quantity of land rights determines someone's or a group of people's socio-economic security and political power. To either retain or acquire more land rights and possibly exclude others, people in different parts of Africa have defined and claimed different forms of belonging, such as national and local citizenship. As a result, land rights and citizenship have been closely related<sup>135</sup> during African socio-economic and political struggles, especially during the post-colonial era.

The concept of citizenship, which Bellamy defines as, 'a particular set of political practices involving specific public rights and duties with respect to a given political community',<sup>136</sup> has been used by groups of people as well as governments to determine who enjoys which land rights. It is increasingly becoming common in Africa and other societies, as Lund postulates, for certain groups of people to invoke local citizenship because of being 'first arrivals' so as to exclude others with national citizenship from claims to land rights.<sup>137</sup> It is not surprising that almost every national constitution in Africa consists of a provision which restricts non-citizens from claiming full ownership of land rights. For instance, although Article 237(2) c of Uganda's Constitution provides for non-citizens to "acquire leases in land in accordance with the laws prescribed by parliament",<sup>138</sup> it does not allow them to gain full ownership of land in Uganda. Apart from national citizenship (at the level of a country like Uganda), there is also local/sub-national citizenship at local levels which the colonial masters had defined as Native Authorities or tribal units. This study argues that local citizenship has instead been deployed against the national citizens in the contest for land rights in Kibaale district.

---

<sup>134</sup> Ibid.

<sup>135</sup> C. Lund (2011), "Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa", *Africa Spectrum* No.3, p.74.

<sup>136</sup> R. Bellamy (2008), *Citizenship: A Very Short Introduction*, Oxford: Oxford University Press, p.3.

<sup>137</sup> C. Lund (2011), *op cit*.

<sup>138</sup> Uganda Government (2006), *Constitution of the Republic of Uganda (Amendment Act) 2005*, Kampala: Uganda Law Reform Commission, p.169.

## **2.6 Conclusion**

Therefore, conflicting identities over such resources as land has been one of the most important factors for violent conflict in most societies such as Kibaale. In some cases, identities such as ethnic groups were rigidified during the colonial period in Africa to the extent of considering each other as different. In countries like Uganda, the ethnic groups in specific regions claim local citizenship which, according to their perceptions, entitles them to rights in land and other resources.

## CHAPTER 3

### AN OVERVIEW OF THE LAND QUESTION IN UGANDA

#### 3.1 Introduction

This thesis chapter highlights the historical context and nature of the land question in Uganda. It particularly provides an overview of why some parts of post-colonial Uganda have been characterized by persistent conflict over access to and ownership of land. The chapter does not only provide a historical and national context of conflict over land rights in Kibaale district but also broadly contributes to the debate on land questions in sub-Saharan Africa.<sup>139</sup> It argues that a critical land question did/does not only exist in the Southern African settler societies as some scholars suggest<sup>140</sup> but also in many other sub-Saharan countries as indicated by Boone.<sup>141</sup> Studies on the agrarian question by scholars such as Mamdani and Mafeje contribute significantly to the understanding of Uganda's socio-economic problems related to capitalist agriculture, accumulation and social class contradictions.<sup>142</sup> Mafeje's analysis of the agrarian revolution in Buganda highlights the lopsidedness of the colonial and post-colonial economies though he errs by suggesting that the Buganda Agreement of 1900 was the starting point of change in Buganda's land tenure<sup>143</sup> and an ultimate source of land rights contestation and violent conflict in Uganda. Instead, this chapter argues that the Agreement was preceded and ushered by mainly external factors before 1900. It highlights how external factors such as Islam, trade and Christianity contributed to cracks in the foundation of Buganda's traditional institutions and those of some other societies before 1900. Accordingly, the chapter first highlights how the spread of Islam and Christianity by the Arabs and Europeans respectively accelerated the disintegration of the once solid Buganda Kingship, contributed to the erosion of the King's authority to allocate land in favor of chiefs who had been brainwashed by Christianity and how

---

<sup>139</sup> K. Kanyinga (1996), *Struggles of access to land: the land question, accumulation and changing politics in Kenya*, Nairobi: University of Nairobi, p.3.

<sup>140</sup> A. Mafeje (2003), "The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa" *Civil Society and Social Movements*, Geneva: United Nations Research Institute for Social Development, p.22.

<sup>141</sup> C. Boone (2014), *Property and Political Order in Africa: Land Rights and the Structure of Politics*, Cambridge: Cambridge University Press, p.1.

<sup>142</sup> M. Mamdani (1987), "Extreme but not exceptional: Towards an analysis of the agrarian question in Uganda", *The Journal of Peasant Studies*, 14:2, 191-225, London: Routledge, p.196.

<sup>143</sup> A. Mafeje (1973), "Agrarian Revolution and the Land Question in Buganda", *Occasional Papers*, No.32, The Hague: Institute of Social Studies, p.5.

this opened the way for British colonial intrusion in Buganda Kingdom and to the rest of Uganda.

The subsequent sections of the chapter highlight the way how the British colonialists employed their acquired land allocation authority to win the loyalty of the traditional chiefs who laid the foundation of the indirect rule system in Buganda and other parts of Uganda. As argued by Mamdani, the system of indirect rule or decentralized despotism was at that time an answer to the question of how a skeleton of white officials would rule over an indigenous majority.<sup>144</sup> The chapter shows how the British colonial land policy – mainly designed to uphold the local/native administration and to promote the colonial economic interests – contributed to contestation and violent conflict over access to and ownership of land which has since then persisted in spite of land tenure reform efforts in colonial and post-colonial Uganda. The chapter highlights how some specific parts of Uganda have been characterized by quite peculiar land questions, which partly explains why uniform land policies have not helped to resolve some of the land questions. The chapter points to the fact that the persistence of some of the land questions such as that of Kibaale district has been partly due to the importance of land in the national and local political power equations during the colonial and post-colonial periods. The chapter further contends that the persistence of land rights contestation and land-related violence in different parts of Uganda has been partly due to the weakening and in some cases the destruction of traditional institutions which used to mediate land disputes. The subsequent sections highlight the various instances in which the land question has evolved and why it has remained unresolved up to the present day.

### **3.2 European entry, turmoil and change in land administration in Buganda.**

Until the 19<sup>th</sup> century, Buganda Kingdom which covered an approximately 19,000 square miles of territory to the northwest of Lake Victoria consisted of various clans of people whose leaders regulated land use rights.<sup>145</sup> Although some writers such as Reid<sup>146</sup> argue that the level of organization and the size of the 19<sup>th</sup> century Buganda kingdom was less than what Kiwanuka

---

<sup>144</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.16.

<sup>145</sup> Like other pre-colonial states in Africa, the 19<sup>th</sup> century Buganda Kingdom's boundaries were flexible depending on territorial conquests and losses at different times.

<sup>146</sup> R. Reid (2003), *Political Power in Pre-colonial Buganda: Economy, Society, and Warfare in the Nineteenth Century*, Athens: Ohio University Press, p.249.

portrays,<sup>147</sup> it is quite certain that there was increased centralization under a King (Kabaka) by the early 19<sup>th</sup> century. Before British colonial rule, Kings Suna II (1824-1857) and Mutesa I (1857-1884) increased their authority over the clans. Low argues that the Kings' appointment of territorial chiefs who had no clan connections with their jurisdictions<sup>148</sup> contributed to their increased authority over a wider area of Buganda. In addition, King Mutesa I extended his authority by allocating land to his mother and sons in each of the ten provinces of Buganda.<sup>149</sup> The power of King Mutesa I was further boosted by the firearms and wealth obtained from the Arab traders.<sup>150</sup> The new weapons greatly increased the King's capacity to coerce his subjects and to keep the clan heads (Bataka)<sup>151</sup> under control.

By the mid 1870s, there were four main types of land rights in pre-colonial Buganda, namely: the clan rights; the rights of the King and his chiefs; the individual hereditary chiefs; and the occupancy rights of peasants.<sup>152</sup> The peasants enjoyed the right of access to land by being members of either a clan/community or a chief's area of jurisdiction. As noted by West, a clan leader "could allocate the usufruct and even adjudicate upon any disputes that arose".<sup>153</sup> However, it should be noted that land was still abundant, and people could freely shift from one location to others depending on various factors. Though Kiwanuka's unsubstantiated assertion that Buganda eclipsed Bunyoro from 1700 to 1880<sup>154</sup> seems to be an exaggeration, it is certain that Mutesa I's reign was characterized by a high degree of centralization which also marked the final part of an independent Buganda state. The subsequent period of King Mwanga II (1884-1897) constituted a turning point in Buganda's political and socio-economic history, especially regarding the transformation of land tenure.

---

<sup>147</sup> M.S. Kiwanuka (1972), *A History of Buganda, from the foundation of the Kingdom to 1900*, New York: Africana Publishing Corporation, pp.110 – 113.

<sup>148</sup> D.A. Low (1971), *Buganda in Modern History*, Berkeley and Los Angeles: University of California Press, p.15.

<sup>149</sup> L.P. Mair (1933), "Baganda Land Tenure", *Africa: Journal of the International African Institute*, Volume 6, Issue 2, p.192.

<sup>150</sup> C.C. Wrigley (1959), "The Christian Revolution in Buganda", *Comparative Studies in Society and History*, Vol.2, No.1, Cambridge University Press, p.40.

<sup>151</sup> The Bataka (literary meaning 'of the soil') were dissatisfied with the appointment of non-hereditary chiefs who were increasingly undermining their authority to allocate land to their clan-mates.

<sup>152</sup> A.B. Mukwaya (1953), *Land tenure in Buganda*, Nairobi: The Eagle Press, p.7.

<sup>153</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Uganda Government Printer, p.1.

<sup>154</sup> M.S.M. Kiwanuka (1968), "Bunyoro and the British: a reappraisal of the causes for the decline and fall of an African Kingdom", *Journal of African History*, Vol.9, No.4, p.605.

It is quite inaccurate for Wrigley to assert that the turning point in Buganda involved “drastic changes in ideology and in the structure as well as the personnel of government which uniquely fitted the Ganda society to cope with the new situation in the last years of the 19<sup>th</sup> century”.<sup>155</sup> It is better to say that the Ganda society was overwhelmed by changes which culminated in the concentration of real power and ownership of land in the colonial government and its agents. Twaddle’s analysis of the changes in Buganda equally omits some important facts. He contends that the British colonial officials’ entry into Buganda was complicated by the succession war of 1888-1892 in which they got entangled and were forced to take sides.<sup>156</sup> Although Lugard and the subsequent British colonial officials experienced complications due to upheavals in Buganda in the late 1880s and early 1890s, they exploited the disunity to entrench colonial power in Buganda<sup>157</sup> and the neighboring societies. Moreover, the forces of change in Buganda existed before the 1880s. This was particularly in relation to the Arab traders who introduced Islam and firearms in Buganda beginning from the 1840s and the spread of Christianity from the 1870s. Though the firearms from the Arabs initially boosted Mwanga’s power in Buganda, they were later used by his chiefs and soldiers (Bajasi) to strengthen themselves. At the same time, some of the Christian converts in Buganda (including a few at the palace) criticized Mwanga’s sexual and inhuman practices. Despite Mwanga’s response by burning about 33 Christians to death in 1886, he was unable to check the spread of Christianity and the growth of opposition. As asserted by Low, a Kingdom which had become the strongest in the region underwent a tumultuous upheaval towards the end of the 19<sup>th</sup> century.<sup>158</sup> In September 1888, Mwanga was for the first time, overthrown by a coalition of Muslim and Christian Baganda chiefs who had learnt of the King’s plot to exterminate them. He fled to the southern end of Lake Victoria as Kiwewa (Mwanga’s brother) was being installed to Kingship by the top Muslim and Christian chiefs. However, violence soon erupted between the Muslims

---

<sup>155</sup> C.C. Wrigley (1959), “The Christian Revolution in Buganda”, *Comparative Studies in Society and History*, Vol.2, No.1, pp.33-34.

<sup>156</sup> M. Twaddle (1969), “The Bakungu chiefs of Buganda under British rule, 1900-1930”, *Journal of African History*, Vol.10, No.2, p.309.

<sup>157</sup> F.D. Lugard (1893), *The rise of our East African empire*, Vol.2, Edinburg & London: William Blackwood and sons, P.340-346.

<sup>158</sup> D.A. Low (1971), *Buganda in Modern History*, Berkeley and Los Angeles: University of California Press, p.13.

and Christians due to disagreement over Chieftainships and estates.<sup>159</sup> This was followed by a brief period of Muslim rule over Buganda, with Kiwewa and thereafter Kalema as Kings.

Although Mwanga recovered his throne with support of the Christians who defeated the Muslims in October 1889, he never regained his authority. He was practically powerless and as noted by Lugard in December 1890, real executive power lay in the hands of the Christian chiefs.<sup>160</sup> After 1890, conflict between the Catholics and Protestants erupted in different parts of Buganda. Mwanga took the side of the Catholics, which appeared stronger than the Protestant group. However, in early January 1892, Mwanga and his supporters were defeated by the Baganda Protestants who received support from Captain Lugard of the Imperial British East Africa Company. This cleared the way for the declaration of a British Protectorate over Buganda and the neighboring territories in June 1894. Although Mwanga signed the 1894 treaty of ‘protection’, he soon realized that his power had been significantly downgraded to the extent of being openly humiliated by the British colonialists for engaging in ivory trade.<sup>161</sup> He sneaked from his palace in Mengo to Buddu in south-western Buganda and launched a rebellion in July 1897 against the colonial government. Meanwhile, on August 14, 1897, the British Commissioner to Uganda, Major Ternan organized a meeting of the top Baganda chiefs to install a one-year old Daudi Chwa as successor to his father Mwanga.<sup>162</sup> At the same time, the colonial government appointed the three prominent chiefs, Apollo Kagwa (a Protestant), Stanislas Mugwanya (a Protestant) and Zakaria Kisingiri (a Catholic) to serve as regents of the infant king. Mafeje regards these chiefs as the new political captains<sup>163</sup>, yet the real authority had been assumed by the British colonialists. The events in Buganda signified the erosion of the power of traditional authorities in favor of the new breed of chiefs who had been uprooted from traditional society by Islam, Christianity and western education.

---

<sup>159</sup> J.M. Gray (1950), “The Year of the three Kings of Buganda”, *The Uganda Journal*, vol.14, No.1, London: Oxford University Press, p.25.

<sup>160</sup> F.D. Lugard (1893), *The Rise of our East African Empire*, Vol.2, Edinburgh and London: William Blackwood & Sons, p.35.

<sup>161</sup> D.A. Low (1965), “Uganda: the establishment of the Protectorate, 1894 – 1919”, in Harlow V., et al., (eds.), *History of East Africa*, vol.2, Oxford: Clarendon Press, p.72.

<sup>162</sup> D.A. Low (2009), *Fabrication of Empire: The British and the Uganda Kingdoms, 1890-1902*, New York: Cambridge University Press, p.275.

<sup>163</sup> A. Mafeje (1973), “Agrarian Revolution and the Land Question in Buganda”, *Occasional Papers*, No.32, The Hague: Institute of Social Studies, p.5.

Thus, Apollo Kagwa who served as Prime Minister of Buganda and the other regents came to the forefront of Buganda politics under the supremacy of the colonial government. It was with the co-operation of these chiefs that the British carried out further changes in the land tenure to consolidate colonial power. As argued by Mafeje, land which was considered as a source of power became the major concern of the chiefs who negotiated an Agreement with the British Commissioner, Sir Harry Johnston.<sup>164</sup> The negotiations were sealed with the Buganda Agreement of 1900 which is generally considered to have been the means through which the authority to allocate land was re-arranged. This was particularly about the formalization of the British colonial government's authority to allocate land, even to the King of Buganda. It is appropriate to argue that the Agreement partly formalized the changes which had already began and served the interests of the British colonialists, especially through the formalization of individual land grants to chiefs in Buganda to effectively entrench colonial control over Buganda (which was approximately 19,600 square miles in 1900) and other parts of Uganda (about 91,200 square miles).<sup>165</sup>

### **3.3 Colonial land policy and conflict in Buganda**

By the time of signing the Buganda Agreement of 1900, the British colonial officials had taken some steps to consolidate their control over Buganda, especially through the Christian chiefs who served as regents for the infant Kabaka Daudi Chwa. Some scholars argue that the adoption of indirect rule which involved the use of Baganda chiefs by the British colonialists was due to insufficient European personnel.<sup>166</sup> Mamdani also argues that the system which is commonly 'dubbed' as indirect rule, especially in countries such as Uganda and Nigeria, was in response to the "native question" – the dilemma of how a small minority of Europeans could control the majority natives in the rural side of the colonies.<sup>167</sup> McCracken makes a more precise economic argument that "the British Foreign office in the 1890s saw its central function as ensuring that colonies should not become long-term financial burdens to the metropolis".<sup>168</sup>

---

<sup>164</sup> A. Mafeje (1973), *Ibid.*

<sup>165</sup> C. Pulford (2007), *Casualty of Empire: Britain's Unpaid Debt to an African Kingdom*, Northants: Ituri Publications, p.101.

<sup>166</sup> G.S.K. Ibingira (1973), *The Forging of an African Nation*, New York: Viking Press, p.26.

<sup>167</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.18.

<sup>168</sup> J. McCracken (2012), *A History of Malawi, 1859-1966*, Woodbridge: James Currey, p.76.

Indeed it is correct to argue that, the British colonial officials hoped to minimize the cost of administration in Buganda and other areas of Uganda by using the Baganda chiefs/agents. The practice of indirect rule in Buganda was formalized through the signing of the 1900 Buganda Agreement between the British Commissioner to Uganda, Sir Harry Johnston and the top Buganda chiefs who included the three regents of the infant Kabaka Daudi Chwa. This contributed to the legal basis of the colonial economy in Buganda.

Because of the agreement, the British allocated an estimated 8,000 square miles of land (*mailo*)<sup>169</sup> of Buganda Kingdom to the King, members of the royal family, senior chiefs, other chiefs and notables. The forests which were to be placed under the colonial government covered 1,500 square miles of land. A big percentage of Buganda land (approximately 9,000 square miles) which was considered as waste and uncultivated land was vested in Her Majesty the Queen of England (also known as crown land) and to be managed by the Uganda Protectorate Government. The Agreement introduced an arrangement of individualized ownership of land by which landlords could obtain certificates of title and freely “sell, mortgage or let”.<sup>170</sup> Each of the three top chiefs who also served as regents for the four-year-old Kabaka Daudi Chwa received 16 square miles of private land (private *mailo* land) and more 16 square miles of land attached to their offices (official *mailo* land). Other chiefs included the 20 county (saza) chiefs who got 8 square miles each and the 1,000 lower chiefs who were granted 8 square miles each.<sup>171</sup>

It became evident that some of the terms of the 1900 Buganda Agreement had been hastily crafted and its implementation could generate land rights contestation and violent conflict. For instance, because Article 15 of the Agreement had not indicated the way how either private or official estates were to be held, there was widespread disorder in Buganda’s countryside as grantees converted their paper claims into access to and control of the allocated land without regard to the interests of the customary occupants. In some cases, the chiefs disrupted other peoples’ lives as they moved with their relatives and subjects to the newly allocated land. It was under such circumstances that several minor chiefs and clan heads protested after losing their authority over land to the new chiefs/landlords who were mainly

---

<sup>169</sup> The Luganda language word *mailo*, used to refer to a square mile was legally applied, starting from the *Buganda Possession of Land Law* of 1908.

<sup>170</sup> Johnston to Jackson, January 5, 1900, A12/2, Entebbe Secretariat Archives (ESA).

<sup>171</sup> The Buganda Agreement of 1900, Article 15.

Christians. The worst protests and violent struggles (discussed in the next chapter) against the imposition of Baganda *mailo* landlords/chiefs on the early occupants were experienced in Buyaga and Bugangaizi counties which had been sliced from Bunyoro Kingdom and added to Buganda Kingdom. As argued by Roberts, the British use of Baganda landlords/chiefs such as Semei Kakungulu to extend British influence to other parts of Uganda was perceived by the affected people as “the perpetuation of Buganda’s imperialist past”.<sup>172</sup> The colonial government also realized that Article 17 of the Agreement which gave the *mailo* landowners “the rights to all minerals found on private estates, subject to a 10% *ad valorem* duty”<sup>173</sup> was an obstacle to mineral prospecting in Buganda. Despite these shortcomings, the British colonial authorities confirmed the *mailo* land tenure in Buganda though supplementary laws were introduced to maintain colonial control and to promote the colonial economy.

Under the post-1900 system, each of the chiefs oversaw his respective local administrative system (Native Authority). At the same time, he extracted rent and labour from the peasants on his land. However, the colonial assignments to the chiefs to enforce the payment of taxes, the growing of cash crops and provision of African labour on roads and other public works often generated conflict. The clan leaders (*Bataka*) in Buganda also conflicted with the colonial chiefs whom they accused of encroaching on their authority to regulate land access at clan level. This culminated in a series of *Bataka*-led riots against the Baganda chiefs, such as Apollo Kagwa, who had got individual land grants because of the 1900 Buganda Agreement. By mid-1920s, the riots had intensified to the extent of making it necessary for the British to remove Buganda’s Prime Minister, Apollo Kagwa from power.

The *Bataka* riots were of great concern to the British colonial masters mainly because of their negative impact on the growing of cotton and other cash crops. Apart from the clan leaders’ grievance in relation to their lost authority over land, the bulk of the rioters consisted of peasants who complained of exploitation and oppression by the chiefs/landlords. By the early 1920s, each peasant (household)<sup>174</sup> on *mailo* land in Buganda was required to pay *Busulu* of either 28 days’

---

<sup>172</sup> A.D. Roberts, “The sub-imperialism of the Baganda”, in *Journal of African History*, Vol.3, No.3, 1962, p.435.

<sup>173</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Uganda Government Printer, p.53.

<sup>174</sup> The current literature is silent about the peasant who paid the *Busulu* and *Envujjo*. As a clarification, I have added the word ‘household’ after establishing the fact through an interview with J.M. Nkangi, former Prime Minister of Buganda Kingdom.

labor or 10 shillings in cash to a landlord and *envujjo* of about 10% of the peasant household's produce.<sup>175</sup> Mafeje correctly argues that the landowning chiefs became an obstacle to cash crop growing, especially because of the high rent and other fees levied on the peasant producers, a situation which made the British colonizers to intervene in favor of the true producers.<sup>176</sup> Mamdani also observes that the landlords' unlimited powers to squeeze the surplus labour out of the tenant peasantry necessitated the colonial government's introduction of the 1928 *Busulu* and *Envujjo* law which fixed a limit on both the ground and commodity rent.<sup>177</sup> Both Mafeje and Mamdani argue that the *Busulu* and *Envujjo* Law of 1928 aimed to guarantee the security of peasants and to ensure higher cash crop production. But it is important to note that: first, the land tenure security of the peasants was not actually guaranteed, after all it was not the primary goal of the British; second, the British colonial government intervened to weaken the chiefs because it was interested in colonially-dependent chiefs who could maintain order at the local level. Moreover, the British colonial government's intervention was because the peasants provided the cheapest means of cash crop production.

### **3.4 The colonial land policy in other parts of Uganda**

Before colonial intrusion, land access and use by the community members in Nkore (the British colonial government renamed it Ankole in 1901), Tooro and Bunyoro Kingdoms was mainly regulated by clan leaders and chiefs. Although the Kings were by the middle of the 19<sup>th</sup> century claiming to be the owners of all land in their respective Kingdoms, it was still customarily assumed that all land belonged to the community members by ancestry. As observed by Njoh, land in the African traditional sense, belonged to the dead, the living and the yet to be born.<sup>178</sup> The attachment to ancestral land was particularly expressed in the context of clans in not only Nkore, Tooro and Bunyoro Kingdoms but also in the non-centralized societies in northern and eastern Uganda. So, the clan leaders and the chiefs at the upper levels were expected to take

---

<sup>175</sup> R.C. Pratt (1965), "Administration and Politics in Uganda, 1919 – 1945", in Harlow, V., et al., eds., *History of East Africa*, Vol.2, Oxford: Clarendon Press, p.493.

<sup>176</sup> A. Mafeje (1973), "Agrarian Revolution and the Land Question in Buganda", *Occasional Papers*, No.32, The Hague: Institute of Social Studies, p.9.

<sup>177</sup> M. Mamdani (1987), "Extreme but not exceptional: Towards an analysis of the agrarian question in Uganda", *The Journal of Peasant Studies*, 14:2, 191-225, London: Routledge, p.196.

<sup>178</sup> A.J. Njoh (2006), *Tradition, Culture and Development in Africa: Historical Lessons for Modern Development Planning*, Hampshire & Burlington: Ashgate Publishing Company, p.72.

decisions such as the allocation of land use rights to newcomers on behalf of the clan/community members. It was this chiefs' guardianship/trusteeship of community land which was misunderstood by the colonialists who subsequently established a system that was characterized by land rights contestation and violent conflict.

After signing the 1900 Buganda Agreement, Sir Harry Johnston made efforts to spread British colonial rule to the Kingdoms of Tooro and Nkore in western Uganda. His mission involved the signing of the June 1900 and the August 1901 Agreements with the Kings of Tooro and Nkore respectively. Unlike what was provided in the 1900 Buganda Agreement, Johnston only granted official estates regarding chieftaincies rather than individual freehold land rights to the Kings and chiefs of Tooro and Nkore. This was because the British Foreign Office Committee members had indicated that Johnston's earlier Agreement of March 1900 with the Baganda chiefs was likely to cause complications<sup>179</sup>, especially due to the colossal amounts of money required for the land survey and its disregard of the tenure security of peasants. So, to avoid the earlier mistake of March 1900, Johnston decided to give official estates to senior chiefs outside Buganda and insisted that the estates should be carved out of unoccupied land. By using land grants, Johnston gained enormous influence over the Kings and their subordinate chiefs in areas like Tooro and Nkore, which cleared the way for effective British colonial rule and the colonial government's acquisition of all the uncultivated land for the British crown.<sup>180</sup>

Although Johnston directed the senior chiefs outside Buganda to enclose only unoccupied land, the minor chiefs in western Uganda began demand for individual land grants like those in Buganda.<sup>181</sup> The minor chiefs of Toro claimed that they had been promised *mailo* land by Sir Harry Johnston.<sup>182</sup> The chiefs in Bunyoro also demanded for individual land grants but were ignored by the colonial government which considered their territory as conquered after the armed resistance of 1893 – 1899. Though the King of Bunyoro allocated some official estates (known as *obwesengeze*), his actions were disapproved by the colonial government officials. The

---

<sup>179</sup> H.B. Thomas and A.E. Spencer, A History of Uganda Land and Surveys and of the Uganda Land and Survey Department, Entebbe: Government Printer, p.51.

<sup>180</sup> D.A. Low (1965), "Uganda: The establishment of the Protectorate, 1894 – 1919", in Harlow V., et al., eds., History of East Africa, Vol.2, Oxford: Clarendon Press, p.81.

<sup>181</sup> M. Mamdani (1976), *Politics and Class Formation in Uganda*, New York & London, Monthly Review Press, p.130.

<sup>182</sup> D.A. Low, *op cit.*, p.102.

objection was based on the increased exploitation of the peasants by individual chiefs through rent and labour.<sup>183</sup> It followed that in the process of signing the Bunyoro Agreement of 1933, the colonial government declined to recognize a landed gentry in Bunyoro. To discourage the emergence of powerful and less dependent land-owning chiefs, the colonial authorities decided to introduce a system of paying salaries to chiefs and pension to the retirees in cash form.

Meanwhile, debates regarding an appropriate land policy for Uganda had sprouted soon after the 1900 Buganda Agreement. For instance, officials in the colonial government had divergent opinions about which land policy could best promote the colonial economic interests. One school of thought was by Justice William Morris Carter who was appointed to chair a committee of inquiry about land policy in Nkore, Tooro, Bunyoro and Busoga in 1911. In his reports, Justice Morris Carter recommended land alienation in favor of settler plantation agriculture in the four regions above. On the contrary, the Provincial Commissioner for the Eastern province, Frederick Spire and the Director of Agriculture, S. Simpson supported peasant agriculture as the best means of cash crop production. Those who supported peasant agriculture based their arguments on the good record of peasant agriculture in Buganda. Their idea of having peasant agriculture alongside plantation agriculture was also opposed because of being competitive rather than supplementary.<sup>184</sup> It was noted that plantation agriculture would require much African labour and extensive land alienation to the detriment of the already promising cash crop growing by the peasants. Moreover, the demands of plantation agriculture would distort the indigenous social institutions and Native Authorities which formed the basis of the British colonial power in rural Uganda.

Thus, Morris Carter's recommendations were later dismissed by Bonar Law, the Colonial Office Secretary in London. Among other reasons, Law argued that the Carter recommendations were not consistent with the interests of the peasants and of development. The Colonial Office was at that time in support for peasant agriculture other than settler farming. Even when Morris Carter made another attempt to press for the alienation of land in Uganda in 1921, his efforts were blocked in 1923 by the Duke of Devonshire who had become the new Secretary of State. In

---

<sup>183</sup> H.B. Thomas & J.G. Rubie (1932), *Inquiry into Land Tenure and the Kibanja System in Bunyoro*, Entebbe: Government Printer, p.24.

<sup>184</sup> R.C. Pratt, *op. cit.*, p.478.

line with the Colonial Office policy, Devonshire attached the greatest importance in land policy to the security and adequacy of African holdings. In his communication to the Uganda Protectorate authorities, Devonshire expressed his desire for a system which would regulate the use of land primarily in the interests of the in the peasant producers. As argued by Mamdani (1987), the peasant producers were preferred by the British colonialists because of being the cheapest instruments for cash crop production in consideration of the fact that they were self-supporting in terms of labor and could reproduce themselves.<sup>185</sup>

Despite the British colonial government's pro-peasant producer policy, it reserved the authority to allocate land outside Buganda to non-natives in exceptional circumstances on condition that the allocations would not disturb the peasants' occupancy of land.<sup>186</sup> It was under such circumstances that some non-African planters obtained leases of land for large-scale growing of tea in Tooro and sugar canes in Buganda and Busoga during the 1920s and 1930s. The colonial government's insistence on non-disturbance of peasants' settlement on land was particularly aimed at safeguarding the growing of other cash crops such as cotton and coffee by the peasants. Moreover, as observed by Wrigley, tea and sugar plantation development was allowed because the cultivation and processing of the two crops could not be readily separated, geographically and organizationally.<sup>187</sup> The largest sugar cane plantations were established by Indian businessmen in the 1920s and 1930s. The first sugar plantation was started by Najir Kalidas Mehta whose *Uganda Sugar Factory Limited* was commissioned in 1924 at Lugazi in central Uganda. The second plantation was started by Muljibhai Madhvani whose sugar factory was commissioned in 1930 at Kakira in eastern Uganda. Despite their potential to provide the much-needed sugar in Uganda, the establishment of these sugar plantations raised serious questions about the extent of land alienation and their impact on cash crop growing.<sup>188</sup>

Although the British colonial authorities in East Africa had fixed a maximum of 10,000 acres of land which any non-native could hold, in practice, each of the above two sugar

---

<sup>185</sup> M. Mamdani (1987), "Extreme but not exceptional: Towards an analysis of the agrarian question in Uganda", *The Journal of Peasant Studies*, 14:2, 191-225, London: Routledge, p.193.

<sup>186</sup> C.C. Wrigley (1959), *Crops and Wealth in Uganda*, Kampala: East African Institute of Social Research, p.43.

<sup>187</sup> C.C. Wrigley (1959), *Ibid.*, p.38.

<sup>188</sup> A.M. O'Connor (1965), "The geography of tea and sugar production in Uganda: some comparisons and contrasts", *E. Afr. Geogr. Rev.*, No.3, April 1965, p.33.

companies needed much more acres of land. Most controversy emerged out of Mehta's plantation schemes in Lugazi in eastern Buganda. One controversy was about his application in 1936 for more 1,287 acres of forested land in Mabira which the colonial government rejected. In the meantime, Mehta negotiated annual agreements with the neighboring landlords to provide land for sugar cane growing. In 1939, there was tension in Lugazi because of the eviction of more than 40 tenants of the landlords who had signed land agreements with Mehta. Most of the tenants were resisting the eviction orders on grounds of ancestral claims to the land. The tenants' protests to eviction reached alarming levels when part of the sugar cane plantation at Lugazi was set on fire in July 1939. It was only after Governor Sir Philip Mitchell's intervention and the payment of compensation to the tenants that the tension subsided.

Further peasants' protests to landlords took place in Tooro and Ankole. This was in response to increased rates of peasants' eviction from their customary land for failure to pay rent and commodity tax to the landlords. To regulate the amount of rent and to ensure the tenure security of the peasants in Tooro, the colonial government enacted the Tooro Landlord and Tenant Law of 1937. By this law, the peasants/tenants could only be evicted from the land they were occupying by court order after failing to pay *Busuulu* (ground rent) and *Envujjo* (part of agricultural produce) for three years.<sup>189</sup> To serve the interests of the colonial government, the law also allowed the tenant to grow cash crops on a maximum of three acres of land without permission from the landlord and up to five acres with permission. Like the *Busulu* and *Envujjo* Law of 1927 in Buganda, the colonial authorities designed the 1937 Landlord-Tenant Law to secure the position of peasant producers without losing the chiefs' co-operation. Although the tenants' rights were inheritable, they could not be sold to other individuals without the landlords' permission. This subsequently contributed to cases of violent conflict between the landlords and the tenants who sold their tenancy rights to other people.

The minor chiefs in Tooro and Ankole also staged some protests in the 1930s. The main reason for protesting was the colonial government's refusal to give them individual ownership rights to parcels of land, which were like the *mailo* estates in Buganda. The colonial government's objection to granting freehold land rights to chiefs and other individuals in other

---

<sup>189</sup> R.C. Pratt (1965), "Administration and Politics in Uganda, 1919 – 1945", in Harlow, V., et al., (eds.), *History of East Africa*, Vol.2, Oxford: Clarendon Press, p.501.

parts of Uganda was aimed at averting the emergence of uncontrollable powerful chiefs. It had already been noticed that the Baganda chiefs and those in Tooro and Ankole were acquiring more land than permitted by the colonial government. For instance, King Kasagama and the senior chiefs of Tooro had disregarded the 1900 Tooro Agreement (which granted estates to the King and chiefs on waste or uncultivated land) and acquired the most fertile and heavily populated land. Similarly, the King of Bunyoro had also tried to boost his royal patronage by granting estates to chiefs who in turn demanded rent and labour from the peasants. It was reported that about 6,000 tenants were paying rent and labour to private owners of estates in Bunyoro by 1931.<sup>190</sup> Though the Native Authority Ordinance of 1919 had empowered chiefs outside Buganda to issue orders in line with their respective native laws and custom,<sup>191</sup> the colonial government was bent on ensuring the loyalty of chiefs and their subjects. As argued by Pratt, the British colonial government “wanted its native authorities above all to be effective subordinate agents of the central government”.<sup>192</sup>

However, the outbreak of the Second World War of 1939 to 1945 and its consequences posed serious challenges to the British colonial system in Uganda which had been largely based on the 1900 Buganda Agreement.<sup>193</sup> The British Governors in Uganda, namely, Sir Philip Mitchell (1935-1940) and Sir Charles Dundas (1940-1945) aimed to uphold the “final authority of the Protectorate Government”,<sup>194</sup> but were pre-occupied by the war needs. They achieved some degree of success in terms of directing the chiefs to recruit African personnel and to boost food production for war efforts. To enhance his government’s authority, Mitchell had also taken steps towards the transformation of traditional chiefs in different parts of Uganda into salaried officials. For instance, after 1936, the senior chiefs in areas such as Busoga were paid salaries and stopped from exploiting free labor from commoners on crown land.<sup>195</sup> However, the colonial government’s limited intervention in the affairs of Buganda due to its special position as

---

<sup>190</sup> Uganda Protectorate Government (1932), “Enquiry into land Tenure and the Kibanja system in Bunyoro, 1931”, *Report of the Committee of Inquiry*, Entebbe: Government Printers, p.38.

<sup>191</sup> Ordinance 17 of 1919, section A, E.S.A, A/48.

<sup>192</sup> R.C. Pratt (1965), *Op cit.*, p.492.

<sup>193</sup> C. Summers (2015), “Ugandan Politics and World War II (1939-1949)”, in Byfield J.A., et al., eds. *Africa and World War II*, Cambridge University Press, p.481.

<sup>194</sup> R.C. Pratt (1965), *Op cit.*, p.531.

<sup>195</sup> P.F.B. Nayega (1979), “Chiefs and the Land Question in Busoga district, Uganda, 1895-1936”, *The International Journal of African Historical Studies*, Vol.12, No.2, Boston: Boston University African Studies Center, p.205.

provided by the 1900 Agreement undermined the possibility of further reforms on *mailo* land. Thus, the intrigue within the Buganda Lukiko (Legislature) which was mainly composed of great landlords, and other forms of tension escalated into violence in Buganda in the early 1940s without intervention from the Colonial government. One of the sources of tension revolved around the *mailo* land which the colonial government had alienated in 1944 for developing Makerere College and Mulago hospital.<sup>196</sup> The voice of those opposed to the Makerere and Mulago land transaction was reflected in the press by an anonymous pamphlet known as Buganda Nyaffe (Buganda Our Motherland), which warned against further expropriation of Buganda land. Thereafter, a violent demonstration by about 500 Baganda, composed of landlords, traders and commoners, caused commotion in and around Kampala on January 23, 1945, demanding the resignation of Serwano Kulubya (the treasurer of Buganda Kingdom) for the role he played in the land transaction. Whereas it is correct to argue that the demonstration was largely provoked by the Baganda fears of European expropriation of Buganda land,<sup>197</sup> it should also be noted that the struggle was premised in a wider context of political and economic problems which were unfolding in Buganda and other parts of Uganda.

As argued by Summers, the new generation was from the 1940s, challenging the older men who had negotiated the 1900 Buganda Agreement and administered under vague British oversight.<sup>198</sup> It is possible that the killing of foreign nationals such as the Indian businessman who was stoned in his lorry in Kampala and a Munyarwanda who was killed in Kawanda just outside Kampala by the rioters in January 1945 was not necessarily motivated by xenophobia.<sup>199</sup> This is due to the fact that several Ugandans such as the Buganda Prime minister Martin Luther Nsibirwa (gunned down while exiting Namirembe Cathedral) were also killed by protestors (though the protestors died as well). It can be argued that the Second World War exacerbated the grievances which had accumulated in the various categories of people in Buganda and other areas of Uganda. Though the Second World War should be considered to have contributed to the 1945 riots in terms of the leadership and new political insights by the ex-servicemen who

---

<sup>196</sup> , F. Mulindwa (2011), “The Bataka agitation and Resistance in Colonial Uganda”, *Mawazo: A Journal of the College of Humanities and Social Sciences*, Vol.10, No.3, Kampala: Makerere University Printers, p.18.

<sup>197</sup> J.J. Jørgensen (1981), *Uganda: A Modern History*, London: Croom Helm Ltd., p.181.

<sup>198</sup> C. Summers (2015), “Ugandan Politics and World War II (1939-1949)”, in Byfield J.A., et al., eds. *Africa and World War II*, Cambridge University Press, p.485.

<sup>199</sup> R.C. Pratt (1965), Op cit., p.536.

returned from countries such as Burma, India, Ceylon, and Ethiopia,<sup>200</sup> the central grievances were related to the land Question.

One of the volatile groups, known as ‘sons of Kintu’,<sup>201</sup> was led by Ignatius Musaazi against foreign expropriation of land in Buganda. At the same time, there was a Buganda separatist movement which caused significant instability in Kampala and the surrounding areas. The core of its leadership consisted of the top Buganda Kingdom officials and the landlords who considered the amalgamation of Buganda with the rest of Uganda as a threat to their economic and political privileges. Specifically, the Baganda farmers/landlords, who were by the 1940s employing migrant labour from mainly northern and western Uganda (constituting about 45% of the African population in Buganda), preferred a separate Buganda where the non-Baganda could be kept as non-citizens with no claims to land ownership.<sup>202</sup> Other groups of rioters were at first led by clan leaders (Bataka) who formed the Bataka Party in 1946 but were later joined by African traders and farmers. They were particularly opposed to low cash crop prices, the Land Acquisition Law of 1945 (which empowered the Kabaka to acquire land in the interests of Buganda government), and the rumored surrender of mineral rights to the colonial government by the Anglican Church.<sup>203</sup> The bulk of the demonstrations were made up of the commoners, who were easily mobilized especially after being distressed by the widespread war-induced economic crisis.

Although the earliest riots took place in and around Kampala, other parts of Uganda were eventually affected. One of the most serious riots outside Kampala took place in Lugazi trading centre in January 1945. It was mainly composed of the laborers of the Lugazi Indian-owned sugar plantation and factory who complained of inadequate wages. Other towns and centers which were characterized by the riots in 1945 and 1946 included Jinja, Iganga, Tororo and Mbale in eastern Uganda and Masaka, Mbarara and Mubende to the west of Kampala. Due to the misconception of the riots as politically motivated,<sup>204</sup> the colonial government was unable to

---

<sup>200</sup> J.J. Jorgensen (1981), *Op cit.*, p.181.

<sup>201</sup> According to Buganda traditions, Kintu is considered as the first King of Buganda Kingdom.

<sup>202</sup> J.J. Jorgensen (1981), *Op cit.*, p.193.

<sup>203</sup> Uganda Protectorate (1950), *Report of the Commission of Inquiry into the Disturbances in Uganda during April 1949*, Entebbe: Government Printer, pp.112-113.

<sup>204</sup> Uganda Protectorate (1945), *Report of the Commission of Inquiry into the disturbances which occurred in Uganda during January 1945*, Entebbe: Government Printer, p.32.

restore order. The colonial state generally responded harshly to the riots (officially known as disturbances) and several ring-leaders were imprisoned. This did not stop the struggles and after the release of people like Ignatius Musaaazi in 1946, they took further steps to translate their revolutionary groups into political parties such as the Uganda National Congress which contributed to demands for Uganda's independence.

The colonial government's dilemma on the nature of land tenure reform in Uganda during the 1950s was how to address the varying local nationalist interests in the context of the broader neo-liberal land tenure policies from the World Bank and other multinational donor agencies. As McAuslan observes, the underlying message of the East African Royal Commission (EARC) Report of 1955 and the World Bank to the departing colonial masters in East Africa was the need to replace customary tenure with individualized land tenure.<sup>205</sup> The EARC Report recommended the individualized land ownership to encourage higher levels of investment by individuals and to boost land productivity. There were immediate protests to the EARC recommendations by the revolutionaries in Uganda on suspicions that the British were planning to create conditions for land alienation to foreign capitalists as it had been the case in the Kenya highlands. Despite the protests, the British colonial government which had been economically weakened by the Second World War and needed the World Bank support decided to adopt the EARC recommendations. It proceeded to convince the people in the highly populated districts of Bugisu, Ankole and Kigezi to embrace a pilot project which was aimed at processing land titles and reducing the land disputes.<sup>206</sup> Although the project was undertaken in the three districts from 1958 to 1960 and many individuals were eventually given certificates of title to their respective pieces of land, it was marred by serious shortcomings. For instance, the adjudication process which was mainly carried out by inexperienced and poorly facilitated officials often mixed up the application documents and names. In some cases, individuals who had their land surveyed and demarcated did not complete the registration process partly due to financial reasons. As Mugambwa argues, even the registered titles did not guarantee against land rights contestation due to customary-related subsequent un-documented subdivision of titled land between relatives

---

<sup>205</sup> P. McAuslan (2013), *Land Law Reform in Eastern Africa: Traditional or Transformative?* London: Routledge, p.22.

<sup>206</sup> J. Mugambwa (2007), "A comparative analysis of Land tenure law reform in Uganda and Papua New Guinea", in *Journal of South Pacific Law*, 11(1), p.42.

of a deceased landowner.<sup>207</sup> To make matters worse, the interests and rights of women, children and other members of the families whose male heads were given the legal land titles were not recorded.

After launching the pilot scheme for individualized land tenure in Bugisu, Ankole and Kigezi, the colonial officials proceeded with the process of reforming the land law for post-colonial Uganda. During the London Constitutional Conference of 1961, various issues of Uganda's land question were debated by the British legislators and representatives from Uganda. One of the most sensitive issues at the London Conference concerned the territories which had been sliced from Bunyoro Kingdom and added to Buganda Kingdom at the beginning of British colonial rule in the 1890s. Throughout the colonial period, the Banyoro demands for the return of what they regarded as the 'lost counties' and the cancelation of the Baganda *mailo* estates did not receive favorable consideration by the government.

On the eve of Uganda's independence, several Banyoro leaders from Buyaga and Bugangaizi counties as well as from Bunyoro Kingdom headquarters argued that their independence could not be real unless the land in the lost counties was returned from the Baganda landlords to the rightful owners (by ancestry) in Bunyoro. The struggle for the control of the 'lost counties' between the Baganda and the Banyoro culminated in violent conflict in Buyaga and Bugangaizi counties just before independence. Two Commissions of Inquiry, the first led by the Earl of Munster and the second by Lord Molson, were appointed in 1961 and 1962 respectively to investigate and make reports on issues of the 'lost counties' with recommendations to the British government on the way forward. Although the reports of both Commissions recommended that Buyaga and Bugangaizi counties be returned to Bunyoro Kingdom before Uganda's Independence Day of October 9, 1962, the British government deferred the matter to the post-colonial period. Accordingly, a provision for a referendum on Buyaga and Bugangaizi counties in a period of two years after Uganda's Independence Day was included in the independence constitution of 1962. This was contested by mostly Baganda landlords who argued that they legally owned the *mailo* land in Buyaga and Bugangaizi counties.

---

<sup>207</sup> J. Mugambwa (2007), *Op cit.*, p.43.

### 3.5 The land question and conflict during the first post-colonial regime

Mamdani's assertion that at independence time, "the conservative regimes in Africa reproduced the decentralized despotism which had been forged through the colonial encounter"<sup>208</sup> is quite consistent with the case of post-colonial Uganda. As observed in the previous section of this chapter, various destabilizing land tenure issues such as the contested ownership of land in Bunyoro's 'lost counties' were not resolved before the end of direct British colonial control over Uganda. By the time of Uganda's independence on October 9, 1962, there were three outstanding problems which characterized the land question. The first concerned most of the land in Uganda, categorized as Public Land under the Public Lands Act of 1962, vested in the Uganda Lands Commission and on which all its occupants became tenants of the state. This eventually generated conflict partly because the Public Lands Act of 1962 did not fix the ceiling of the amount of public land which an individual could acquire. The second was related to the contradictory relationship between the landlords in areas with titled land and their tenants or customary occupants. The third problem and which dominated the immediate post-colonial period in Uganda was first focused on the return of Buyaga and Bugangaizi counties from Buganda to Bunyoro, but after the 1964 referendum, the question revolved around why the ownership rights to *mailo* land in the counties did not revert to the Banyoro. The next chapter discusses in detail, the colonial root of the land question in Kibaale district and examines the circumstances under which contestation over the ownership of land in the district persisted after 1962.

During the four years after the declaration of Uganda's independence, the disagreements between those who were for and against the holding of a referendum over Buyaga and Bugangaizi counties caused significant violent conflict which threatened the stability of the post-colonial government. The disagreements were reflected in the first post-colonial government, which was based on a coalition between the Uganda People's Congress (U.P.C) party and the Kabaka Yekka (K.Y) party. The U.P.C under the leadership of Apollo Milton Obote from Lango region was largely in favor of a unitary post-colonial Uganda state, while the K.Y, led by Buganda's conservative King (Kabaka) Mutesa II, was mainly concerned with the preservation

---

<sup>208</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.25.

of Buganda's privileged position and the promotion of the landlords' interests. The most controversial aspect of the Buganda landlords' interests was connected to the *mailo* land which they had acquired in Buyaga and Bugangaizi counties as a result of the 1900 Buganda Agreement. Although the Banyoro claimed all the land in the two counties as theirs by ancestry, the Baganda landlords and their King considered it to be their legal property.<sup>209</sup> To safeguard their *mailo* land, Mutesa II and his fellow Baganda landlords resolved to either oppose the referendum on Buyaga and Bugangaizi counties or to influence the voting in Buganda's favor. Despite the landlords' opposition, the central government, led by Prime Minister Obote successfully conducted a referendum on Buyaga and Bugangaizi counties on November 4, 1964. The Banyoro who formed the majority in the two counties voted in favor of being transferred from Buganda to Bunyoro Kingdom. The transfer of the territories was implemented on January 1, 1965 but it was followed by violent conflict because of the unresolved *mailo* land ownership controversies.

The *mailo* land question in Buyaga and Bugangaizi counties and in other parts of Buganda led to the collapse of the UPC-KY coalition government and to the intensification of violent conflict in Kampala capital city, where the seat of the central government was located. The conflict between the Buganda Kingdom leadership and the central government deepened in 1965 as both sides struggled for political power which was thought to be the means of safeguarding the *mailo* land interests. Meanwhile, Prime Minister Obote's power was threatened by Daudi Ochieng's motion in Parliament on February 4, 1966, which called for the suspension of his Deputy Chief of Staff, Colonel Idi Amin and an investigation into a gold deal to which Obote was believed to be associated. Although Daudi Ochieng was an Acholi from northern Uganda, he had become a close associate of Kabaka Mutesa II, who had appointed him to the position of Secretary-General of KY and given him part of *mailo* land in Buganda.<sup>210</sup> So, the gold scandal allegations were used to boost Buganda's threat to the Obote-led central government.

---

<sup>209</sup> P.M. Gukiina (1972) *Uganda: a case study in African political development*, Notre Dame: University of Notre Dame Press, p.117.

<sup>210</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm, p.227.

In response, Obote introduced an interim Constitution on April 15, 1966. It was mainly directed against the Buganda Kingdom leadership. Among other things, it empowered the central government to take over the control of the official *mailo* estates from the Kabaka and his chiefs. The Kabaka and his chiefs immediately defied the new Constitution and even filed an appeal to the United Nations Organization. In May 1966, the Lukiiko (Buganda's legislative council) passed a resolution which demanded the removal of the central government from Buganda's soil. The Kabaka supported the Lukiiko resolution and issued an ultimatum for the central government to be moved from Buganda before May 30, 1966. It was amidst this stand-off that Obote directed Colonel Idi Amin to lead a military invasion of Kabaka Mutesa II's palace at Lubiri on June 1, 1966. Kabaka Mutesa was forced to flee and later settled in exile in Britain. Obote moved on to introduce the 1967 republican Constitution by which the central government abolished the Buganda Kingdom and other traditional institutions in Uganda.

Despite the central government's steps against Buganda Kingdom, the contradiction between the private *mailo* landlords and the tenants in Buyaga and Bugangaizi counties remained in place. This demonstrated the post-colonial government's inability to resolve the contestation over access to and ownership of land in the two counties. The Obote-led government could not dismantle what Mamdani regards as a decentralized despotism in the countryside because it was still the means through which the central government could maintain its control over peasants and to implement its economic programmes. Besides, it would have been counterproductive to extinguish the private *mailo* land interests at the cost of losing the Baganda landlords' support for the central government. This explains the Obote government's inability to reform the *mailo* land tenure even after some of the forty clauses of the *Common Man's Charter* of December 1969 had been designed to streamline Buganda's *mailo* landlord-tenant relations.<sup>211</sup> Even the Public Lands Act 1969, which the government claimed to have introduced for improving the peasants' access to and use of public land, did not add any value to the majority poor peasants' livelihoods. Instead, it left room for the rich peasants and petty bourgeoisie to purchase large tracts of public land at the expense of the majority poor peasants. The Public Lands Act was even less useful to peasants in Buyaga and Bugangaizi counties where public land constituted only about 20% of the total arable land.

---

<sup>211</sup> Ibid., p.235.

It is also evident that the national leaders such as Prime Minister and later President Apollo Milton Obote did not proceed with the transfer of ownership of *mailo* land in Buyaga and Bugangaizi counties from the Baganda landlords to the Banyoro in the two counties due to the fear to lose Buganda's political support. It should be noted that there were a few other parts of Uganda which experienced land-related problems and conflict during the first post-colonial regime. For instance, Kigezi district in south western Uganda was by the early 1960s, one of the most densely populated areas with widespread violent land-related conflict. The people's population in Kigezi district increased from 206,090 in 1921 to 493,444 in 1959.<sup>212</sup> As noted by Kagambirwe, the high population pressure on land in Kigezi district led to widespread cases of homicide especially from the 1960s.<sup>213</sup> The other area which experienced population explosion and land-related conflict was Bugisu in eastern Uganda. It is ironical that the introduction of freehold land tenure in Kigezi region by the British colonialists during the 1950s did not guard against violent land-related conflict. As argued by Murindwa, there was no way how the land-titling project which had narrow targets could ensure against land conflicts in Kigezi where population was ever increasing.<sup>214</sup> To get a better sense of the post-titling Kigezi land conflicts, it should be noted that the land titling project in Kigezi, Ankole and Bugisu was carried out in the context of the dictates from the World Bank without consideration of the nature of the societies over which the reforms were applied.

The rest of Uganda did not experience serious land shortage and the related conflict during the 1960s. In the northern Uganda regions of Acholi and Lango, all land had been declared as Crown land during the British colonial period and it became Public land after Uganda's independence in 1962. Throughout the 1960s, land was in abundance and was accessed and used on customary basis. For the case of post-colonial Acholi, land was used for the growing of cash crops such as cotton and food crops like millet, sorghum, sesame, cassava, peas and beans. The Acholi people used part of the land for grazing and hunting as well. Like in other parts of Uganda, the Acholi had been partly integrated into the market economy. As it had

---

<sup>212</sup> Uganda Government (1966), *Statistical Abstracts*, Entebbe: Government Printer, p.53.

<sup>213</sup> E.R. Kagambirwe (1972), *Causes and consequences of land shortage in Kigezi*, Kampala: Department of Geography, Makerere University, p.161.

<sup>214</sup> Murindwa-Rutanga (2007), "Agrarian Struggles in the Judicial Domain: The Case of Kigezi in the Great Lakes Region", *CBR/ENRECA Occasional Paper Series*, Vol. 10, Kampala: Center for Basic Research, p.5.

been in the colonial period, the peasants' surplus product was appropriated by the state through the local authorities and the state organs such as the Cotton Marketing Board.

By the end of the first post-colonial regime when Obote was overthrown by Amin on January 25, 1971, the land-related conflicts were concentrated in Buganda, Bunyoro and in the densely populated areas of Kigezi and Bugisu. The majority peasants who lived on *mailo* land in Buganda and Bunyoro were kept under the landlord-tenant relations so long as it was in the interests of the central government's political stability. Unfortunately, the maintenance of the landlord-tenant relations remained a major obstacle to meaningful socio-economic transformation in Buganda and other parts which had similar production relations. As Mafeje notes, even by the end of Obote's regime, the leadership lacked the political power and ideological clarity by which to undertake a radical change in the land-relations for meaningful development.<sup>215</sup> Perhaps it was only his successor, Idi Amin who had the courage to start on the radical reform of the land-relations by declaring the abolition of *mailo* land tenure in 1975 but as indicated in the following section, he also lacked the ideological clarity for achieving fundamental agrarian transformation in Uganda.

### **3.6 The land question during the Amin era, 1971 – 1979**

The coup d'état of Monday morning on January 25, 1971 against Apollo Milton Obote marked the beginning of Idi Amin Dada's presidency in Uganda. His initial steps were characterized by efforts to take control of the entire army and to gain the confidence of the civilians. Among those who congratulated him upon rising to power were the prominent Baganda landlords and politicians such as Abu Mayanja. Due to his awareness of the importance of Buganda to the stability of the Uganda central government, he started by extending his gestures to the Baganda. He released most of those who had been imprisoned and even returned the body of the deceased Kabaka Mutesa II from Britain and accorded it a state funeral on April 4, 1971. Despite Amin's initial gestures to the Baganda, he soon declared the Second Republic which ruled out the restoration of Buganda Kingdom which should have been a source of security to the *mailo* land interests.

---

<sup>215</sup> A. Mafeje (1973), "Agrarian Revolution and the Land Question in Buganda", *Occasional Papers*, No.32, The Hague: Institute of Social Studies, p.25.

In early August 1972, Amin announced his government's plan to Africanize Uganda's economy by expelling the Asians. He withstood the enormous diplomatic pressure from Britain and other countries, urging him to cancel the planned expulsion of Asians. By the end of 1972, more than 40,000 Asians had left Uganda. The Amin regime immediately distributed most of the departed Asian properties such as firms, agricultural estates, ranches, factories, vehicles, buildings, shops and household items to individuals in the army and government.<sup>216</sup> Although Amin had announced that the ordinary Ugandans would be the main beneficiaries of what he regarded as an economic war, the ranches and farms were given to individuals who served their own interests. Unfortunately, most of the ranches, farms, factories and other business ventures were mismanaged.

In June 1975, Amin introduced the Land Reform Decree which among other things, abolished *mailo* land tenure. The government stressed that the Decree was aimed at vesting the "title to all land in Uganda in trust for the people of Uganda and to facilitate the use of land for social and economic development"<sup>217</sup>. Article 1(1) of the Decree stated that:

With effect from the commencement of the Decree, all land in Uganda shall be public land to be administered by the Commission (Uganda Land Commission) in accordance with the Public Lands Act, subject to such modifications as may be necessary to bring that Act into conformity with this Decree.<sup>218</sup>

Although some scholars appreciate the Decree for having abolished customary tenure – an obstacle to socio-economic development in Uganda,<sup>219</sup> others such as Mamdani condemn it for "ushering in a second flowering of landlordism in Buganda".<sup>220</sup> It can be argued that the Decree had some positive aspects, especially by abolishing *mailo* land tenure and freeing millions of commoners in Buganda and southern Bunyoro from being exploited by landlords. However, the Decree eventually turned out to be largely of negative consequence on the commoners' tenure security. By abolishing all freeholds and any absolute land ownership, including *mailo*

---

<sup>216</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm, p.288.

<sup>217</sup> Uganda Government (1975), *The Land Reform Decree*, No. 3, 1975.

<sup>218</sup> Ibid.

<sup>219</sup> Khiddu Makubuya (1981), "Land Law reform and Rural Development in Uganda", in Nsibambi A. & Katorobo J. eds. *Rural Rehabilitation and Development: Proceedings of the conference on Rural Rehabilitation and Development, September 14-18*, p.323.

<sup>220</sup> M. Mamdani (1987), "Extreme but not exceptional: Towards an analysis of the agrarian question in Uganda", *The Journal of Peasant Studies*, 14:2, 191-225, London: Routledge, p197.

ownership, the Decree cleared the way for a system under which land was held at the mercy of government.

The provisions of the Decree in relation to customary tenancy on public land opened the way for new land acquisitions by state officials and loyalists. Section 3(2) of the decree stated that “a customary occupation of public land shall, notwithstanding anything contained in any other written law, be only at sufferance and a lease of any such land may be granted by the Commission to any person, including the holder of the tenure, in accordance with this Decree”. This proved tricky for the majority peasants in Uganda because at sufferance, a peasant was free to continue occupying any free public land without permission from government (the landlord) but his/her tenancy could be terminated at any time. It became a common practice for the Amin government officials, army officers and the rich peasants to acquire land leases and to displace the peasants in favor of planned development. This occurred in areas such as Ankole and Masaka, where the rich people (known as *Mafuta miingi*) got leases and established farms and ranches at the expense of the previous cattle herders.

Although the Land Reform Decree appeared to be one of the most radical post-colonial Uganda land legislations, many people in various parts of the countryside conducted their land transactions and successions as before 1975. For instance, people could buy and sell parcels of land on customary basis through simple agreements (known as *endagaano* in central and western Uganda) witnessed by government-appointed chiefs and community members.<sup>221</sup> It was common for people in Buganda and other parts of Uganda to engage in land transactions based on *endagaano* or paper agreements,<sup>222</sup> and where applicable, with the hope of using the agreements in the process of obtaining legal title to the relevant parcel of land. Unfortunately, most commoners who acquired land in such a *de facto* manner never proceeded to obtain legal documents to support their access/ownership rights to their parcels of land, thus creating possibilities for subsequent land rights contestation and violence.

The peasants who had continued with the cultivation of cash crops such as cotton and coffee were exploited by government marketing structures. For instance, under the Coffee

---

<sup>221</sup> Interview, G.B., Kakiri, November 26, 2013.

<sup>222</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Uganda Government Printer, p.32.

Marketing Board (CMB), the growers' share of the coffee export proceeds fell from 24.2% in 1962-72 to 15.6% in 1973-78.<sup>223</sup> To make matters worse, the Produce Marketing Board paid very little to the peasants who grew food crops groundnuts, beans, maize and peas. It is unfortunate to note that as the peasant incomes from crops declined, the prices of consumer items rose to outrageous levels. This was due to the decline of industrial outputs. The life of the peasants became increasingly miserable due to raised graduated tax and other forms of taxes as the Amin regime tried to address the revenue deficit. By the time of Amin's fall in 1979, his economic war had instead undermined the economic livelihood of the peasants in the countryside. Even the Land Reform Decree of 1975 exposed the peasants in rural areas to exploitation by new landlords who had either been allocated ranches and farms or had obtained land leases.

Thus, although the Amin era, especially regarding the Land Reform Decree of 1975, has been credited for abolishing all absolute land ownerships including *mailo* tenure and other impediments to socio-economic transformation, it practically worsened the land rights contestation and violent conflict in Uganda. Apart from those former *mailo* landlords who, as required by the Decree, converted their former land into 99-year leases in Buganda, it became possible for more landlords to emerge through the land enclosures and acquisitions of land in other parts of Uganda at the expense of former occupants. Moreover, after the Decree had relieved the commoners from paying rent to *mailo* landlords, they found themselves in a worse scenario where the state could freely evict them whenever an appropriate lessee emerged. So, instead of addressing the land-related grievances in Kibaale and other parts of Uganda, the Amin regime opened more grounds for contestation and violent conflict over access to and ownership of land.

### **3.7 The land question and conflict during the NRM period**

The period of the National Resistance Movement (NRM) government under Yoweri Museveni has been characterized by more widespread land-related conflict than in the previous regimes. This is contrary to popular expectation based on the NRM government's pronouncements, in relation to land tenure reform. Between 1986 and 1992, cases of violent

---

<sup>223</sup> Ibid., p.295.

conflict between landlords and tenants in Buganda and some other parts of Uganda flared. This was partly due to the selling of land by some landlords who feared that the NRM government (at first perceived to be communist) was due to nationalize their land. Other factors for land-related conflict during the NRM regime include rapid population growth in some parts, pastoral land crisis, dishonesty and corruption in land management system, the post-insurgency land crisis in northern Uganda, land grabs and oil extraction in the Lake Albert graben of mid-western Uganda. Due to the quite unique characteristics of the land question in different areas of Uganda, I highlight them in relation to their respective locations.

### **3.7.1 The land question and conflict in Buganda region**

While carrying out the guerilla struggle from 1981 to 1986, the leaders of the National Resistance Army (NRA) introduced some changes in the grass root political structures and community membership in the liberated areas such as Luwero. They changed the basis of local (community) citizenship from ancestry to residence. This also meant a change of the basis of individual land rights from ancestry to residence. Even after coming to power, the NRM government established a Resistance Council (RC) and later a Local Council (LC) system which was open to all residents in a specific area. If such a system had been effectively implemented, the tendency of perceiving local citizenship based on ancestry and the associated land rights' conflict in Uganda would have been minimized. However, due to demands by Baganda traditionalists and the need to win Buganda support for the NRM government which was faced with demands for the restoration of multi-party democracy, President Museveni's NRM government agreed to restore the Buganda traditional institution in 1993. In the same vein, the NRM government undertook to restore the traditional institutions wherever applicable in the rest of Uganda. This appeared to be a contradiction to the LC scheme.

Accordingly, the National Resistance Council (NRC) enacted Statute No.7 of 1993 for restoring the traditional rulers. It also enacted the Traditional Rulers (Restitution of Assets and Properties) Statute No.8 of 1993. Both Statutes were assented to on June 23, 1993 and commenced on July 3, 1993. The properties to be returned to the office of the Kabaka (King) of Buganda included the official Kingdom land and buildings in Kampala as well as the 350 square miles of official land in other parts of Buganda. The implementation of the statute began with the

coronation of Kabaka Ronald Mutebi II on July 31, 1993 on Nnaggalabi Hill at Buddo.<sup>224</sup> The restoration of traditional rulers and their properties in other parts of Uganda was done in the subsequent years. By restoring the *Kabakaship* institution and pledging to restore land and other properties to Buganda, Museveni partly aimed at rallying Buganda's support for the NRM government at a time when it was being pressed to restore a multi-party system.

Meanwhile, the NRM government undertook the constitutional rewriting process. The Constituent Assembly (CA) which had been established to work out a new constitution eventually promulgated the Constitution of the Republic of Uganda on October 8, 1995. The revised constitution either retained or added provisions on land to suit the interests of those in power who especially aimed to consolidate support from Buganda. Among other things, the Constitution restored the pre-1975 land tenure system in Uganda, characterized by: customary; freehold; *mailo*; and leasehold. It stated that, Parliament would enact a land law (the Land Act) for defining the terms on which the lawful and *Bona fide* (good faith – in Latin) tenants were to operate while occupying *mailo* land.<sup>225</sup> After the Parliament had been inaugurated, it embarked on debates leading to a Land Act in consideration of various factors. These included the outstanding issues of the land question in Uganda, such as the landlord-tenant contradictions in Buganda and the unresolved controversies over absentee landlordism in relation to *mailo* land in Kibaale district. Since the Parliament was dominated by pro-NRM members, its debates were mainly in favor of the NRM government's interests and plans. To ensure support from the Baganda landlords, the NRM government influenced parliament to uphold their supremacy in the production relations (landlord-tenant relations). At the same time, there was pressure from civil society organizations such as the Uganda Land Alliance, demanding for the liberation of the tenants from landlord exploitation.

Subsequently, the Uganda Parliament enacted the Land Act of 1998 which provided for the continuation of the landlord's supremacy though some of its sections<sup>226</sup> were designed to improve the tenure security of the tenants. The Land Act also provided for a Land Fund with the

---

<sup>224</sup> J.J. Barya (1998), "Democracy and Culture in Uganda: reflections on the (non)restoration of the Ankole Monarchy", *East African Journal of Peace and Human Rights*, (4)1, p.1.

<sup>225</sup> Uganda Government (1995), *The Constitution of the Republic of Uganda, 1995*, Article 237(9), Kampala: Ministry of Justice and Constitutional Affairs.

<sup>226</sup> Uganda Government (1998), *The Land Act 1998*, part II, sections 2 – 9.

aim of resolving the contestation over access to and ownership of land in Kibaale district through the compensation of absentee landlords. However, it soon emerged that even the Land Fund could not be effectively implemented partly due to financial and technical problems. The financial problem hinged on insufficient funds allocated by the government to the scheme and the embezzlement of the available funds by state officials. Moreover, effective compensation of the absentee landlords would only be possible if there was an up-dated *mailo* land register. Unfortunately, by the time of Uganda's independence in October 1962, the *mailo* land register for Buganda and Bunyoro's 'lost counties' was far from being complete<sup>227</sup> due to the Second World War's interruption of the land survey and registration, the lack of adequate technical staff, as well as other unforeseen factors.<sup>228</sup> This meant that by the time of the enactment of the Land Act 1998 and the commencement of the Land Fund implementation process, there was insufficient information about the absentee landlords to be compensated.

It should further be noted that the rewriting of Uganda's Constitution by 1995 and the enactment of the Land Act 1998 reflected the state's drive to ensure its power over Uganda and to serve the property interests of individuals including those in government. The system which was reinforced by the NRM government was of some resemblance to the bifurcated colonial state as described by Mamdani. The central government practically reinforced some form of decentralized despotism in the countryside such as in Buganda and in Kibaale district, where peasants were still vulnerable to exploitation by landlords. It also became clear that there was lack of determination on the part of government to do away with landlordism and absentee landlordism because many high-ranking state officials are landlords in Buganda region and other regions. As remarked by a Uganda Member of Parliament, more than five top government and military officials each owned about 200 acres of land in Kiboga district of Buganda in the late 1990s.<sup>229</sup> The head of state was also reported to be a landlord in various parts and owner of Kisozi farm in Buganda. Several other officials in government and the military have over the last two and a half decades bought *mailo* land and other forms of property in Buganda and other parts of the country. By 2003, there had developed a puzzling question of how those people in top

---

<sup>227</sup> Thousands of claims (because of successions, purchases and gifts) to parcels on the original *mailo* estates had not yet been reflected on the *Mailo* Register by 1962.

<sup>228</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Uganda Government Printer, p.54.

<sup>229</sup> Republic of Uganda, *Parliamentary debates (Hansard)*, 3<sup>rd</sup> Session, June 1998, p.4106.

government positions (the top government officials are mainly from southwestern Uganda) could resolve the contestation and violent conflict over *mailo* land in Kibaale district owned by absentee landlords from mainly Kampala and other parts of Buganda. It was partly because of such conflict of interest in land which slackened the pace of the land restitution drive in Kibaale district. This demonstrates that the land question in other parts of Uganda, particularly in Buganda, is directly related to the complication of efforts to resolve contestations and violent conflict over access to and ownership of land in Kibaale district.

Meanwhile, after 2005, Buganda experienced increased violence which was partly in response to alleged land grabbing by politicians and rich people from elsewhere. This coincided with campaigns by some members of the opposition against president Yoweri Museveni's overstay in power. For instance, there was massive demonstration in and around Kampala city in February 2007 because of President Museveni's proposal to de-gazette and allocate part of the land in Mabira forest to the Sugar Co-operation of Uganda Limited (SCOUL), a subsidiary of the Mehta Group of Companies owned by an Indian business tycoon. The demonstration which attracted many people was spearheaded by the members of the National Association of Professional Environmentalists (NAPE) and other civil society organizations. One of the demonstrations turned violent in Kampala city centre as police attempted to intercept the demonstrators. The violence resulted in the death of an Indian, Dewang Rawal, two other people and many others were seriously injured.<sup>230</sup> As pronounced by one of the leading organizers of the code-named Save Mabira Crusade (SMC), Beatrice Anywar (the Kitgum Woman Member of Parliament), the demonstration was aimed at saving Mabira forest due to its tourist value and influence on rainfall patterns to the benefit of agricultural activities in the region. The demonstrations also provided a political dimension as members of opposition political parties such as the Forum for Democratic Change (FDC) accused President Museveni of giving part of Mabira forest land to one of his political supporters. In my view, the case of Mabira forest land reflects the practice by the leaders of various post-colonial governments to degazette forest reserves whenever it served their political and economic interests.

---

<sup>230</sup> G. Tenywa, et al., "Asians attacked in Mabira forest Demo", *The New Vision*, April 12, 2007, Kampala: The New Vision Printing and Publishing Co., p.1.

Another case of violent conflict was sparked off by misunderstandings between the central government and the leadership of Buganda Kingdom under Kabaka (king) Ronald Muwenda Mutebi. Violent conflict erupted in September 2009 after Kabaka Mutebi had been blocked from visiting his subjects in Kayunga district of Buganda region. The violence which erupted in Kampala city and its suburbs left 28 people dead.<sup>231</sup> The other incident of violent conflict was sparked off by the burning of Kasubi tombs (where some former deceased Kings of Buganda were buried) in the suburbs of Kampala city in March 2010. The incident occurred when government was under accusations by the Baganda that it had refused to grant federal status to Buganda and had hastily introduced a Land Act (Amendment) Bill 2007 to grab Buganda land.<sup>232</sup> The violence worsened when President Museveni was blocked by rioters at Kasubi trading center as he rushed to the fire-gutted tombs. When some rioters decided to block him by lying across the road leading to the tombs, his security personnel opened gun-fire which killed two young men instantly and wounded several others. About forty rioters were arrested and detained for some months at Luzira Maximum security prison. Although the violent conflict eventually subsided after negotiations between the President and the Kabaka of Buganda, the complaints about land grabbing and the eviction of tenants from their land by landlords and government-associated persons remain evident in Kampala and the neighboring areas.

### **3.7.2 The shrinking common pool resources and conflict**

Throughout the first half of the 20<sup>th</sup> century, members of various communities had free access to common pool resources in the generally dry and sparsely populated parts of Uganda. These were mainly on what the British colonial authorities declared as ‘crown land’ but eventually became public land after the declaration of Uganda’s independence and the enactment of the Public Lands Ordinance of 1962. By the early 1960s, some parts of the communal land had been subjected to specific cultivation and grazing rights of families of people. This resulted in some contestation over access to some of the land.<sup>233</sup> At the same time, the first post-colonial

---

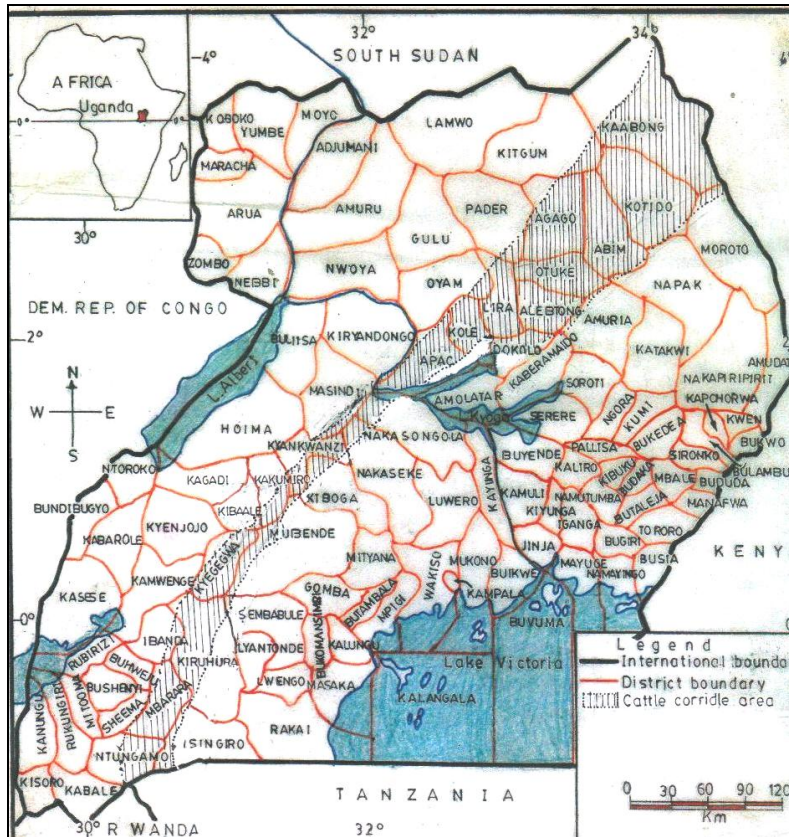
<sup>231</sup> D.B. Miller (2011), *Uganda Presidential and Parliamentary Elections*, February 18, 2011, Commonwealth Secretariat: Commonwealth Observer Group, P.8.

<sup>232</sup> A. Makubuya (2008), “The Uganda Land Question: A Commentary on Government Land Policy and the proposed amendment to the Land Act 2007”, in *Daily Monitor*, February 18, 2008, p.2.

<sup>233</sup> F.E. Muhereza (2001), “Ranchers and Pastoralists: The restructuring of Government Ranching, Uganda”, in M.A Mohamed Salih, T. Dietz and A.G. Mohamed Ahmed, eds. *African Pastoralism: Conflict, Institutions and Government*, London: Pluto Press, p.100.

government embarked on the development of ranching schemes over part of the stretch of pastureland, commonly known as the ‘cattle corridor’. This area stretches from southwestern Uganda in areas of Ntungamo and Mbarara, through Masaka, Mubende, Kiboga, Luwero, Nakasongola, Masindi, Apac, Lira up to Karamoja in northeastern Uganda as indicated on Map 3 below.

**Map 3: showing the 'cattle corridor' in Uganda as of 2016**



**Source: George Magawa, Makerere University Geography Department**

Between 1962 and 1968, the Obote regime cleared a large part of the ‘cattle corridor’ of tse tse fly infestation and established about 400 extensive ranches without consideration of the pastoral communities which were previously operating in the area.<sup>234</sup> The ranches were leased to prominent politicians and government supporters, a practice which continued in the subsequent regimes. Despite the ranching schemes, a large stretch of the ‘cattle corridor’ continuously

<sup>234</sup> W. Kisamba-Mugerwa, et al., (2006), “Impacts of Individualization of Land Tenure on Livestock and Rangeland Management in Southwestern Uganda”, *Paper presented at the 11<sup>th</sup> Biennial Conference of the International Association for the Study of Common Property*, June 19-23, 2006, Bali: Indonesia, p.3.

served as a rangeland on which various groups of cattle herders/pastoralists grazed their cattle and often changed locations depending on weather variations during the year. However, this pastureland was further reduced by state and non-state activities. A large part of this land was eaten up by refugee camps such as Nakivale, forest reserves, game reserves, national parks such as Lake Mburo National Park and Kidepo National Park, military establishments such as Kabamba Military training barracks in Mubende and hundreds of ranches.

By the inception of the NRM regime in 1986, the land issues which required urgent attention included that of the cattle herders who had been dispossessed during the establishment of ranches and the upgrading of Lake Mburo game reserve to national park status in 1982. Moreover, the park land which consisted of lakes Mburo and Kachera had continuously attracted encroachers (cattle herders/pastoralists) due to its pastures and permanent water. There were also reports that the cattle herders who operated within the ranches were exploited by the ranch owners. As indicated by Bazaara, a cattle herder in some of the ranches in Ankole and Masaka regions was paying about 10% of his livestock product to the ranch owner by the early 1990s.<sup>235</sup> To make matters worse, violence erupted in Mawogola County of Masaka district between the ranchers and the squatters in August 1990. Incidentally, the NRM government had decided to implement the recommendation by the 1988 Commission of Inquiry into Government Ranching Schemes to re-allocate most of the ranchers' land to the squatters.<sup>236</sup> In acts of defiance to the government's position, the ranchers deployed armed security guards in the ranches and planned to seek legal aid. By the middle of August 1990, the government had deployed an army battalion to Mawogola to ensure the security of squatters. This sparked heated debate in the National Resistance Council (NRC) as some members accused the government of favoring the largely Banyarwanda squatters. Mamdani argues that the parliamentary debates signaled a move to exclude the Banyarwanda cattle herders from citizenship entitlement (for instance to land) which partly contributed to the October 1990 armed return to Rwanda by the Rwandese refugees.<sup>237</sup>

Without underrating the above view, it is necessary to highlight the link between the rancher-squatter crisis and the survival of the NRM government. It is possible that the NRM

---

<sup>235</sup> N. Bazaara (1994), "Land Reforms and agrarian structure in Uganda: retrospect and prospect", *Nomadic Peoples*, 34/35, p.42.

<sup>236</sup> M. Mamdani (2002), *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Kampala: Fountain Publishers, p.177.

<sup>237</sup> *Ibid.*, p.182.

government leadership was inclined to defend the squatters on the basis that some of them, and their relatives had been part of the NRA guerilla campaign after being harassed and dispossessed of their land by the Obote II regime. Perhaps, more important than anything else was the fact that the NRM leadership considered the squatters (cattle herders and cultivators) on the ranching schemes as political capital during elections. Meanwhile, the government had established the Ranch Restructuring Board (RRB) for improving the productivity of ranches and resettling the squatters and their livestock. This Ranch restructuring exercise was part of a broader Structural Adjustment Programme, supported by the International Monetary Fund (I.M.F) loan. The changes enabled the government to take control of most ranches on which it resettled hundreds of landless squatters. Although the government was accused by particularly members of the opposition political parties, such as the Forum for Democratic Change (F.D.C), for settling non-citizens on former ranch land to boost the number of voters for NRM in 1996, the problem of landless cattle herders was temporarily reduced.

Beginning from 1996, the NRM government emphasized a modernization programme which was among other things aimed at transforming the nomadic pastoralists such as the Bahima, Banyarwanda, and Karamojong into settled cattle herders and crop cultivators. Unfortunately, not all the landless cattle herders had been given enough land for grazing livestock and growing crops. Some cattle herders who failed were not allocated land from the Ankole and Singo ranching schemes were forced to continue with the old practice of nomadic pastoralism. Although some of the cattle herders could buy parcels of land for themselves, others ended up encroaching on the conservation areas or other people's land. This accounts for the violent conflict which occurred in Teso, Lango and Buliisa between the pastoralists (mainly the Bahima and Banyarwanda) popularly known as *Balaalo* and the host communities during the 2000s. One of the violent conflicts between the pastoralists and the host communities took place in Buliisa district in mid-western Uganda in 2010. The conflict between the pastoralists nicknamed as *Balaalo* and the earlier settlers known as *Bagungu* in Buliisa district claimed about 8 human lives and led to several injuries throughout 2010. The *Bagungu* claimed that the *Balaalo* went to an extent of grazing their cattle in the local people's crop fields and could not easily be chased out of the area because some of them were armed with guns. The *Balaalo* who belonged to about 630 families with 20,000 heads of cattle were eventually evicted from Buliisa between

December 12, 2010 and December 16, 2010 by a team of security personnel from the army and police indicated in the photograph below, commanded by General David Tiniefuza.<sup>238</sup>

**Photograph 1: Eviction of pastoralists from Buliisa district**



**Source: Photo from A. Byaruhanga, et al., (2010), p.15.**

The case of the *Balaalo* in Buliisa district tells much about the complexity of the land question, not only in relation to their tenure problems in the ‘cattle corridor’ but also in Buliisa. Most of the pastoralists are reported to have bought large tracts of land in Buliisa in the early 2000s from some individual *Bagungu* yet it had for long been used on communal basis for growing food crops and herding a few heads of cattle. By fencing off their newly acquired land, the *Balaalo* created individualized ownership of land which excluded many *Bagungu* who had earlier used the land. It became worse when the *Balaalo* cattle increased and often caused crop damage in the neighborhoods. With time, *Bagungu* claimed their ancestral ownership rights to the land and dismissed the land purchase agreements which the *Balaalo* possessed as unauthentic because they had not been approved by the *Bagungu* community.

The discovery of oil in various areas and the prospect of finding more oil wells in the Lake Albert region where Buliisa district is located have dramatically increased the demand for land in the region. Many rich people including high ranking government officials were among the first to purchase land cheaply from unsuspecting peasants in areas near the main oil wells

---

<sup>238</sup> A. Byaruhanga, et al., (2010), *An Assessment Report of the forced eviction of Pastoralists in Buliisa district*, Kampala: HURINET, p.10.

such as Kingfisher in the neighboring Hoima district. As indicated in a report by the Uganda Human Rights Network, some high-ranking government and security officials were part of the purchases of land in Buliisa from as early as 2004. It can be argued that the rush for land in Buliisa was partly due to the prospects of oil discovery in the area.

Although the conflict between the *Bagungu* and the *Balaalo* in Buliisa started as a land issue, it quickly assumed a political dimension. The fact that the conflict occurred just before the February 2011 parliamentary and presidential elections made the local and national politicians to make political capital out of it.<sup>239</sup> At that time, the *Bagungu* who were the majority in Buliisa district complained that the government, whose officials were rumored to have been involved in the land acquisitions, had failed to solve their land problem. Some of their local leaders had even threatened to vote for the NRM opponents during the 2011 elections. In what seemed to be an attempt to make his own political capital, the incumbent Member of Parliament for Buliisa, Stephen Mukitale actively campaigned for the removal of the *Balaalo* from his constituency.<sup>240</sup> By talking for the *Bagungu*, he earned a lot of support which gave him an easy victory in the 2011 elections. Similarly, the incumbent President Yoweri Museveni was concerned about the possibility of not getting votes from the discontented Bagungu during the 2011 elections. To maximize his chances of winning votes from Buliisa district, the President sanctioned the eviction of the *Balaalo* from the district.

### **3.7.3 The post-insurgency land conflict in northern Uganda**

The two decades long (1986-2006) rebellion by mainly the Lord's Resistance Army (LRA) of Joseph Kony has contributed to the complication of the land question in northern Uganda. This is particularly about Acholi and Lango sub-regions where the LRA and the Uganda People's Defence Forces (UPDF) were concentrated and caused massive displacement of people. To protect the people from the LRA attacks, the government placed them in camps for Internally Displaced Persons (IDPs). Most of the people stayed away from their land when the LRA rebellion was taking place and were only allowed to grow crops on the land within a radius of

---

<sup>239</sup> G. Tenywa (2011), "Buliisa Locals in bloody fights as Oil flows", *The New Vision*, May 21, 2011, Kampala: New Vision Publishing Company, p.6.

<sup>240</sup> E. Ssekika (2011), "Oil-rich land sparks off fresh conflicts in Buliisa", *The Observer*, June 5, 2011, Kampala, p.4.

seven Kilometers from the centre of every IDP camp.<sup>241</sup> It was only after the LRA activities in northern Uganda had stopped in 2007 that people started returning to their former villages. To the disappointment of many returnees, either part or all their land had been occupied by the earlier returnees. This contributed to violent land disputes in various parts of Acholi and Lango sub-regions.

The fact that about 80% of the land in northern Uganda is customarily held increased the chances of violent land disputes after the massive displacement of people during war. In line with the Land Act 1998, customary land tenure in northern Uganda has been generally based on the specific norms and customs of the people in the region. There are no land titles for most of the land and the boundaries of household and community land are often identified with the use of the landscape, stones, trees as well as features such as water streams and rivers. Since the British colonial period, the people of northern Uganda have lived on the customary land with the general belief that it belongs to their ancestors, the living and those who will be born. However, the displacement of most of the Acholi people from their original land for about two decades exposed the loopholes in the customarily held land. Due to lack of either land titles or other forms of evidence of land ownership, it became difficult for the late returnees to claim their land which had been occupied by others. In some cases, the markers used to demarcate the land boundaries proved unreliable after the war because they had been easily shifted or destroyed by ill-intentioned neighbors. Moreover, most of the Acholi traditional leaders, especially the clan leaders and elders who could easily identify the land boundaries and were well positioned to mediate land disputes<sup>242</sup> had either died or been scattered during the insurgency and while in the IDP camps.

Due to the above scenario, most parts of Acholi and Lango sub-regions faced serious land-related challenges after the LRA war. The breakdown of the customary land administration after war had disrupted the Acholi and Langi social fabric and was exploited by opportunists from within and from outside northern Uganda. To make matters worse, the Uganda government

---

<sup>241</sup> S. Nampindo, et al., (2005), *The impact of conflict in northern Uganda on the environment and natural resource management*, USAID, p.12

<sup>242</sup> F. Saito and C. Burke (2014), "Land disputes in the Acholi sub-region in Uganda: From displacement to dispossession", in Shinichi Takeuchi, (ed.), *Confronting Land and Property Problems for Peace*, New York: Routledge, p.67.

had not yet established transparent and strong land administration systems. It became possible for some local individuals, especially those in leadership positions such as Local Council (LC) chairs, to sell customary land which often triggered violent conflict. In some cases, leaders who tried to sell land without community approval were attacked and even killed. One example is a clan leader in Lango who was killed by a mob in July 2012 for having been involved in the give-away of 300 acres of land to the district authorities.<sup>243</sup>

The post-LRA war period in Acholi has also been characterized by attempts to undertake large-scale commercial agricultural investments by some rich individuals/companies from elsewhere. For instance, the central government allocated 40,000 hectares of land in Lakang village of Amuru district to the Madhvani Group (owned by an Indian businessman) in 2007 for growing sugar cane but was fiercely resisted by the Acholi people. The resistance to the Madhvani scheme of sugar growing in Acholi sub-region was mainly because it involved the displacement of more than 50,000 people most of whom had earlier been displaced by the LRA war. The scheme was also perceived as part of the NRM government's strategy to either take control of the potentially oil-rich areas including Lakang village or to favor the Indian capitalists who have been supportive for President Museveni's political ambitions. To stop the Amuru Sugar Works – the project under Madhvani Group of Companies, from being established in Lakang village, three former Acholi Members of Parliament and two elders filed a case in the Uganda High Court. The case was eventually dismissed by a Judge in High Court in Gulu town, arguing that the land which the plaintiffs claimed to be customary land was instead public land. The people of Amuru did not agree with the judgment and suspected undue interference from the central government. They disputed the High Court's argument that Lakang village was largely uninhabited and condemned the central government's usage of the armed personnel of the Uganda Wildlife Authority (regarding Lakang as a Game reserve area) and the Uganda People's Defence Forces to terrorize and evict the people from their land.

In consideration of the above highlights, I argue that the NRM's extra-economic coercive measures have in some cases deepened the crisis in the land question and the people's livelihoods in post-insurgency northern Uganda. The loss of access to land and other related

---

<sup>243</sup> M. Llamazares (2013), *Northern Uganda Conflict Analysis*, Advisory Consortium on Conflict Sensitivity, p.14.

resources by many people in northern Uganda has increased the levels of poverty and bred violent conflict in various parts of the region. To make matters worse, over 80% of the youth including the former rebels and the rebel abductees in northern Uganda are unemployed, yet their access to land has been limited.<sup>244</sup> It is possible that a large proportion of the peasants in northern Uganda will remain susceptible to exploitation from below and from above for much more time due to limited land tenure security.

### **3.8 Conclusion**

This chapter has highlighted the way how the contestation and violent conflict over access to and ownership over land have persisted in Uganda. It shows how the 1900 Buganda Agreement formalized the changes, especially in land tenure, which had begun earlier. It points to the fact that the Kings of Buganda had gained much authority over land administration during the 1860s and 1870s which in turn increased their political power but started losing it due external forces. The chapter has demonstrated how Islam, Christianity and the activities of the Imperial British East Africa Company weakened the traditional authorities and laid the foundation of the British colonial government. It has particularly corrected a wrong impression that the British signed the Buganda Agreement of 1900 with traditional chiefs. It has contended that Sir Harry Johnston signed the Agreement with the Christian chiefs such as Apollo Kagawa who had already been uprooted from the Baganda traditions. The British colonial government preferred such co-operative chiefs and as the chapter has indicated, the colonialists pursued a deliberate policy to curtail the power of chiefs and clan leaders in the rest of Uganda. The policy of restricting *mailo* land tenure (which tended to give excessive powers to landowners/chiefs) to Buganda was partly aimed at limiting the emergence of more powerful landowners in other parts of Uganda. The chapter has also highlighted the various forms of the land question which have been characterized by violent struggles over access to and ownership of land in different parts of Uganda. Whereas some of the land questions such as that of Kibaale district are directly related to the *mailo* land tenure problems, the others have been fuelled by different factors. The chapter has observed that the external factors, such as the ideological influence through the World Bank/IMF have contributed to the nature of land reform in Uganda, often leading to further land

---

<sup>244</sup> Ibid., p.26.

rights contestation and violent conflict. The main argument of the chapter is that the colonial as well as the post-colonial governments have not effectively resolved the land rights contestation and the land-related violent conflict due to: the political implications of land rights; and the governments' deliberate policies of weakening or destroying the traditional institutions which were earlier involved in the resolution of land disputes especially at local levels. The persistence of the land rights contestation and violent conflict, especially after the disintegration of traditional institutions and imposition of individualized freehold land rights on pre-existing occupants' rights is discussed in a case study of Kibaale district in the subsequent chapters. The next chapter analyses the process of colonial conquest and disintegration of traditional institutions in southern Bunyoro (later known as Kibaale district), the means of acquisition of *mailo* estates, the people's violent responses, and the circumstances under which the conflict over access to and ownership of land developed and persisted during the British colonial period in Uganda.

## CHAPTER 4

### COLONIAL CONQUEST, LAND DISPOSSESSION AND CONFLICT OVER LAND RIGHTS IN KIBAALE

#### 4.1 Introduction

This chapter examines the way how devastation, dehumanization and land dispossession during the British colonial conquest of Buyaga and Bugangaizi counties in southern Bunyoro<sup>245</sup> contributed to persistent conflict over access to and ownership of land in Kibaale district. It particularly lays a specific historical background to the subsequent case study chapters of this thesis by examining how the Baganda, who formed the bulk of the colonial invading force, took advantage of the war to occupy land in Bugangaizi and Buyaga counties during the second half of the 1890s after exterminating most of the previous land occupants (the Banyoro).<sup>246</sup> Before the invasion, the kingdoms of Buganda and Bunyoro (mainly occupied by Baganda and Banyoro respectively) had become the most dominant rivals<sup>247</sup> in what came to be Uganda. Both the Baganda and Banyoro identities significantly developed after 1850 mainly due to Buganda's expansion at the expense of Bunyoro. Although the Banyoro troops (Abarusuura) regularly counter-attacked and caused havoc on Buganda during the 1870s and 1880s,<sup>248</sup> they were unable to recover captives and some territory. By the time of colonial intrusion (1890s), most inhabitants of Buganda and Bunyoro (identified by speaking Luganda and Runyoro respectively) had become proud of their respective cultures. The Baganda particularly had become "acutely conscious of their uniqueness"<sup>249</sup> while the Banyoro had equally developed distinctness. These differences were further sharpened by land dispossession and the imposition of the Baganda chiefs, particularly in Buyaga and Bugangaizi counties.

---

<sup>245</sup> This part of Bunyoro Kingdom was placed under Buganda Kingdom by the British colonialists in the 1890s, returned to Bunyoro Kingdom on January 1, 1965 and constituted as Kibaale district in 1991.

<sup>246</sup> Evatt to Johnston, 10 May 1899, E.S.A A4/17.

<sup>247</sup> M. Mamdani (1976), *Politics and Class Formation in Uganda*, New York & London: Monthly Review Press, p.29.

<sup>248</sup> E.C. Lanning (1968), "Kikukule: Guardian of Southeast Bunyoro", *The Uganda Journal*, Vol.32, Part 2, p.120.

<sup>249</sup> L.A. Fallers (1964), "Populism and nationalism: A comment on D.A. Low's 'The advent of Populism in Buganda'", *Comparative Studies in Society and History*, Vol.6, No.4, p.446.

The chapter contributes to debates on the land question in Africa, especially by highlighting how violent land dispossession and human destruction meted against the early settlers (Banyoro) resulted in bitter memories of the war and contributed to contestation and violent conflict over access to and ownership of land in Kibaale district. Studies on the conflict in Uganda in general and Kibaale district only provide a partial picture of the conflict due to lack of a concrete historical perspective. Some scholars argue that colonial rule exerted durable impact on inter-ethnic perceptions and relations and contributed to most conflicts in post-colonial Uganda.<sup>250</sup> Mamdani contends that the British colonial state promoted indirect rule in the African countryside through which the majority peasants/subjects were governed under stricter 'customary' land laws. Whereas Mamdani states that "each tribe had its own customary law, enforced by the traditional chiefs through whom the British colonial masters ruled the subjects",<sup>251</sup> it is not perfectly applicable to Kibaale in southern Bunyoro and some other parts of Africa. This is because in Kibaale district, the traditional chiefs were replaced by Baganda chiefs who were not traditional because they disregarded the Nyoro customary law and were viewed as foreigners. It is correct to argue that, the power of traditional authorities to allocate land compromises the principles of a democracy<sup>252</sup> and this chapter further demonstrates that the disregard of traditional authorities in southern Bunyoro provoked violent struggles against those Baganda who were perceived as not belonging to Bunyoro and not entitled to full rights over land.

The land question in Kibaale district has been more persistent and intensive than other parts of Bunyoro and Africa at large which experienced violent colonial conquest and land dispossession yet scholars have not adequately explained it. This is partly due to the lack of specific studies of colonial conquest and consequences of areas such as southern Bunyoro. The result has been misleading pieces of scholarly work about land conflicts such as that in Kibaale district. Some literature does not only create a wrong impression that the acquisition of land in Buyaga and Bugangaizi counties by the Baganda chiefs and others started from the 1900

---

<sup>250</sup> F. Golooba-Mutebi (2008), *Collapse, war and reconstruction in Uganda*, London: Crisis State Research Centre, P.2.

<sup>251</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.112.

<sup>252</sup> L. Ntsebeza (2005), *Democracy Compromised: Chiefs and the politics of land in South Africa*, Leiden & Boston, Brill, p.45.

Buganda Agreement,<sup>253</sup> it also leaves other important questions unanswered. The important questions which this chapter addresses are: Why did the Baganda chiefs and their followers join the British colonial conquest of southern Bunyoro? How did the Baganda chiefs and notables acquire the *mailo* land in southern Bunyoro? Why did the Banyoro regard the Baganda as outsiders and why was the contestation and violent conflict over the ownership of *mailo* land in Kibaale remain unresolved by the end of British colonial rule in 1962?

To address the above questions, this chapter, first, analyzes the interests of the British-led forces and the way how they conquered southern Bunyoro. Second, it traces the way how the Baganda chiefs and notables acquired *mailo* land in Buyaga and Bugangaizi counties and establishes why they were perceived as migrants/strangers. This further substantiates Roberts' reference to the Baganda chiefs who administered other parts of Uganda on behalf of the British colonialists as sub-imperialists.<sup>254</sup> And third, it examines the extent to which the irregularities in the *mailo* land registry contributed to the difficulty in resolving the contestation over access to and ownership of land in Buyaga and Bugangaizi counties during the British colonial period. The chapter observes that, contrary to the generally held view that the Baganda and other notables acquired land in Buyaga and Bugangaizi counties after the signing of the 1900 Buganda Agreement, there is evidence to show that extensive tracts of land were grabbed from the Banyoro occupants during the bloody colonial conquest war during the six years before 1900. It was particularly during the 1893-1899 colonial war of conquest that the Baganda chiefs, who were part of the army of occupation, started acquiring land in the two counties. Moreover, as opposed to the generalization that traditional authorities held the prerogative of regulating land access in rural Uganda,<sup>255</sup> this chapter shows how the Baganda and the subsequent migrants accessed land in southern Bunyoro after the traditional institutions (indicated in the next subsection) had been weakened and in some cases the destroyed.

---

<sup>253</sup> A. Mafeje (1973), "The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa" *Civil Society and Social Movements*, Geneva: United Nations Research Institute for Social Development, p.5.

<sup>254</sup> A.D. Roberts, *op. cit.*, pp.449-450.

<sup>255</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.17.

## 4.2 Pre-colonial land tenure in southern Bunyoro

In most pre-colonial African societies, land was the most important determinant of the relationship between the people (peasants) and the chiefs/kings. For instance, the Shambaa believed that they gave part of the harvests to the king because he was the owner of the land.<sup>256</sup> Similarly, land tenure in the 19<sup>th</sup> century Bunyoro was characterized by a system in which chiefs at different levels controlled the access to and use of land on behalf of their respective community members. In the last quarter of the 19<sup>th</sup> century, Bunyoro Kingdom under King (Omukama) Kabalega (1870-1899) attained more centralization than in the previous reigns mainly due to the establishment of a standing army (known as *abarusura*).<sup>257</sup> Each of the counties was under a senior military commander though the general administration of the territorial divisions was done by a hierarchy of chiefs whose power partly rested on their authority to regulate access to land. The clans were the lowest institutions which did not only play the role of maintaining law and order but also regulated access to land. There were no specific markers of clan membership though people constructed the clan boundaries on the basis of common ancestry and traditions.<sup>258</sup> In some cases, the clan heads (*abakuru b'enganda in Runyoro language*) regulated the access to land, especially whenever newcomers entered Bunyoro Kingdom.

In the southern part of Bunyoro Kingdom were the two counties of Bugangaizi and Buyaga. At the time of colonial intrusion, the former was governed by Kikukule while the latter was under chief Ireeta.<sup>259</sup> Like in the other parts of Bunyoro and most other societies of pre-colonial Africa, access to land in the Bugangaizi and Buyaga communities was generally regulated by leaders of socio-political institutions, especially the clans and/or chiefdoms. Under such a system, the people enjoyed rights to access and use land by being members of certain communities though the chiefs could in some instances regulate the use of land. The King of Bunyoro was, in line with the Bunyoro customs, regarded as the owner of all land in the

---

<sup>256</sup> P. Curtin, et al. (1990), *African History*, eighth impression, London & New York: Longman, p.167.

<sup>257</sup> G.N. Uzoigwe (1977), "The Warrior and the State in Pre-colonial Africa", *Journal of Asian and African Studies*, Vol.12, p.32.

<sup>258</sup> C.A. Buchanan (1978), "Perceptions of Ethnic Interaction in the East African Interior: The Kitara Complex", *The International Journal of African Historical Studies*, Vol.11, No.3, p.414.

<sup>259</sup> E.C. Lanning (1968), "Kikukule: Guardian of southeast Bunyoro", *The Uganda Journal*, Vol.32, Part 2, Kampala: The Uganda Society, p.119.

Kingdom and by appointing chiefs to specific regions, it also meant that those chiefs could exercise the authority to allocate land on his behalf. As observed by Beattie, “proprietary rights over specific areas and their peasant occupants were allotted as a mark of royal favor, often as a reward”.<sup>260</sup> At the same time, chiefs could on behalf of the King obtain tribute from the peasants in their respective counties/territories in the form of agricultural products. Despite all this, the Banyoro peasants were free to use land in Bunyoro for different purposes such as cultivation, animal grazing and firewood collection without visible control from the chiefs or King.<sup>261</sup> They were not restricted to specific pieces of land but could migrate to different parts of Bunyoro and beyond whenever it became necessary. The freedom of movement to pieces of land in other parts of the region was due to the abundance of land though factors such as social security concerns (for instance, in case of raids from Buganda and Sudan as well as attacks by wild animals) often kept relatives and clan-mates close to each other.<sup>262</sup>

Thus, by the time of colonial intrusion, the inhabitants of southern Bunyoro and other parts of Bunyoro accessed and used land in their communities according to their respective customary laws. The idea of individual ownership of land in the region had not yet become relevant due to the abundance of land. Like in most other pre-colonial societies in Africa during the late 19<sup>th</sup> century, the predominantly Banyoro continued to utilise land on communal basis until the advent of colonialism.

### **4.3 The colonial conquest of southern Bunyoro**

The conquest of southern Bunyoro by the British-led forces was part of a broader British colonial plan to take control of Buganda and the neighboring territories. It should also be noted that by the time of British arrival in Buganda, military expeditions within and outside Buganda Kingdom had become sources of cattle, ivory, women and other resources for the Baganda chiefs and their troops.<sup>263</sup> This is evident in the narratives concerning the pre-colonial Bunyoro-

---

<sup>260</sup> J.H.M. Beattie (1964), “Bunyoro: An African Feudality?”, *Journal of African History*, Vol.5, No.1, Cambridge University Press, p.32

<sup>261</sup> Interview, with P.R., Igayaza, December 16, 2012.

<sup>262</sup> S. Doyle (2000), “Population decline and delayed recovery in Bunyoro, 1860-1960”, *Journal of African History*, 41, P.434.

<sup>263</sup> H. Hanson (2002), Queen Mothers and Good Government in Buganda: The Loss of Women’s Political Power in the 19<sup>th</sup> century East Africa”, J. Allman, S. Geiger & N. Musisi, eds., *Women in African Colonial Histories*, Bloomington & Indianapolis: Indiana University Press, p.227.

Buganda relations. During my field-work in Buyaga and Bugangaizi counties, I was for instance told that the Runyoro language phrase ‘Kanyagwe abaganda’ meaning ‘let you be captured by the Baganda’ was one of the worst abuses.<sup>264</sup> It signified the negative impact of Baganda raids (for cattle and human beings) on southern Bunyoro. So, the generalization that the Baganda military collaboration with the British was mainly to aid the establishment of colonial rule is quite misleading. After the Imperial British East Africa Company (I.B.E.A) which was founded by William Mackinnon in 1887 had been granted a Royal Charter, plans were drawn to control the interior of East Africa. It was not surprising that the I.B.E.A representative, Captain Frederick Lugard easily got collaborators soon after arriving at Mengo the capital of Buganda on December 18, 1890.<sup>265</sup> By that time, Kabaka Mwanga’s authority had been significantly reduced in favor of the chiefs. This is reflected in one of the statements of the December 26, 1890 treaty which Lugard signed with the King of Buganda, that:

I, Mwanga, King of Uganda, do hereby, after council with and with the full consent of the chiefs of all parties of my state, give my Royal consent and sanction to the Treaty herein contained, which has this day been ratified.<sup>266</sup>

With such a weakened King, it was quite easy for Lugard to entrench his Company’s influence in Buganda. The struggle between Muslims, Catholics and Protestants over political power and land presented an immediate opportunity for Lugard to apply the policy of divide and rule. It was at this point that Lugard first presented himself as a pacifier but later took the side of the Christians. As argued by Doyle, Lugard seems to have been convinced by the Christian Baganda of the need to check the threat from the Muslims who had allied with the Arabs and most chiefs of Bunyoro Kingdom.<sup>267</sup> In one of Lugard’s initial campaigns which Twaddle regards as a plundering expedition<sup>268</sup>, he led a force consisting of mainly Christian Baganda and Sudanese against the Baganda Muslim rebels who had taken refuge in southern Bunyoro

---

<sup>264</sup> Interview, with H.F.M., Karuguuza, December 21, 2011.

<sup>265</sup> C.C. Wrigley (1959), “The Christian Revolution in Buganda”, *Comparative Studies in Society and History*, Vol.2, No.1, Cambridge University Press, p.44.

<sup>266</sup> Lugard (1893), *The Rise of our East African Empire*, Vol.2, Edinburg & London: William Blackwood and Sons, p.41.

<sup>267</sup> S. Doyle (2006), “From Kitara to the Lost Counties: Genealogy, Land and Legitimacy in the Kingdom of Bunyoro, Western Uganda”, *Social Identities*, Vol.12, No.4, p.461.

<sup>268</sup> M. Twaddle (1972), “The Muslim Revolution in Buganda”, *African Affairs*, Vol.71, No.282, Oxford University Press, p.69.



Banyoro and Muslim Baganda in southern Bunyoro. Bugangaizi County chief Kikukuule's son, Kasaija is reported to have been one of those killed during the fighting.<sup>270</sup>

After his campaigns in southern Bunyoro, Lugard moved through Buddu on his way to Tooro where he hoped to find recruits for his force. He easily defeated the Banyoro troops which had been stationed in Tooro by King Kabalega of Bunyoro, restored King Kasagama to the Tooro throne, enlisted the Sudanese soldiers at Kavalli and established a line of forts along the Tooro-Bunyoro border. Although the forts were under constant attacks by the Bunyoro troops, Lugard chose to rush to Kampala where serious violent conflict had erupted between the Catholics and the Protestants. In line with his original plan of strengthening the Protestants who represented the British interests, Lugard militarily supported the Baganda Protestants to the defeat of Mwanga and his Catholic followers on January 24, 1892. It was now that Lugard came closer to Apollo Kaggwa, the topmost Protestant chief in Buganda and got involved in the re-allocation of land to end the civil strife.<sup>271</sup> After Kabaka Mwanga had returned from Buddu in 1892, the chiefs from the main religious factions tried to share land in different counties of Buganda. However, the Catholic chiefs who had significantly lost their political power got a small share of the land in a few areas such as Buddu County. The various Christian chiefs were involved in the violent struggles for land in Buganda during the late 19<sup>th</sup> century mainly because the authority to allocate/control land determined someone's political power.

Meanwhile, the IBEA Company became too bankrupt to continue controlling Uganda. This resulted in Lugard's departure in June 1892, but after laying the foundation of British colonial rule. In June 1892, Major James Macdonald who had completed the survey for a railway line from Mombasa to the interior was instructed by the British government to travel to Buganda to investigate Lugard's conduct. Sir Gerald Portal who had been Consul-General at Zanzibar was also sent to Buganda in early 1893 to assess the feasibility of a British Protectorate. Portal left Buganda after a few months, partly due to the death of his elder brother and hoped to write a final report about Uganda after reaching London. By that time, the British officials had become convinced that if Bunyoro was to be easily conquered, "first the redoubtable Kikukuule must

---

<sup>270</sup> E.C. Lanning (1968), "Kikukuule: Guardian of southeast Bunyoro", *The Uganda Journal*, Vol.32, part 2, 1968, p.121.

<sup>271</sup> *Ibid.*, p.420.

either co-operate with the British or be cleared from southern Bunyoro since the only road which gave easy access to the heart of Bunyoro Kingdom lay through his district”.<sup>272</sup> The British resolve to clear Kikukuule out of their way was also based on the fact that he was one of King Kabarega’s most important chiefs who did not only conduct the trade in ivory and guns on behalf of his master but commanded an army with over 2,000 guns. Accordingly, the Acting British Commissioner to Uganda, Colonel Henry Colville launched a military invasion on Buyaga and Bugangaizi counties of southern Bunyoro. The invasion was undertaken by Major Owen who commanded a predominantly Baganda and Sudanese force in November 1893. Eventually, Kikukuule’s fighters were overpowered and driven to the north of Rivers Kafu and Nguse.<sup>273</sup> Kikukuule went into hiding and southern Bunyoro seemed to be free for occupation by the British-led forces. Later, on April 9, 1894, Colville officially announced the annexation of Buyaga and Bugangaizi counties in southern Bunyoro to Buganda Kingdom.<sup>274</sup> He also directed that much of the land in these two counties be given to the Baganda Catholic chiefs who had been dissatisfied with the earlier land settlement in Buganda.

It has been claimed by some scholars that the land in Buyaga and Bugangaizi counties was given to Buganda by the British as a reward in recognition of the role played by the Baganda in the conquest of Bunyoro.<sup>275</sup> In relation to this claim, one scholar at an IFRA international conference in Nairobi on June 23, 2016 asked me why the Banyoro are demanding for *mailo* land which the Baganda had received from the British as a reward. I informed the conference participants that the customary claimants for the land in Kibaale district contend that the land was given to the Baganda chiefs and notables without the consent of its real owners – the Banyoro.<sup>276</sup> Moreover, circumstantial and empirical pieces of evidence indicate that most of the Baganda chiefs and their troops were motivated to join Colville’s forces by individual gains such as land.

---

<sup>272</sup> F.D. Lugard, op cit., p.123.

<sup>273</sup> A.D. Roberts (1962), “The Lost Counties of Bunyoro”, *The Uganda Journal*, vol.26, No.2, 1962, Kampala: The Uganda Society, p.194.

<sup>274</sup> Ibid.

<sup>275</sup> A.R. Dunbar (1965), *A History of Bunyoro-Kitara*, Nairobi: Oxford University Press, p.12.

<sup>276</sup> This is based on an opinion which is reflected in most of my interviews with participants who claim ancestry in Buyaga and Bugangaizi counties.

To secure the British imperial interests between the upper and lower Nile regions, Colville directed the British-led army of about 20,000 Baganda men and Sudanese mercenaries to proceed to the heartland of Bunyoro. Under the command of Owen and Thruston, the army advanced from Buganda, crossed Kafu River and attacked King Kabalega's capital at Mparo on January 2, 1894. Kabalega narrowly escaped capture and entered Budongo forest from where he conducted guerilla warfare.

Meanwhile, in April 1894, Fathers Auguste Achte and Houssin of the White Fathers' Mission left Buddu and travelled to Bugangaizi where they hoped to establish a Mission station. Upon learning that chief Kikukuule had left his hideouts and was back in Bugangaizi, Achte decided to seek co-operation from him. Father Achte later met Kikukuule with whom he established a blood brotherhood<sup>277</sup> and was given about 300 hectares of land at Bukumi on which a mission station was built.<sup>278</sup> This was the starting point of the Catholic Church's contribution to the weakening of traditional institutions in southern Bunyoro and the acquisition of land by the Baganda chiefs and notables. After establishing the blood brotherhood, Kikukuule agreed to receive the missionaries and a group of Baganda Catholic catechists whom he allowed to preach Christianity in Bugangaizi. At the same time, Father Achte requested Kikukuule to peacefully give himself up to the Buganda authorities at Mengo in return for humane treatment of the Banyoro children and women by the Baganda troops.

In May 1894, Father Achte and other Catholic missionaries intensified the campaigns for the spread of Christianity in Bugangaizi and tried to prepare the area for peaceful Baganda occupation. The missionaries succeeded in convincing Kikukuule to accept the overlordship of a Catholic Muganda chief Sepiriya Mutagwanya who was based at the foot of Mubende hill in Buwekula County. The presence of Mutagwanya at Mubende contributed to the entry of more Baganda soldiers and chiefs who subsequently occupied various villages in southern Bunyoro. As part of the scheme of establishing his control over a wider area of southern Bunyoro, Chief Mutagwanya opened another base at Kakamera (later known as Kakumiro) in Bugangaizi near Kikukuule's base. He worked closely with the missionaries to convince hundreds of young

---

<sup>277</sup> This was a traditional type of friendship which began with the exchange and swallowing of each other's blood-stained coffee berries.

<sup>278</sup> J.Gray (1965), "The siege of Bukumi, Mebende district in 1898", *The Uganda Journal*, Vol.25, No.1, 1965, Kampala: The Uganda Society, p.65.

people in the area to adopt Christianity and to receive western education. Although the missionaries succeeded in making hundreds of converts in southern Bunyoro within a short time, they were unable to convert Kikukuule.

It was soon realized that Kikukuule had not fully submitted to the Baganda occupation forces. Towards the middle of October 1894, some fighting between the Baganda troops and Kikukuule's men broke out. Achte and other missionaries also came under intense threat. The Baganda proved more powerful than Kikukuule's men and forced Kikukuule to withdraw to his compound. Although he showed up at the catholic mission center in Bukuumi on October 17, 1894 and promised to co-operate with the British and Baganda officials, he often broke the promise. He remained rebellious for the next one year until October 21, when he surrendered to Major Ternan at Masindi port.

After the removal of Kikukuule and other chiefs from power in Buyaga and Bugangaizi counties of southern Bunyoro, the Buganda government encouraged the Baganda chiefs to take charge of the region. Major Pulteney (a British official) who had been appointed as a Civil Officer in southern Bunyoro in early 1896 attempted to restore the influential Banyoro chiefs such as Rwabudongo, Nyakabimba, Mwenda and Kikukuule<sup>279</sup> but was strongly opposed by the Catholic Baganda chiefs. Pulteney eventually resigned and gave way to the Baganda to take up more chiefly positions in Southern Bunyoro. The missionaries gradually spread Christianity to other areas of southern Bunyoro. Another successful Catholic mission station was opened by Fathers Toulze and Gâcon at Bujuni in Buyaga County in 1896. The station at Bujuni was established on land which was granted by Kabaka Mwanga and the Acting British Commissioner, Berkeley.<sup>280</sup> The allocation of such land in Buyaga by Buganda's King and the Acting Commissioner of the Uganda Protectorate Government indicated a shift of authority to allocate land from the traditional authorities. It was a quick shift because in 1894, the land on which the Bukumi Catholic mission was built was allocated by the traditional chief Kikukuule.

The loss of such authority was so painful to the Banyoro chiefs that they continuously resisted the British colonialists and their Baganda agents. It was not a surprise that even

---

<sup>279</sup> Pulteney to Berkeley, April 12, 1896, E.S.A., A4/5.

<sup>280</sup> J. Gray (1965), "The sieges of Bukumi, Mubende district in 1898", *The Uganda Journal*, Vol.25, No.1, 1961, Kampala: The Uganda Society, p.65.

Kikukuule who had first appeared to have paid allegiance to the Buganda Kingdom and the Colonial government decided to resume rebellion in 1896. He regularly sent his men to attack the Baganda who had acquired land and established themselves in Bugangaizi and Buyaga Counties. Such attacks are reflected in the diary of Streicher who recorded that:

On 24<sup>th</sup> February 1898, a band of Banyoro sent by Kikukuule fell on the village of a Christian, Joseph Gawedde, whom illness had confined to his bed for the past two months. Three men were killed, and eight children stolen.<sup>281</sup>

Such incidents continued for three more months until more colonial government troops were sent to southern Bunyoro. But the bloody incidents caused considerable tension among the civilians and the Catholic mission staff members. The Catholic mission station at Bujuni was set on fire by the Banyoro in March 1898. During the same period, several attempts to burn down Bukumi mission station were averted by the security guards who had been put in place. The Catholic mission centers were being targeted due to the understanding by those who had lost their chiefly authority that there was no difference between the Christian missionaries and the British colonial officials. Active resistance to the British colonialists and their agents was gradually restricted to the extreme north of Bunyoro Kingdom. Kikukuule joined King Kabalega and other chiefs such as Ireeta who were still carrying out guerilla warfare in the jungles at the border of Bunyoro and Lango. However, their struggle was eventually blocked by the British-led army which captured Kabalega together with his sons, Jasi and Duhaga on April 9, 1899 in Lango.<sup>282</sup> Most other chiefs surrendered and were taken to Kampala for either execution or imprisonment. Kikukuule died soon after being released from prison in Kampala.<sup>283</sup> King Kabalega was sent to exile in the Seychelles Islands and left the traditional chiefly system in Bunyoro in ruins.

#### **4.4 How the Baganda chiefs and notables acquired land in southern Bunyoro**

An analysis of how most land in Buyaga and Bugangaizi counties was acquired as *mailo* estates by Baganda chiefs and notables is necessary to understand why the contestation over land ownership in Kibaale district has persisted. As noted in the previous section, the British military

---

<sup>281</sup> H. Streicher (1898), "The Diary of my visit to Bukumi", *The Uganda Journal*, Vol.25, No.1, 1961, p.78.

<sup>282</sup> A.R. Dunbar (1965), *A History of Bunyoro-Kitara*, Nairobi: Oxford University Press, p.95.

<sup>283</sup> E.C. Lanning (1968), "Kikukule: Guardian of South Bunyoro", *The Uganda Journal*, Vol.32, No.2, p.144.

invasion on southern Bunyoro resulted in the disintegration of the traditional chiefly institutions and massive dislocation of the original inhabitants. The major traditional chiefs such as Kikukuule were forced to relocate to the northern parts of Bunyoro while others were killed. To make matters worse, even the other parts of Bunyoro were devastated as the British colonialists led thousands of mainly Baganda troops to establish their rule. Although the extent of the devastation inflicted on Bunyoro by the British colonial war of conquest cannot be accurately measured, there is no doubt that it involved massive population destruction and displacement.<sup>284</sup> The loss of many human lives was not only attributed to British superior firepower but also due to the resultant “hunger and disease that affected almost the entire district”.<sup>285</sup> Sandford, a British Commissioner of Western Province acknowledged that the population in Bunyoro diminished as most of the surviving chiefs and peasants left for other districts.<sup>286</sup> The British officials took further steps to consolidate their power over Bunyoro territory to the north of River Kafu, while Buyaga and Bugangaizi counties remained under the largely Baganda military personnel.

Contrary to Mafeje’s contention that “the cross-roads in the land policy in the Uganda Protectorate was not reached until 1900”,<sup>287</sup> this chapter demonstrates that the British colonial campaigns had contributed to massive land allocation to members of various religious denominations by the early 1890s. This affected most counties in Buganda as well as Buyaga and Bugangaizi in southern Bunyoro where new land acquisitions were done by the Baganda troops and chiefs as early as 1893. The first batch of chiefs to acquire what was later formalized as *mailo* land estates were those who entered southern Bunyoro during the colonial war of conquest. These were followed by the Catholic Baganda chiefs who had been forced to Buddu County (western Buganda) by the bloody conflict with the Protestant Baganda at Mengo in Kampala in early 1892. The greatest Catholic chief Stanislaus Mugwanya had taken the responsibility of redistributing chieftaincies and land to the Catholics who had shifted to Buddu. But after the annexation of southern Bunyoro to Buganda in 1894, the predominantly Catholic

---

<sup>284</sup> S. Doyle (2000), “Population decline and delayed recovery in Bunyoro, 1860 – 1960”, *The Journal of African History*, Vol.41, London: Cambridge University Press, p.440.

<sup>285</sup> Evatt to Sir Harry Johnston, July 7, 1899, E.S.A., A4/18.

<sup>286</sup> F.H.B. Sandford (1941), “Bunyoro Past and Present”, *Uganda Teachers’ Journal*, Vol.3, No.2, 1941, Entebbe: Government Printer, p.60.

<sup>287</sup> A. Mafeje (1973), “Agrarian Revolution and the Land Question in Buganda”, *Occasional Papers*, No.32, The Hague: Institute of Social Studies, p.5.

chiefs and their followers who were not satisfied with the small share of land in Buganda migrated and acquired land in Buyaga and Bugangaizi Counties.<sup>288</sup>

More migration of chiefs and their people from especially Buddu County was caused by Kabaka Mwanga's rebellion against the British colonial authorities in 1897. Mwanga's rebellion was mainly in response to the colonial government's further erosion of his authority.<sup>289</sup> After fleeing from his capital at Mengo, Mwanga established himself in Buddu. Although he had earlier been associated with the Catholics, he lost much of their support after recruiting the traditionalists including the chiefs who had lost their power. Moreover, the Catholic clergy and their converts believed that Mwanga's rebellion against the colonial government was also against the Church. It became clear to Mwanga and his supporters that the Catholics in Buddu were enemies to be attacked. So, when the rebellion intensified, Mwanga's supporters attacked the Catholics and their mission centers in Buddu and the neighboring Koki County. By the middle of 1899, Buddu and the neighborhood had become too insecure for the Catholic missionaries and their converts to inhabit. It is estimated that about 2,000 Christians were killed between 1897 and 1899. During the same period, more than 1,000 Catholics found their way into southern Bunyoro and were helped by the Baganda troops to take control of large tracts of land. About 200 of these Catholics were led by Cyprian Mutagwanya who had become a chief of Buwekula in southern Bunyoro.

By the time of signing the Buganda Agreement of March 10, 1900, the process of occupying land in southern Bunyoro by the Baganda chiefs and their followers had already begun. As indicated in the previous sections of this chapter, the ground in southern Bunyoro had been cleared for the new settlers by the British-led military operations and the Christian missionary activities which weakened and, in most instances, demolished the Bunyoro traditional institutions in Buyaga and Bugangaizi. So, the 1900 Buganda Agreement merely formalized the inclusion of Buyaga and Bugangaizi counties into Buganda Kingdom. It also provided a legal framework through which the Baganda who were already occupying land in southern Bunyoro could translate their land claims into legal titles. As noted by West, the 1900 Buganda

---

<sup>288</sup> D. Roberts (1962), "The Lost Counties of Bunyoro", *The Uganda Journal*, vol.26, No.2, p.195.

<sup>289</sup> K. Ingham (1956), "Some aspects of the history of Buganda", *The Uganda Journal*, Vol.20, No.1, 1956, Kampala: The Uganda Society, p.6.

Agreement formalized the chiefs' estates of which they were already in possession.<sup>290</sup> As stipulated in Article 15 of the Agreement, the Buganda *Lukiiko* (Council) was tasked with the responsibility of undertaking the allocation of the *mailo* estates. However, the main problem was that the members of the Buganda *Lukiiko*, who also claimed tracts of *mailo* land, could not co-ordinate the *mailo* land business efficiently and with impartiality.

Meanwhile, the processing of *mailo* land claims in each of the twenty counties of Buganda was co-ordinated by a County chief with the assistance of the lower chiefs. Each County chief was required to make a list of the *mailo* land claimants in his area of jurisdiction. County chiefs Nyansi Lule (Kyambalango as his official title) and Ansirimi Kiwanuka (Kiyimba as his official title) had been assigned Buyaga and Bugangaizi counties (cut from Bunyoro and declared as part of Buganda in 1896 by Berkeley)<sup>291</sup> respectively. Lule and Kiwanuka had replaced Bunyoro's traditional County chiefs Rusebe and Kikukuule respectively. Within the first decade of the 20<sup>th</sup> century, steps were taken to establish an administrative structure in the two counties which was like that in the rest of Buganda Kingdom. The key administrative units below a County included: the sub-County (Gombolola); the Parish (Muluka); and the sub-Parish (Butongole) at the bottom. Most of the Parish chiefly positions and above in Buyaga and Bugangaizi counties were held by Baganda landlords. The political power of Baganda chiefs in their newly conquered counties was based on their authority to allocate land to tenants. The Banyoro traditional chiefs had lost political power because their authority to allocate land had been taken by the Baganda. The loss of power by the Banyoro chiefs confirms Ntsebeza's argument (though we differ on the order of the two attributes: power and authority to allocate land) that "without this power, the authority of traditional authorities would be greatly undermined".<sup>292</sup> However, a different scenario in the case of south Bunyoro is that the Baganda who gained power through allocation of land were considered as outsiders and therefore non-traditional. The Banyoro conception of land in Buyaga and Bugangaizi counties as customarily theirs laid the basis of subsequent land rights contestation in the region.

---

<sup>290</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Government Printer, p.10.

<sup>291</sup> E.J.L. Berkeley to Marquis of Salisbury, November 19, 1896, Dispatch 113.

<sup>292</sup> L. Ntsebeza (2005), *Democracy Compromised: Chiefs and the politics of land in South Africa*, Leiden & Boston, Brill, p.45.

Soon after the signing of the 1900 Buganda Agreement, it was sent to the British Foreign office for scrutiny. In its communication to the Uganda Protectorate officials on June 15, 1900, the British Foreign Office Committee which studied the content of the Buganda Agreement stated that: “the introduction of the law of England regarding land, which appears from the wording of the Agreement to be the intention of its framers, may create a very complicated system”.<sup>293</sup> It was realized that the signatories of the Agreement had not considered the previous land rights of the *mailo* land occupants. Moreover, it was envisaged that the whole process of adjudication and registration of the *mailo* land ownership interests would require enormous resources which were not readily available.<sup>294</sup> Despite its reservations on particularly Article 15 of the 1900 Buganda Agreement which dealt with the land issues, the British Foreign Office approved the implementation of the Agreement mainly because it provided a basis of British colonial (indirect) rule in many parts of Uganda.

One of the immediate outcomes of the 1900 Buganda Agreement was the enhancement of the Baganda chiefs’ co-operation with the British colonial government. The chiefs understood their individual ownership of *mailo* land to mean authority over the *mailo* land occupants. Despite the resistance against the Baganda chiefs by the early settlers (the Banyoro) of Buyaga and Bugangaizi counties soon after 1900, the colonial government took further steps to consolidate the incorporation of the two counties into Buganda Kingdom. In 1909, Buyaga and Bugangaizi counties were officially added to Buwekula County (which Buganda had earlier conquered from Bunyoro) to form Mubende district (indicated in Map 5).

---

<sup>293</sup> H.B. Thomas and A.E. Spencer, *A History of Uganda Land and Surveys and of the Uganda Land and Survey Department*, Entebbe: Government Printer, p.52.

<sup>294</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Government Printer, p.11.



the peasant communities, land remained a communal possession and “the tribal leadership was either selectively reconstituted as a hierarchy of the local state or freshly imposed where none existed”.<sup>296</sup> Whereas this view applies to the colonial history of some other parts of Uganda and Africa, it does not fully represent the nature of colonial administration of Buyaga and Bugangaizi counties. The high concentration of the Baganda in the British-led forces which carried out the conquest of southern Bunyoro undermined the effective application of indirect rule (as earlier conceived by Lugard) in Buyaga and Bugangaizi counties. Practically, the Baganda chiefs in southern Bunyoro were considered as not only “Europeans in the black skins”<sup>297</sup> but also as killers and plunderers. The high degree of freedom which the British colonial government gave to the Baganda chiefs in deciding on how to extract Hut and Poll taxes as well as compulsory labor on public works worsened the discontent among the Banyoro tenants. Even after being given a new district known as Mebende in 1909, the people who considered themselves as Banyoro regarded the Baganda chiefs and their relatives in Buyaga and Bugangaizi counties as exploiters and outsiders.<sup>298</sup> As noted by Doyle: “the Nyoro inhabitants of Buyaga and Bugangaizi counties became the subjects of the Ganda chiefs, were dispossessed of their land, forced to learn the language of Buganda, and suffered occasional maltreatment and systematized discrimination”.<sup>299</sup>

To make matters worse, the colonial officials considered Buyaga and Bugangaizi counties as conquered and whose people had no right to complain.<sup>300</sup> Pulford argues that the Banyoro were harshly treated by the colonialists because they had been conquered and did not deserve such entitlements as those extended to Buganda, Ankole and Toro which had signed treaties with the British officials.<sup>301</sup> Moreover, some colonial officials thought that the Banyoro were still uncivilized and inferior to the Baganda as reflected in the Assistant District

---

<sup>296</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.17.

<sup>297</sup> Interview, with L.S.M, Kyanaisoke, September 12, 2011.

<sup>298</sup> Interview, with H.F. Miiirima, September 17, 2011.

<sup>299</sup> S. Doyle (2006), “From Kitara to the Lost Counties: Genealogy, Land and Legitimacy in the Kingdom of Bunyoro, Western Uganda”, *Social Identities*, Vol.12, No.4, p.461.

<sup>300</sup> B.N.I. Barungi (2011), *Parliamentary Democracy in Uganda: The Experiment that Failed*, Bloomington: AuthorHouse, p.26.

<sup>301</sup> C. Pulford (2007), *Casualty of Empire: Britain's Unpaid Debt to an African Kingdom*, Northants: Ituri Publications, p.136.

Commissioner's (Mr. Jackson) report about Buyaga County, submitted to the Provincial Commissioner of Buganda on March 7, 1911. Part of the report states that:

...it must be remembered that practically all the people of Buyaga are Banyoro and not Baganda. The same is true of Bugangaizi. They are far behind the Baganda in mental development. Moreover, their physical standard is miserably low<sup>302</sup>.

Because of the problems associated with the British colonial masters and the Baganda chiefs, there was widespread discontent among the Banyoro in Buyaga and Bugangaizi counties. By 1918, a group of Banyoro in the lost counties had taken steps to form the Mubende Banyoro Committee to recover the lost territories and to end Buganda sub-imperialism. Under the Chairmanship of Mr. Rugangwa Zakariya, the M.B.C had by 1921 become more organized and ready to carry out a campaign for the return of the lost counties to Banyoro and to stop the 'persecution' of the Banyoro by the Baganda.<sup>303</sup> The MBC members easily attracted support from most Banyoro who complained about different forms of injustice at the hands of the Baganda chiefs and landlords. By that time, several Banyoro had become fed up of being treated as second hand citizens and in some cases as if they were not human beings. Others expressed their dissatisfaction against the practice of forcing them to renounce their identity in favor of Buganda identity. Matters had worsened to the extent that the Banyoro students in the Lost Counties' schools could not get bursaries or scholarships unless they spoke Luganda language and declared that they were Baganda. Moreover, the Baganda landlords did not only demand for the payment of ground rent (Busuulu) and other forms of taxes from their tenants but also prohibited the Banyoro from planting perennial crops and constructing permanent houses on the Baganda owned *mailo land*. Above all, only a few Banyoro could be allowed to occupy the chiefly positions in the 'Lost Counties' and in most cases, they were restricted to the lower levels.

---

<sup>302</sup> Assistant District Commissioner's Report, Mubende, March 1911, ESA, A46/2

<sup>303</sup> N. Kasfir (1976), *The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a Case Study of Uganda*, London: University of California Press, p.137.

#### 4.6 The implementation and challenges of *mailo* land tenure

The *mailo* land scheme appeared problematic even to the British government right from the beginning. Apart from the likely discontent of the majority people whose land rights had been ignored while allocating the *mailo* land on paper, the implementation of the cadastral survey<sup>304</sup> scheme required a huge sum of money which the British government could not fully provide. Although the Buganda Agreement of 1900 had assigned the Buganda Kingdom Council (Lukiiko), the task of processing the *mailo* land grants, its members were also beneficiaries of the scheme and indeed spent much time on serving their own interests at the expense of others.

The topographic survey of *mailo* land started after the arrival of the Chief Surveyor, Mr. R.C. Allen and enactment of the Registration of Documents Ordinance in September 1904. Section 4 of the Ordinance provided for compulsory registration of all documents conferring right, title or interest of immovable property. Section 11 required the registration under section 4 to be done at district level where the property was located. By 1907, the Land Office had managed to register 6,600 land claims in Buganda.<sup>305</sup> In 1908, the Buganda Land Law came into force to streamline the governance of *mailo* land in Buganda. The law defined and set out the incidents of *mailo* tenure. It fixed a limit of 30 square miles of land which an individual could hold and “stipulated that *mailo* land could be freely transferred and disposed by will or customary succession to Africans of Uganda or by lease to non-Africans”.<sup>306</sup> The first *mailo* Certificates of Title were issued in January 1909. The Registration of Titles Ordinance was later enacted in 1922 and it came into force on May 1, 1924. By the end of 1923, 6,700 *mailo* Certificates of Title had been issued in Buganda, representing 51% (4,640 square miles) of land guaranteed to individuals by the 1900 Buganda Agreement.<sup>307</sup> The survey process and provision of Certificates of Titles proceeded quite slowly in the counties such as Buyaga and Bugangaizi which were far away from the centre of Buganda. By 1936, the demarcation and survey of

---

<sup>304</sup> The cadastral survey was characterized by adjudication, boundary definition/demarcation, surveying and registration.

<sup>305</sup> Uganda Protectorate Annual Report, 1907-1908, ESA, A46/1.

<sup>306</sup> H.W. West (1964), *The Mailo System in Buganda*, Entebbe: Government Printer, p.14.

<sup>307</sup> Uganda Protectorate Department of Land and Survey: Annual Report for the Year ending December 31, 1923, p.11.

15,379 individual African holdings had been completed.<sup>308</sup> The Registration of Titles (Amendment) Ordinance, 1939 required an address of the proprietor of land or any interest in land to be furnished to the Registrar; or for the issuance of a special Certificate of Title in event of a Duplicate Certificate being lost or destroyed.

One of the most serious problems about the implementation of the *mailo* land scheme was the deliberate refusal by the colonial government and its Land and Survey Department to recognize the subsequent land transactions after the original allotments. Apart from the new claims over *mailo* land which resulted from the death of the original owners, there were also many cases of land dealings such as sales (based on paper agreements) to new individuals.<sup>309</sup> The new claims eventually stretched beyond the survey department's ability to handle.

As noted by West, the complexity of the process of the registration of Titles made it difficult for many *mailo* land grantees to obtain the final certificates.<sup>310</sup> Due to the various problems in the whole process of adjudicating and surveying the *mailo* allotments in particularly Buyaga and Bugangaizi counties, the land register was not yet complete by the end of the first major phase of *mailo* land registration in 1939. By that time, about 30% of the registered owners in the two counties were Proprietors of Unascertained portions (P.U.P) awaiting cadastral survey of their land before obtaining the Certificates of Title. Moreover, there were thousands of new land transactions (especially because of succession and purchases) on the already demarcated land which required fresh survey.

The Second World War crisis also contributed to the inadequacy of the *mailo* land register. Though Legal Notice 9 of 1939 appeared to have reduced the huddles in the *mailo* land registration process by reducing the registration fees, the government was unable to provide adequate survey facilities in areas such as Buyaga and Bugangaizi which were remote. However, throughout the War period, unregistrable land transactions continued. Soon after the war, the Director of Surveys requested for funds from government for training African surveyors, but his request was not honored.

---

<sup>308</sup> H.W. West, *Op cit.*, p.28.

<sup>309</sup> Interview, with Z.S., Kyakabanda, December 18, 2012.

<sup>310</sup> H.W. West (1964), *Op cit.*, p.87.

In 1955, the East African Royal Commission also pointed out that “the registration of transactions in *mailo* land is not up to date, the survey of holdings is far from complete, and paper transactions in land interests have been taking place over the years which bear no relationship to the actual extent and situation of the land to which they purport to refer”.<sup>311</sup> It recommended that the backlogs in the *mailo* land adjudication and registration process should be expedited. It stressed the need for general individualization of land ownership in Uganda to enhance economic growth. To the Commission, the term ‘individual’ did not only refer to an individual human being but also meant any association of individuals.<sup>312</sup>

The land register was still incomplete at the time of Uganda’s independence in 1962. The top *mailo* landowners in the two counties by the end of 1962 are indicated in Table 1 below.

Table 1: Absentee *mailo* landlords with above 500 ha in Kibaale district

Name of landowner	Area (hectares)	Certification status	County
1. His Excellency the Governor	2298	Title	Bugangaizi
2. Kawalya Kagwa Erenesiti	947.8	Title	Bugangaizi
3. Kitaimbwa Yosiya of Masaka	1905.65	Title	Bugangaizi
4. Lukina Yakobo	6475	Title	Bugangaizi
5. Lwamulungi Heri	1651.4	Title	Bugangaizi
6. Lwanga Andereya	2569	Title	Bugangaizi
7. Mazinga Yakobo	589.6	P.U.P	Bugangaizi
8. Mulumba Musa	627.25	Title	Bugangaizi
9. Nsubuga Mikeeri	714.25	Title	Bugangaizi
10. Nyanzi John Baptist	785.9	P.U.P	Bugangaizi
11. Sebowa Petero	1447.1	Title	Bugangaizi
12. Aleni Semakula	971.2	Title	Buyaga
13. Birimumaso Augustine	815.45	Title	Buyaga
14. Birimumaso Seretino	647.5	Title	Buyaga
15. Ivo Mukira	509.9	Title	Buyaga
16. John Kasozi of Kampala	1161.55	P.U.P	Buyaga
17. Kalete Antwana	516.2	Title	Buyaga
18. Kyanku Zakayo	793.98	P.U.P	Buyaga
19. Lule Benwa	529.7	P.U.P	Buyaga
20. Mubanga Feredinando	784.76	Title	Buyaga
21. Mubango Feredinando	734.76	P.U.P	Buyaga
22. Makonzi Mikairi	571	P.U.P	Buyaga
23. Mubiru Kasaaga Leonard	513.95	Title	Buyaga

<sup>311</sup> *East Africa Royal Commission 1953 – 1955 Report*, London: Her Majesty’s Stationery Office, p.359.

<sup>312</sup> *Ibid.*, p.351.

24. Mugumbule Fabya	579.6	Title	Buyaga
25. Mugwanya Antwani	505.85	Title	Buyaga
26. Mulira Kazimiri	683.8	Title	Buyaga
27. Musoke Lolenti	747.95	Title	Buyaga
28. Nakibuka Mary Jastina	571.8	P.U.P	Buyaga
29. Nantongo Ana	621.65	P.U.P	Buyaga
30. Nkangali Petero	864	Title	Buyaga
31. Patrisi Kivubuka of Buddu	520.3	Title	Buyaga
32. Sebwalunyo Kerementi	519	Title	Buyaga
33. Sekalega Rafaeli	1815.6	Title	Buyaga
34. Thomas Ntale of Masaka	501.6	Title	Buyaga
35. Titi Kawesa	607.4	Title	Buyaga
36. Uganda Thrift Co. of Kampala	560.9	Title	Buyaga
37. Zirivuga Sipiriya	520.8	Title	Buyaga

**Key:**

**P.U.P** is an abbreviation of *Proprietorship of Unascertained Portions* for which a **Provisional Certificate** is granted. This kind of registration was done in colonial Uganda for administrative convenience, but a cadastral survey was required to ascertain the legality of the land registration. **Title** means, the registered owner of the surveyed land obtained a **Certificate of Title**.

Source: Lands and Surveys Department, Fort Portal Regional Office.

Table 1 illustrates the problem of lack of a reliable land registration system as part of the challenges to land reform and land conflict resolution also reflected in other studies such as those on southern Africa.<sup>313</sup> Although Ntsebeza's portrayal of the property clause as the major obstacle<sup>314</sup> to land reform in South Africa also applies to Uganda, the problematic land registry should also be considered. The table above indicates the absentee *mailo* landlords who owned more than 500 hectares in Buyaga and Bugangaizi counties by the end of 1962, some of whom had not yet gone beyond P.U.P status. Almost all the registered ownerships of more than 500 hectares of mailo land indicated were made before 1939. It is evident on the register that in some cases, the Baganda chiefs and other notables made land claims under altered names to get as

<sup>313</sup> M. Adams & J. Howell, "Redistributive land reform in Southern Africa", in *Natural Resource Perspectives*, No.64, 2001, ODI, p.4.

<sup>314</sup> L. Ntsebeza, "Land redistribution in South Africa: the property clause revisited", in L. Ntsebeza & R. Hall (2007) *The Land Question in South Africa*, Cape Town: HSRC, pp.108-117.

much land as possible.<sup>315</sup> The smaller pieces of *mailo* land mainly resulted from the subsequent sub-divisions. These are over 3,600 largely Baganda absentee *mailo* landlords in Kibaale district with land sizes ranging from 0.5 ha to 6,475 ha reflected on the Lands and Survey departmental registry at the Fort Portal Office. Apart from the anomalies reflected on the Kibaale district *mailo* land registry, there are other complications which emerged in relation the *mailo* estates. Throughout the remainder of the colonial period in Uganda after 1939, a multitude of interests in parcels over the *mailo* estates emerged through succession and purchases, yet these interests were not reflected on the register. By the time of Uganda's independence in 1962, the issue of ownership of *mailo* land in Buyaga and Bugangaizi counties had not yet been streamlined. In the absence of an adequate land information system, it is inconceivable as to how the British colonial government could have resolved the conflicts over the ownership of *mailo* land between the landlords from the neighbouring Buganda and the predominantly Banyoro *mailo* land occupants in Buyaga and Bugangaizi counties.

This problem was evident in most of the colonial as well as the post-colonial societies of Africa and elsewhere. Although both the Baganda and Banyoro shared the national citizenship of Ugandans, either of them could invoke local citizenship in case of contests over important issues like land. In this case, the Banyoro who claimed to belong to Buyaga and Bugangaizi were involved in a struggle to exclude the Baganda from owning land. This was because most of the Banyoro in the two counties remained with the belief that the Baganda landlords (considered as foreigners) had stolen their customary land.

#### **4.7 Conclusion**

This chapter has highlighted the specific ways in which the land question in Buyaga and Bugangaizi counties of Kibaale district became increasingly complex. It has shown that the people of the two counties were subjected to a quite unique colonial experience in terms of devastation of human lives and property as well as massive land dispossession. The chapter has argued that the British colonialists used land to establish a despotic decentralized structure – a form of indirect colonial system – manned by the Baganda chiefs. It has observed that the land

---

<sup>315</sup> Mubango Feredinardo initially claimed registrable interests over 734.76 hectares of land in Buyaga County but subsequently secured a title over 784.76 hectares of land in the names (slightly altered) of Mubanga Feredinardo.

grants (*mailo* land) to the Baganda chiefs and notables caused more intensive and persistent contestation and violent conflict over access to and ownership of land in Buyaga and Bugangaizi counties than in other *mailo* land areas due to the nature of dispossession and the question of local citizenship or belonging. The chapter has demonstrated that destruction of most traditional chiefly institutions in favor of those from neighboring Buganda undermined the local mechanism which would have possibly minimized the land rights contestations (violent at times). It has also pointed to the weaknesses in the implementation of the cadastral surveys and registration of *mailo* land titles – to the extent that the *mailo* land register was incomplete by 1962 when the British colonialists declared Uganda's independence. It contends that, perhaps, an up-to-date land register would have contributed to a relatively easy process of land restitution to reduce contestation and violent conflict. Precisely, the chapter argues that the British colonial policy regarding Buyaga and Bugangaizi counties was deliberately pursued – especially by granting land to the Baganda chiefs and notables irrespective of the customary land rights of Banyoro – for the sake of maintaining despotic decentralized system which promoted the colonial economic and political interests. The subsequent chapters of this thesis examine the challenges of resolving contestation and violent conflict during the post-colonial period, especially as other factors such as political patronage, massive in-migration and ideological interference set in.

## CHAPTER 5

### LAND RIGHTS' CONTESTATION AND CONFLICT IN KIBAALE, 1962 – 1970

#### 5.1 Introduction

This chapter examines the circumstances under which there was persistent violent conflict over access to and ownership of land in post-colonial Buyaga and Bugangaizi counties (later became Kibaale district). It covers the period from October 1962, when Uganda's independence was declared by Britain up to the overthrow of the first post-colonial government of Apollo Milton Obote by Idi Amin Dada in January 1971. It contributes to the debate on how identity/belonging and citizenship have led to conflicting claims for land, particularly in post-colonial Africa. Although national citizenship is constitutionally recognised in countries like Uganda, Ivory Coast and the Democratic Republic of Congo, local citizenship has been instrumentalised so as to struggle against or exclude certain communities/ethnic groups from land rights.<sup>316</sup> As observed in the previous chapter, Uganda's independence was declared before resolving the conflict between the Banyoro tenants and the Baganda landlords in Buyaga and Bugangaizi counties of Bunyoro. The main question being addressed by this chapter is: why did the conflict over access to and ownership of land in Buyaga and Bugangaizi counties persist during the first post-colonial Uganda regime? I argue that there was persistent conflict over access to and ownership of land in these two counties between the predominantly Banyoro and others (particularly the Baganda landlords from Buganda) mainly because of the local sense of belonging, the inadequacies of land registry and post-colonial government's pre-occupation with the need to maintain political support from Buganda (where most of the Kibaale district *mailo* land owners come from) and Bunyoro (where Kibaale district is located).

#### 5.2 Inherited land rights' controversies

One of the most controversial issues which the British colonialists left unresolved in Uganda was the land rights' contestation between the Baganda landlords and the Banyoro who

---

<sup>316</sup> S. Adejumobi (2001), "Citizenship, Rights and the Problem of Internal conflicts and Civil Wars in Africa", *African Journal of Political Science*, Vol.6, No.2, p.86.

claimed customary ownership of land in Bunyoro's 'lost counties'<sup>317</sup> of Buyaga and Bugangaizi. This problem dominated the political debates in Bunyoro and at national level before and after Uganda's independence. To most people in Bunyoro in general and particularly Kibaale district, the declaration of independence did not make sense without returning to Bunyoro, the counties which had been lost to Buganda.<sup>318</sup> The government of Her Majesty the Queen of England was hesitant to solve the dispute over the 'lost counties' despite constant pressure from the autochthons of Buyaga and Bugangaizi counties and the rest of Bunyoro. Although the British government appointed two Commissions of inquiry into the issue of the 'lost counties' before independence, their findings and recommendations were shelved. For instance, the Relationships Commission appointed by the British government and chaired by the Earl of Munster compiled and submitted the 1961 Munster Report to the British government, recommending that a referendum be held in Buyaga and Bugangaizi counties<sup>319</sup> and one other county chosen by Bunyoro to establish where the residents of those counties wished to be. The report further recommended that any areas which the referendum would decide in Bunyoro's favour should be handed over simultaneously with the end of the Protectorate<sup>320</sup>. However, the Munster report's recommendations were not implemented by Her Majesty's government.

Thereafter, the Secretary of State for colonies appointed a Commission of Privy Councillors to specifically investigate and report on the 'lost counties' issues. The delegation of the Privy Council Commission led by Lord Molson arrived in Uganda on January 8, 1962, had discussions with government officials in Entebbe and Kampala before proceeding to the 'lost counties' and to other parts of Bunyoro.<sup>321</sup> After the Privy Councillors had gathered the information about the 'lost counties', they compiled what became the Molson Report which was signed on March 2, 1962. In their report, the members of the Molson Commission recommended that, Buyaga and Bugangaizi counties be transferred to Bunyoro without holding a referendum, subject to guarantees of individual rights. The Commission further recommended that Buwekula

---

<sup>317</sup> The phrase 'lost counties' was used to refer to the territories such as Buyaga and Bugangaizi which the Bunyoro Kingdom activists considered to have been lost to Buganda Kingdom because of the 1900 Buganda Agreement.

<sup>318</sup> *Interview*, H.F.M., Karuguuza, April 13, 2013.

<sup>319</sup> G.S.K. Ibingira (1973), *The Forging of an African Nation: The Political and Constitutional Evolution of Uganda from colonial rule to Independence, 1894-1962*, New York: Viking Adult, p.185.

<sup>320</sup> Munster, the Earl of (1961), *Report of the Uganda Relationships Commission*, Entebbe: Government Printer, p.91.

<sup>321</sup> A.R. Dunbar (1965) *A History of Bunyoro-Kitara*, Nairobi: Oxford University Press, p.189.

County should remain in Buganda but Mubende town including the hill, where some Bunyoro Kings had been buried, should be placed under the central government. The Molson report speculated that there could be war between the people of Bunyoro and Buganda if its recommendations were ignored. As an emphasis on the time frame for implementing the recommendations, the Molson Commissioners stated that:

We think it therefore an integral part of our scheme that the transfer of territory shall have taken place before the 9<sup>th</sup> October 1962, while the Governor is still in office.<sup>322</sup>

But, the Banyoro were disappointed by the colonial government's failure to implement the Commissions' recommendations before Uganda's Independence Day.

Moreover, the two commissions were not specific about what the transfer of territory from Buganda to Bunyoro was supposed to involve. There was no recommendation about the specific land rights of the people in the disputed territories. This was partly due to the terms of reference of the two commissions which guided them to treat the issue of the 'lost counties' as a political problem. As stated by Lord Molson: "we have in fact treated it, as the Munster Commission recommended, as a political problem".<sup>323</sup> This indicated that, even before Uganda's independence, the issue of land ownership in the disputed territories was either deliberately dodged by the political authorities or they did not think that it was at the baseline of conflict in Buyaga and Bugangaizi counties.

Meanwhile, there was widespread opposition in Buganda against the 1962 Molson Report's recommendation of returning Buyaga and Bugangaizi counties to Bunyoro. King (Kabaka) Muteesa II of Buganda and his subjects were determined to struggle for the retention of Buyaga and Bugangaizi counties at all costs because they valued the territory as theirs. The people of Bunyoro were equally determined to recover their 'lost territories' which they considered as part of their motherland.<sup>324</sup> This was a conflict between two social identities – the Baganda versus the Banyoro. But it appeared that the British government was cautious not to antagonize its old ally – Buganda. This is not to suggest that the British government's reluctance to out rightly solve the issue of Bunyoro's 'lost counties' was popular in Britain. In fact, some

---

<sup>322</sup> The Molson Commission Report, 1962, paragraph 106.

<sup>323</sup> Ibid., p.1.

<sup>324</sup> J. Baligira, *Interview*, with H.F.M., Kisugu, September 13, 2013.

British legislators had even questioned Her Majesty's failure to implement the Munster Report's recommendation for a referendum to clear the transfer of Buyaga and Bugangaizi counties to Bunyoro. The Molson Report's recommendation was also supported by some British legislators such as Joan Vickers who said:

I agree with the recommendations of the Molson Committee and I should like to see some action taken in the Bill. The Molson recommendations for independence should be implemented at once or Her Majesty's government should give full and cogent reasons for refusing to implement those recommendations.<sup>325</sup>

Despite the various opinions and recommendations for the resolution of the issue of Bunyoro's 'lost counties', the British colonial government did not take any action. It is possible that the British government was not ready to undo its special relationship with Buganda's landlords who were more likely to uphold British capitalist interests than most of the politicians from outside Buganda, such as Apollo Milton Obote, who were pro-socialist programmes such as forming group farms and co-operatives.<sup>326</sup> Amidst these challenges, the British Secretary of State for colonies, Maudling delivered his government's position on the issue of the 'lost counties'. He announced that Buyaga and Bugangaizi counties were to remain part of Buganda while being directly administered by the central government, pending a referendum which was to be held in not less than two years after Uganda's independence so that the people in those counties could decide on whether to remain in Buganda, to be transferred to Bunyoro or be in a separate district.

People in Buganda were not happy with Maudling's message because they never wanted a referendum on the counties which they believed to be their legal possessions per the 1900 Buganda Agreement. The people of Bunyoro were equally unhappy with the British government's inability to return the 'lost counties' to Bunyoro before Uganda's Independence Day. To demonstrate how important, the 'lost counties' were to the people of Bunyoro, Dr. Majugo, who was part of the Bunyoro delegation at the London Constitutional conference openly expressed disgust and on his return to Uganda, he declared that Independence Day October 9, 1962 would be 'a funeral day in Bunyoro'.<sup>327</sup>

---

<sup>325</sup> Hansard: *Uganda Independence Bill*, 16 July 1962, Vol.663, p.54.

<sup>326</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm Ltd., p.216.

<sup>327</sup> P.M. Mutibwa, "Internal self-government: March 1961 to October 1962", in Uzoigwe, G.N. ed. (1982) *Uganda: The Dilemma of Nationhood*, New York & London: Nok Publishers, p.297.

Meanwhile, Britain proceeded with the necessary steps to grant Uganda's independence. The final conference to formulate Uganda's Independence constitution which began on June 12, 1962 had accomplished its work by late July 1962. The British legislators finally agreed with government that a referendum on Buyaga and Bugangaizi counties would be held in not less than two years after Uganda's Independence Day. The decision was reached after the Buganda delegates at the Lancaster conference of June 1962 had insisted that Buyaga and Bugangaizi territories were legally theirs. According to the British Minister for colonies, it would be better to hold a referendum over the 'lost counties' after order had been restored than imposing a verdict on Buganda before October 9, 1962.<sup>328</sup> In the meantime, the Buganda leaders were quite relaxed because they did not expect Milton Obote, the Prime Minister of Uganda and leader of the Uganda People's Congress (U.P.C) to support the plans for a referendum on Buyaga and Bugangaizi counties because his party had formed an alliance with Buganda's Kabaka Yekka (K.Y) party. As a result, the government which took over from Britain at Uganda's independence on October 9, 1962 was formed by the U.P.C-K.Y coalition. The question is: Would the post-colonial government of such configuration carry out the referendum on Bunyoro's 'lost counties' and proceed to address the land ownership contestations? The realities in relation to this question are discussed in the next section of the chapter.

### **5.3 Post-colonial political manouvres and conflict over land rights in the 'lost counties'.**

Conflict over land in various parts of post-colonial Africa has been partly attributed to forced overlapping rights on customary land because of colonial conquest.<sup>329</sup> Sometimes, claims and counter-claims for land rights have been expressed through local citizenship and belonging.<sup>330</sup> This is reflected in the continuous conflict between the Baganda landlords and the Banyoro tenants. Soon, the conflict became a destabilizing factor to the immediate post-colonial Uganda government which was based on a coalition of the Uganda People's Congress and Kabaka Yekka. The two political parties had formed a coalition for defeating the Democratic

---

<sup>328</sup> Lansdowne, The Marquess of (1962), *Hansard*, July 1962, Vol. 242, p.1148.

<sup>329</sup> B. Cousins (2010), "The Politics of communal tenure reform: A South African case study", in *The struggle over land in Africa*, edited by W. Anseeuw & C. Alden, Cape Town: HSRC Press, P.57.

<sup>330</sup> C. Lund (2011), "Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa", *Africa Spectrum*, No.3, p.74.

Party (D.P)<sup>331</sup> in the struggle for political power but their interests were clearly contradictory on the political and land issues of Buyaga and Bugangaizi counties. Whereas U.P.C enjoyed the support by professionals, workers and political notables in Kampala and outside Buganda, K.Y was largely based on the Mengo clique and the Baganda landlords. The U.P.C under the leadership of Apollo Milton Obote from Lango was largely in favour of a unitary post-colonial Uganda state while the K.Y was controlled by Buganda's conservative king who was mainly concerned with the preservation of the privileged position and land of Buganda kingdom. The U.P.C-K.Y alliance was bound to give way to new political dilemmas and questions. Regarding this alliance, Geoffrey Engholm asked in 1962: To what extent did Milton Obote, the leader of the U.P.C, consider the probable reactions of areas outside Buganda?<sup>332</sup>

So, on the eve of Uganda's independence, the main task for Obote of U.P.C was to manoeuvre through the power struggles, by even entering brief political alliances, to take control of the post-colonial government in Uganda. Although he counted on the support of people from various parts of Uganda, he was aware of the need to co-operate with Buganda Kingdom (comprised of neo-traditionalists and chiefs who had direct interests in the 1900 Buganda land settlement) to acquire and retain political power. The D.P had gained enormous influence in many parts of Uganda and appeared as a stumbling block in U.P.C's quest for power.<sup>333</sup> Luckily enough it was equally a problem to the Buganda kingdom government. In its attempt to press for a special constitutional status in Uganda, the Buganda government asked the D.P to boycott the March 1961 Legislative Council elections. The D.P ignored Buganda's call and participated in the elections, sweeping 20 of the 21 parliamentary seats in Buganda. The D.P won 23 seats from other parts of Uganda, giving it a total of 43 seats out of the 82 national seats.<sup>334</sup> D.P's Benedicto Kiwanuka became the Prime Minister of pre-independent Uganda, with more powers than the King of Buganda. It was due to D.P's political threat that Obote and Kabaka Mutesa II met for concerted efforts.

---

<sup>331</sup> P. Mutibwa (1992), *Uganda since Independence: A Story of Unfulfilled Hopes*, Kampala: Fountain Publishers, p.26.

<sup>332</sup> G. Engholm (1962), "Political Parties and Uganda's Independence", in *Transition*, No.3, Indiana University Press, p.17.

<sup>333</sup> *Ibid.*, p.16.

<sup>334</sup> F.B. Welbourn (1965), *Religion and Politics in Uganda, 1952 – 1962*, Nairobi: East African Publishing House, pp.23-24.

Consequently, during the London constitutional conferences of 1961 and 1962, the U.P.C delegates supported Buganda Kingdom's quest for a special post-colonial federal status and the postponement of settlement of the 'lost counties' dispute in return for Buganda's readiness to block D.P in Buganda and to support U.P.C in the formation of a post-colonial government in Uganda.<sup>335</sup> The interests of U.P.C and K.Y at the London constitutional conferences contributed to the nature of the Uganda (constitution) Order in Council of February 26, 1962 which was to be the new supreme law of independent Uganda. The Independence constitution, as it came to be called, provided for Buganda's full federal status and the postponement of the issue of the lost counties (Buyaga and Bugangaizi) to a date to be fixed by the National Assembly after Uganda's independence.

In accordance with the independence constitution, elections to the Uganda National Assembly were held on April 25, 1962. The U.P.C-K.Y coalition won the majority seats in the National Assembly and Obote replaced Benedicto Kiwanuka as Prime Minister of Uganda. This put Obote and his allies in a better position to take control of Uganda's state power at independence. The last British Colonial Governor of Uganda, Sir Walter Coutts and his colleagues made the necessary arrangements for Uganda's formal independence. On October 9, 1962, Apollo Milton Obote took the oath as Prime Minister of independent Uganda. He formed a new government but faced the challenge of how to maintain power and at the same time attend to delicate issues such as the demands for the return of Buyaga and Bugangaizi territories to Bunyoro. The main question is: How could the post-colonial government carry out a referendum on Buyaga and Bugangaizi counties and restore the ownership of land to the people in those counties against the will of Buganda Kingdom?

As demonstrated in the next section, Prime Minister Obote used a combination of political patronage and promises of rewards to mobilise support from the National Assembly to carry out the referendum on Buyaga and Bugangaizi counties. At the same time, he offered to support the resolution of the controversies over Buyaga and Bugangaizi counties to earn for himself, the political support from the Bunyoro members of the National Assembly and those from other parts of Uganda who were not happy with Buganda's claim for a special political

---

<sup>335</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm Ltd., p.202.

status.<sup>336</sup> He wanted to boost Bunyoro's support for his U.P.C in consideration of the fact that the Bunyoro D.P candidates for the National Assembly (C.J. Magara and H.K. Kuhikya) had defeated the U.P.C candidates (G.K. Magezi and I.K. Majugo) in the elections of April 25, 1962.<sup>337</sup>

#### **5.4 Issues surrounding the 1964 referendum on Buyaga and Bugangaizi**

It is generally suggested that the 1964 referendum on Buyaga and Bugangaizi counties was expected to address the contestation over access to and ownership of land between the Banyoro and others. The question which has never been satisfactorily addressed is: Why was the post-colonial government unable to resolve the land ownership disputes in Buyaga and Bugangaizi counties, either through the 1964 referendum or by any other means? To answer this question, it is necessary to understand the way how the referendum was organised, the issues it was expected to address and the factors which restricted the government from resolving the land ownership question. By interviewing some people with direct experience of the situation before, during and after the referendum, I have been made to understand that the issue of land ownership was either not considered to be the root of the crisis or was deliberately put aside by the central government leadership to maintain the Baganda landlords' loyalty.

One of the interviewees who were practically involved in the struggle for the restoration of Buyaga and Bugangaizi counties to Bunyoro indicated to me that most of Banyoro (autochthons) thought that they would regain the control of their land if the Baganda were chased out. His experience of the struggle is reflected in the following partial record of the interview with him:

I remember being one of the people who participated in the campaign of physically chasing the Baganda out of our region. There was one County chief, a Muganda with a house in Buyaga, whom we decided to chase. We knew that by chasing away the Muganda chief, other Baganda would also get scared and leave the region. We gathered at Karuguuza trading centre under the leadership of a man called Kasambura, in fact he was a simple man and he used to work as a tailor. We planned our mission with other young men like Rwakinembe (he is still alive and serving as a Mujwara Nkondo). We went to the catholic parish at Bujuni with the aim of getting fuel for burning the house

---

<sup>336</sup> Interview, with H.F.M., Kisugu, February 17, 2013.

<sup>337</sup> A.R. Dunbar (1965), *A History of Bunyoro Kitara*, Nairobi: Oxford University Press, p.194.

of the County chief. On reaching there, we forced a priest called Father Max to allow us to drain petrol from his Motor Cycle. We told him about our mission and when he tried to oppose us, we threatened him. We told him that we would treat him as a collaborator of the Baganda and we would chase him as well. He was left with no alternative but to allow us to get the petrol. We proceeded in day-light to the County chief's residence, torched his house. He was nicknamed Kyambalango. He was forced to run away with several other Baganda. The roof of the house was completely burnt and most of his belongings were destroyed. We destroyed the roof of the house and spared the walls because we hoped to renovate and utilize the house after the departure of the Baganda. We even spared the Prison house and the Rukurato Hall so that they could be used later. Many other Baganda chiefs and magistrates were attacked and forced to flee. Similar campaigns were carried out in other parts of Buyaga and Bugangaizi counties to make the government realize the urgency of a referendum.<sup>338</sup>

Meanwhile, the people of Buganda, particularly those who had acquired *mailo* land in Buyaga and Bugangaizi counties believed that the land was legally theirs because they were Ugandan citizens and nobody would take it away from them. Although the British government had advised that a referendum be held in Buyaga and Bugangaizi counties within a period of two years after Uganda's independence, the Baganda were determined to fight for their legally acquired *mailo* land. Their hopes of averting a referendum on Buyaga and Bugangaizi counties were raised when Kabaka (King) Mutesa II of Buganda became President of Uganda in 1963. The ascendancy of Mutesa II to the presidency pleased the chiefly traditionalists who had earlier stated to Obote that as a commoner, he could not be above the Kabaka of Buganda.<sup>339</sup> Mutesa II began by declaring that the 'lost counties' were an integral part of Buganda Kingdom and could neither be discussed nor considered.<sup>340</sup> He even began to spend much of his time on a settlement scheme, which he had established at Ndaiga in Buyaga County, with the hope of using it to win the referendum on Buyaga and Bugangaizi if at all it was to be held. In mid-1963, there was increased violence in Buyaga and Bugangaizi counties between the Banyoro tenants and the Baganda landlords. The heightened conflicts were partly in response to Kabaka (King) Mutesa II's resettlement of hundreds of Baganda World War II ex-servicemen in Ndaiga area where one of the deceased kings of Bunyoro kingdom had been buried. The Banyoro seem to have been

---

<sup>338</sup> Interview, with H.F.M., Kisugu, September 17, 2011.

<sup>339</sup> A.R. Nsibambi (2014), *National Integration in Uganda, 1962-2013*, Kampala: Fountain Publishers, p.31.

<sup>340</sup> P.M. Gukiina (1972) *Uganda: a case study in African political development*, Notre Dame: University of Notre Dame Press, p.117.

infuriated most by the ex-servicemen's argument that the people of Bunyoro had no right to bury their dead on the land of Buganda.<sup>341</sup>

The violent campaigns by the Banyoro of Buyaga and Bugangaizi counties intensified at the end of 1963 and early 1964. To most of my interviewees, the goal of the campaigns was to chase the Baganda out of Buyaga and Bugangaizi counties.<sup>342</sup> The impression I get is that the Banyoro were driven by the belief that, basing on their ancestry and customs, they were the rightful owners of the land in Buyaga and Bugangaizi – not the Buganda whom they regarded as foreigners. It was partly due this assumption that no one cared to scrutinize what the 1964 referendum was intended for. I interviewed some individuals from Buyaga County who participated in the civil education exercise which preceded the referendum and they also thought that voting to belong to Bunyoro was the solution to the land problems of the Banyoro in Buyaga and Bugangaizi counties. One of the interviewees told me that:

I was involved in educating the voters about the voting procedures and the nature of the ballot paper. It had provisions for ticking and thumb printing. The ballot paper had spaces corresponding with the diagrams. The diagrams included a Drum for Bunyoro, a Shield for Buganda and a lamp for the central government. Irrespective of the official meanings of the diagrams, most Banyoro in Buyaga and Bugangaizi counties were made to understand: A Drum to mean that the Banyoro would beat the drums while jubilating after voting for the return to Bunyoro; the Shield for Buganda to mean that the Baganda would declare war on the Banyoro if they voted to transfer to Bunyoro; and the lamp for the central government signified light to the Banyoro to vote wisely for a separate district. But we educated our people to make sure that they voted in favor of a drum – for Buyaga and Bugangaizi counties to be returned to Bunyoro.<sup>343</sup>

As the conflict was unfolding, some of the central government officials such as Prime Minister Obote expressed concern over Kabaka Mutesesa's schemes in Buyaga and Bugangaizi counties. By early 1964, the financial expenses on the Ndaiga scheme had risen to over 2 million Uganda Shillings and Kabaka Mutesa II was spending more time on the scheme at the expense of his national duties as President. At the same time, Obote was working out ways of holding the referendum on Buyaga and Bugangaizi counties with the hope of using it to gain more political support from Bunyoro region. After June 1964, the disagreements between Obote and Mutesa II

---

<sup>341</sup> Hoima District Archives, "Tombs of the Bakama" file, District Commissioner to Administrator, Buyaga and Bugangaizi, August 7, 1963.

<sup>342</sup> *Interview*, with A.R., Irobe, February 21, 2011.

<sup>343</sup> *Interview*, with P.R., Paachwa, December 19, 2013.

deepened and it became clear that the U.P.C – K.Y alliance which had been established for convenience would not survive any longer. Indeed, on August 24, 1964, Obote announced the end of the U.P.C – K.Y alliance and reshuffled the cabinet, dropping two K.Y ministers, Amos Sempa and J.S. Mayanja – Nkangi. The next day, all K.Y members walked out of the National Assembly as it approved a motion presented by the Justice Minister C.J. Obwangor, setting the referendum date. The motion was read as follows:

Resolved that this House, in accordance with the provisions of paragraph (a) of sub-section (1) of section 26 of the Uganda Independence Order in Council 1962, do hereby appoint the day 4<sup>th</sup> November 1964, as the date on which the referendum to ascertain the wishes of the inhabitants of the counties of Buyaga and Bugangaizi, as to the territory in Uganda in which each of the counties should be included, shall take place.<sup>344</sup>

The debate on the motion continued despite the dissatisfaction expressed by members of K.Y. On August 28, 1964, the referendum (Buyaga and Bugangaizi) Bill was introduced in the National Assembly and passed by overwhelming majority. The enactment of the referendum (Buyaga and Bugangaizi) Act No. 24 of 1964 was an important step towards the resolution of the ‘lost counties’ controversy. The only remaining challenge was how translate the Act into a law. This could only happen if the President appended his signature to the assent copies of the Act. As Kabaka of Buganda and President of Uganda, Mutesa II was likely to be held by the ‘conflict of interest’ factor. In consideration of his public declarations and all the energy he had so far spent on Buganda’s project of maintaining Buganda’s control over the *mailo* land in Buyaga and Bugangaizi counties, Mutesa II was unlikely to sign the assent copies of the Act because it would imply giving up part of the territory of Buganda Kingdom. To him and his people of Buganda, the retention of land in Buyaga and Bugangaizi counties by the Baganda landlords was in the interest of Buganda’s pride. When the copies were presented by Mr. Baganchwera - Barungi (clerk to the National Assembly) to President Edward Mutesa, he declined to sign.<sup>345</sup> By refusing

---

<sup>344</sup> Baganchwera N.I. Barungi (2011) *Parliamentary Democracy in Uganda: The experiment that failed*, Bloomington: Authorhouse, p.119.

<sup>345</sup> *Ibid.*, p.120.

to sign, Mutesa II appeared to have disregarded his national citizenship in favour of local citizenship<sup>346</sup> of belonging to Buganda.

Meanwhile, steps had been taken by the National Assembly to enable Uganda’s Prime Minister Apollo Milton Obote to sign in case the President refused. Indeed, the Prime Minister signed the assent copies of the Act. This cleared the way for the central government to embark on final arrangements for the referendum to be held in Buyaga and Bugangaizi counties. Widespread insecurity and fear among the residents of Buyaga and Bugangaizi counties caused by their deteriorating relations with settlers and ex-servicemen from Buganda prompted the government to deploy security personnel in the area to restore order. Civic education was also carried out to inform the voters on what the referendum was all about. Most obstacles which could have hampered the referendum were eventually cleared. Even the case in which the Uganda High Court ruled that fresh arrivals in the two counties were not eligible to vote was finally upheld by the Privy Council in London.<sup>347</sup> At last, the referendum was successfully held on November 4, 1964. The results in terms of votes were as follows:

Table 2: Results of the 1964 referendum on Buyaga & Bugangaizi counties

<b>COUNTY</b>	<b>BUYAGA</b>	<b>BUGANGAIZI</b>
VOTES FOR TRANSFER TO BUNYORO	8,372	5,275
VOTES FOR STAYING IN BUGANDA	1,289	2,253
VOTES FOR SEPARATE DISTRICT	50	62

Source: G.S.K. Ibingira (1973), *The forging of an African nation*, New York: Viking, p.272.

As indicated in the above table, the inhabitants of Buyaga and Bugangaizi counties overwhelmingly voted for the return of their territories to Bunyoro Kingdom. The voters were

<sup>346</sup> C. Lund (2011), “Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa”, *African Spectrum*, No.3, p.74.

<sup>347</sup> G.S.K. Ibingira (1973) *The Forging of an African Nation*, New York: Viking Press, p.272.

given two main options during the referendum: either to vote for the transfer of Buyaga and Bugangaizi counties to Bunyoro Kingdom or to stay in Buganda Kingdom. The question of the transfer of statutory land ownership rights was not stated anywhere. Even the National Assembly which debated and passed the referendum Bill did not spell out the issue of land ownership in Buyaga and Bugangaizi counties. To Godfrey Lukongwa Binasisa who was Attorney-General of Uganda at that time, “it would have been politically futile if Obote had pressed for the transfer of the Baganda ownership rights to their *mailo* land in Buyaga and Bugangaizi counties”.<sup>348</sup> It appears, Obote cautiously carried out the referendum and made sure that its effects did not threaten the survival of his government which equally needed Buganda’s support.

Meanwhile, steps were taken to implement the transfer of Buyaga and Bugangaizi counties to Bunyoro as expressed by the voters. Kabaka Edward Mutesa II, as President refused to sign the bill for the transfer of the two counties and even made a futile attempt to overturn the validity of the referendum in the courts. The referendum results were eventually endorsed by Uganda’s Prime Minister Apollo Milton Obote and on January 1, 1965, the two counties of Buyaga and Bugangaizi were officially restored to Bunyoro Kingdom. As indicated in the next section, there was nothing in the referendum and in the laws of Uganda which required the holders of the *mailo* land ownership rights in Buyaga and Bugangaizi counties to give up their land. This encouraged some individuals from Buganda who owned land in Buyaga and Bugangaizi counties to stay on their land despite the referendum results. This contributed to the post-referendum violent conflict between the Baganda (who claimed ownership of *mailo* land as per the 1900 Buganda Agreement and 1962 national constitution) and the Banyoro (who claimed to be the rightful customary owners) of the land in Buyaga and Bugangaizi counties.

### **5.5 Responses to 1964 referendum results**

There was widespread jubilation by the Banyoro in Buyaga and Bugangaizi counties as well as in other parts of Bunyoro region due to the positive outcome of the referendum.<sup>349</sup> The main celebrations which were attended by thousands of Banyoro and other invited guests took place at Kakumiro in Bugangaizi County. In attendance was the King of Bunyoro, Sir Tito Winyi

---

<sup>348</sup> Interview, with G.L. Binasisa, Makerere, September 16, 2006.

<sup>349</sup> D.R. Peterson (2015), “Violence and Political Advocacy in the Lost Counties, Western Uganda, 1930-64”, in *The International Journal of African Historical Studies*, Vol.48, No.1, p.70.

IV who congratulated those who had struggled and voted for the two counties' restoration to Bunyoro Kingdom. Meanwhile, the announcement of the referendum results by Radio Uganda had sparked a wave of violent demonstrations in and around Kampala in Buganda. In the process, two men were killed and several others were injured as the Baganda chanted the slogan of "kill the Banyoro".<sup>350</sup> The violence was eventually stopped by heavy deployment of security forces.

Violent conflict soon resumed in Buyaga and Bugangaizi counties between the Banyoro and the Baganda. In some parts of Buyaga and Bugangaizi counties, settlers from Buganda refused to vacate the land which they had acquired with the help of the British colonial administrators and were determined to fight anyone who dared to evict them. In one of the ugly incidents at Ndaiga market, near where Kabaka Mutesa II had built his residence, seven people were killed by Buganda's World War II veterans in December 1965.<sup>351</sup> During the same month, the Muhorro sub-county chief called Gakanya and some of his administration policemen were killed by the Baganda World War II veterans in Kabaka Mutesa's Ndaiga palace. One of the survivors, George Magunda reported that the victims who had gone to collect tax were locked up in the palace and cut with machetes by the Baganda veterans.<sup>352</sup> The Ndaiga incident worsened the conflict between the Banyoro and the Baganda. Many Baganda left their land and fled to Buganda. Many Baganda were ambushed and killed as they fled through Kagadi and other parts.<sup>353</sup> As recounted by one of my interviewees, some of the Baganda were pulled out of the buses at the barricades which the Banyoro had erected with the use of large logs of trees, beaten and in most cases killed.<sup>354</sup>

The post-referendum violence in Buyaga and Bugangaizi counties indicated that the underlying cause of violence and insecurity – the contestations over the ownership of land - had not yet been effectively addressed. The conflict had to continue so long as there was disagreement between the Banyoro and the mainly Baganda landlords over the ownership of most land in the two counties. It had been assumed by most Banyoro that the transfer of Buyaga

---

<sup>350</sup> *Interview*, with L.S., Nyankoma, August 26, 2011.

<sup>351</sup> *Africa Report*, December 1965, p.31.

<sup>352</sup> *Interview*, with J.K., Kahunde, July 29, 2011.

<sup>353</sup> *Interview* with B.Y., Muhooro, January 12, 2011.

<sup>354</sup> *Interview* with F.T., Mukumbwa, December 26, 2011.

and Bugangaizi territories to Bunyoro would automatically imply the end of the Baganda *mailo* land ownership rights in the two counties.<sup>355</sup> On the contrary, the Baganda land ownership rights could not just disappear unless legal steps were taken to transfer the land to the people of Buyaga and Bugangaizi counties. It's possible to suspect that the Prime Minister of Uganda, Apollo Milton Obote was aware of the need to explore ways of the legal transfer of ownership of the *mailo* land in Buyaga and Bugangaizi counties from the Baganda landlords to the Banyoro but decided to be silent about it to leave room for mending his relations with the Baganda landlords for political reasons.

## **5.6 The Public Lands Act 1969 and land rights contestation in Buyaga and Bugangaizi**

Although the government of Uganda led by Obote and his party – U.P.C was deeply involved in political struggles and conflicts with other individuals and parties, it promised to undertake extensive socio-economic improvements in Uganda as indicated in the Second Five-Year Development Plan of 1966-1971. By 1966, the U.P.C had been infiltrated by some K.Y members such as Abu Mayanja and Prince Alfred Joseph Kigala, who probably wanted to undermine the Obote regime from within.<sup>356</sup> Most of the K.Y officials who had defected to U.P.C represented the interests of traditionalists and landlords of Buganda, who appear to have influenced Obote to remain silent about the question of ownership of *mailo* land in Buyaga and Bugangaizi. However, after the 1966/67 political crisis which culminated in the declaration of the Republic of Uganda, Obote's government embarked on a reform plan, claiming that it intended to reduce the exploitation of the majority peasants/tenants by the landlords. As part of the U.P.C government's 'commanding heights strategy', the Common Man's Charter of December 1969 was introduced. It highlighted the aims of the 'move to the left', whose twelve of its forty-four clauses were against Buganda neo-traditionalism and claims for a special status in Uganda. The Common Man's Charter also suggested that some private firms and *mailo* land be nationalized to enable the people to control the means of production.

It was in the context of the move towards enabling the people (the majority peasants) to take control of the means of production (land) that the U.P.C government under Obote initiated a

---

<sup>355</sup> Interview, with J.K., Kahunde, July 29, 2011.

<sup>356</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm, p.223.

land reform programme in 1969. This was marked by the enactment of the Public Lands Act 1969. The main provisions of the Act were as follows:

- i) S.24 (1) customary tenants were free to occupy without grant, lease or licence any un-alienated public land in a rural area.
- ii) S.24 (2) a controlling authority could not make a grant of freehold or leasehold of public land occupied by customary tenants without their consent.
- iii) S.24 (3) an applicant for freehold or leasehold of public land occupied by customary tenants had to state the fact in the application and to furnish evidence of the consent of the occupiers.
- iv) S.24 (4) a customary tenant in occupation of public land was entitled to be paid compensation approved by the Minister if he was to lose the land to an applicant for a grant in freehold or leasehold.
- v) S.25 (1) a customary tenant could apply to the controlling authority for a leasehold estate in the public land occupied by him.
- vi) a Minister had to give consent to a controlling authority before it could grant a lease of public land in a rural area where the land was occupied by persons holding by customary tenure.<sup>357</sup>

The provisions of the Public Lands Act 1969 implied more freedom for the tenants to utilize the public land under their occupation in areas such as Buyaga and Bugangaizi counties. Under the Public Lands Act, the tenants had the option of applying for leasehold estates on the public land they were occupying. However, public land in Buyaga and Bugangaizi counties constituted only about 20% of the total cultivable land. The rest of the land in Buyaga and Bugangaizi counties was *mailo* land and was still legally owned by the Buganda absentee landlords. At the same time, more wealthy people from Kigezi and other parts of Uganda had begun to take advantage of the provisions of the Public Lands Act 1969 to occupy large parts of the public land and in some cases to acquire leaseholds in Buyaga and Bugangaizi counties. So, the Public Lands Act 1969, like the previous pieces of land reform legislation efforts did not substantially contribute to the resolution of land rights contestation in Buyaga and Bugangaizi counties.

## 5.7 Conclusion

This chapter has contributed to the understanding of how citizenship and belonging have been used to claim and counter-claim for land in Africa<sup>358</sup> and other societies. It has demonstrated the complexity of the British colonial legacy which the first post-colonial Uganda government confronted in an attempt to resolve the conflict over access to and ownership of land between the Baganda landlords and the Banyoro tenants in Buyaga and Bugangaizi counties. It

---

<sup>357</sup> Uganda Government (1969), *The Public Lands Act 1969*, Entebbe: Government Printer, p.16.

<sup>358</sup> C. Lund, *Op cit.*, p.74.

has shown that this conflict was one of the most destabilizing issues in post-colonial Uganda and was not resolved though there seemed to be opportunities for doing so. It has been noted that the 1964 referendum on Buyaga and Bugangaizi counties was not technically designed to resolve the land rights contestation in the two counties. The chapter has indicated that by the time of holding the 1964 referendum, the central government's survival partly depended on the support from the Baganda landlords who were interested in maintaining the *mailo* landlord-tenant relations in Buyaga and Bugangaizi counties. The question which perplexed the central government leaders such as Prime Minister Apollo Milton Obote was how to undertake the restitution of *mailo* land to the Banyoro customary claimants without threatening the stability of Uganda. Even if land restitution had been planned, how would it have been implemented bearing in mind that the *mailo* land register was incomplete as noted in the previous chapter? The chapter has highlighted that the post-1964 referendum on Buyaga and Bugangaizi counties period was characterized by more violent struggle over access to and ownership of land in the two counties. To make matters worse, the conflict significantly destabilized the central government from 1964 up to the declaration of a republic in 1967. As indicated above, the Land Act 1969 was used as a way of enhancing the power of the central government over the majority land users instead of resolving the outstanding land rights contestation in Buyaga and Bugangaizi counties. By the time Idi Amin Dada carried out a coup d'état of January 25, 1971, the conflict over access to and ownership of the predominantly *mailo* land in such as Buyaga and Bugangaizi counties had not been sorted out. Among other things, Amin's government attempted to undertake a series of socio-economic reforms which were often backed by Decrees such as the Land Reform Decree of 1975. The way how the land reforms by the Amin regime dealt with the conflict over access to and ownership of land in Buyaga and Bugangaizi counties is examined in next chapter.

## CHAPTER 6

### AMIN'S LAND REFORM POLITICS AND THE PERPETUATION OF CONFLICT OVER LAND IN KIBAALE DISTRICT, 1971 - 1995

#### 6.1 Introduction

The rise of Idi Amin to power in Uganda because of the January 25, 1971 coup d'état against Apollo Milton Obote marked the beginning of an eight-year regime which has been a subject of scholarly debate from different perspectives and has remained in the memories of many people for varying reasons. For instance, on October 18, 2009, an immigration officer at the Nino Aquino International Airport in Manila, Philippines, looked at my Uganda Passport and immediately asked: 'How is dictator Amin?' As he stamped in my passport, I informed him that Amin had been kicked out of power and was already dead. Similarly, a lot of literature portrays the negative side of Amin and his regime. It is particularly indicated by most literature that Amin captured political power from Obote for his own safety and that his regime was largely dictatorial and murderous.<sup>359</sup> This chapter looks at Amin and his regime as part of continuous tendencies in the politics of post-colonial Uganda, conditioned by internal and external forces. It examines the way how the Amin regime tried to carry out reforms in the economy, particularly in land tenure, as one of the regime's means of sustainability. It examines the main provisions of the 1975 Land reform Decree and the way how it perpetuated the conflict over access to and ownership of land in Kibaale district. The chapter observes that by declaring all land in Uganda as public land to be accessed and used on terms set by government, the Amin regime did not only subordinate its subjects but cleared the way for further growth of landlordism in such areas as Kibaale district. Although the impact of the Land Reform Decree of 1975 is considered to have been either insignificant by some scholars<sup>360</sup> or "never implemented" by others<sup>361</sup>, this chapter shows that the 1975 Land Reform Decree's abolition of *mailo* land ownership rights

---

<sup>359</sup> F.J. Ravenhill (1974), "Military rule in Uganda: The Politics of Survival", *African Studies Review*, vol.17, no.1, pp.229-260.

<sup>360</sup> J. Mugambwa (2007), "A comparative analysis of land tenure law reform in Uganda and Papua Guinea", in *Journal of South Pacific Law*, Vol.11, No.1, p.45.

<sup>361</sup> H.W.O. Okoth-Ogendo, "Land policy development in East Africa: A survey of recent trends", *DFID Workshop Paper* on "Land Rights and Sustainable Development in Sub-Saharan Africa", Berkshire, England, February 16-19, 1999, p.3.

instead cleared the way for further conflict over land rights. This was especially due to its provisions for: first, the *mailo* landlords to convert their interests into long-term leases, and second, new individuals to acquire long term land leases at the expense of customary occupants. The chapter stretches beyond the lifespan of the Amin regime to examine the way how land was accessed by new settlers in Buyaga and Bugangaizi counties during the 1980s, and how land rights issues were dealt with until the Land Reform Decree 1975 was repealed by the National Resistance Movement (NRM) government under the 1995 Uganda Constitution.

## **6.2 The Amin regime's consolidation efforts, 1971 – 1974**

The literature on Amin generally portrays the aspect of his dictatorship and the economic war which involved the expulsion of Asians from Uganda in 1972.<sup>362</sup> At the same time, a wrong impression is created that the Amin regime was distinct from the previous regime in terms of building and consolidating state power. This chapter argues that the Amin regime, was like in the previous regimes, bent on promoting its political power. It highlights the continuous aspects of the British colonial legacy, examines the way how the land tenure reforms such as those undertaken under the Land Reform Decree 1975 enhanced the Amin regime's control over the people and the extent to which the Decree contributed to further contestation and violent conflict over access to and ownership of land in Kibaale district by particularly opening the grounds for the emergence of new landlords.

It is important to note that like his predecessor, Amin recognized the need to mobilize support for his regime from Buganda (especially from the chiefs and landlords) at least in the short-run to consolidate himself in power. As argued by Jorgensen, it was not only Amin's support from important elements in the Uganda army which aided his initial success but also the popular discontent against Obote in Buganda.<sup>363</sup> Along similar lines of argument, Mutibwa also argues that:

what saved Amin and his collaborators, at least in the early period after the coup, was the geographical factor: the capital, where power was seized and held and where the

---

<sup>362</sup> M. Mamdani (1983), *Imperialism and Fascism in Uganda*, London: Heinemann, p.44.

<sup>363</sup> J.J. Jorgensen (1981), *Uganda: A Modern History*, London: Croom Helm, p.268.

international press was concentrated, lay in Buganda, the former kingdom where feelings towards Obote were not friendly.<sup>364</sup>

As indicated in the previous chapter, Obote's regime had lost popularity in Buganda, mainly due to two factors. First, the 1964 referendum by which the regime transferred Buyaga and Bugangaizi counties from Buganda to Bunyoro and, second, the regime's military attack on Buganda's palace at Lubiri in 1966 which resulted in the fleeing and eventual death of Kabaka (King) Mutesa II. So, Amin's rise to power might have particularly made the monarchists and the landlords to assume that the new regime was going to address their interests. Among those who immediately congratulated Amin were Prince George Mawanda (elder brother to King Edward Mutesa II), a prominent Buganda politician and landlord, Abu Mayanja and the former Buganda Prime Minister and landlord, Joash Mayanja Nkangi.

To boost support for his regime, Amin immediately released most of the political prisoners who had been held at the Luzira Maximum Security prison. He even arranged to return the body of the deceased Kabaka Mutesa II from England and it was accorded a state funeral at the Kasubi Royal tombs on April 4, 1971. Thus, most people in Buganda pledged to support the Amin regime. In the meantime, Amin enjoyed popular support in Buganda and in most other parts of Uganda. However, Amin's fear of potential enemies in the army and the challenges posed by a generally hostile international community influenced him to get involved in extra-judicial killings. Due to some attempts to overthrow him at the beginning of his regime, Amin ordered for the killing of hundreds of suspected enemies who included the Langi and Acholi soldiers. This forced several soldiers to flee to Tanzania where the deposed President Obote had taken refuge. It was from Tanzania that the first military attack on Amin's regime was launched in September 1972. After repelling the attackers, Amin explored various ways of mobilizing support for his regime from within and outside Uganda.

One of the ways in which Amin attracted political support from the indigenous Ugandans was the declaration of what came to be known as the economic war. This involved the expulsion

---

<sup>364</sup> P. Mutibwa (1992), *Uganda since Independence: A Story of Unfulfilled Hopes*, Kampala: Fountain Publishers Ltd., p.81.

of about 50,000 Asians from Uganda between August and December 1972.<sup>365</sup> Amin argued that it was an economic war meant to put Uganda's economy in the hands of Ugandans. Although it was a continuation of the post-colonial Uganda government's scheme of privatization, the way how Amin dealt with the Asian question was not appropriate enough to achieve steady economic growth and development. Instead, the expulsion of Asians from Uganda provoked widespread international condemnation and economic sanctions which contributed to economic decline.

Meanwhile, Amin took steps to consolidate the support for his government in south-western Uganda basing himself on the fact that rebels from Tanzania had invaded Uganda through Mutukula and Isingiro areas in September 1972. Despite the execution by firing squad of three suspected Bakiga rebels at Kabale Stadium on February 10, 1973, people in the region generally supported Amin. Perhaps as an assurance of loyalty to him, some Bakiga leaders (especially in Kamwezi Sub-county) proposed Amin's life presidency and promotion to the rank of Field Marshal.

It can be argued that the Bakiga expression of support for Amin was the most likely reason for the quick implementation of Ruteete resettlement scheme in Buyaga County of southern Bunyoro (present-day Kibaale district) in 1973 to accommodate about 300 families from the over-populated Kigezi region. Amin hoped to gain more support from the people of Kigezi after easing the population pressure and reducing their land disputes. At the same time, he was assured of loyalty and support from the Ruteete resettlement scheme beneficiaries to whom the government allocated productive pieces of land and some basic items. However, the establishment of the resettlement scheme without a clear policy framework and at the expense of customary land rights in Buyaga County cultivated the grounds for subsequent contestations and violent conflict.

To maintain the central government's control over the entire population of Uganda, the Amin regime retained the aspect of decentralized despotism which had been inherited from the British colonial masters. However, it introduced some modifications in the local government structure to dismantle the previous one which the Uganda People's Congress (U.P.C)

---

<sup>365</sup> P. Mutibwa (1992), *Uganda since Independence: A Story of Unfulfilled Hopes*, Kampala: Fountain Publishers Ltd., p.93.

government had put in place. The District, sub-County, Parish and sub-Parish chiefs and their respective committees were retained but unlike in the previous regime, they were not elective. They were instead chosen because of their loyalty to the government and had to undergo military training before being finally appointed.<sup>366</sup> By the end of 1973, the chiefs who were answerable to the central government through the District and Provincial Commissioners had been put in most parts of Uganda. They worked together with other state agencies to maintain order and implement government development programmes. The sub-county chiefs in Buyaga and Bugangaizi counties were usually so powerful that they could arrest and confiscate property. Due to their authority over land in their respective areas of jurisdiction, they commanded respect from the people, including the in-migrants who were required to get the chief's approval before settling on the land.

It is important to note that the central government's authority over the people in Kibaale and other parts of Uganda was exercised through the District Land Boards (DLBs) and the local government chiefs. Since the District Commissioner (D.C), an appointee of the President, was also in charge of supervising the DLB activities, the government was in position to dictate land allocation. This was an indication that, like the previous regimes, the Amin regime was determined to enhance its power over the rural people by exercising its authority to control/allocate land through the local government structures and authorities. In the same vein, Amin was aware of the need to boost his government's control over the Baganda landlords who had even tried to press for the restoration of their Kingdom. With the knowledge that the landlords derived their power from *mailo* land ownership, he proceeded to reform the land tenure laws in 1975.

### **6.3 The Land Reform Decree 1975 and its implications on conflict over land rights.**

As noted in the previous section, Amin considered land to be one of the factors for enhancing his political power. This led to the issuance of the Land Reform Decree, which became applicable from June 1, 1975. According to its opening statement, the Decree aimed "to provide for the vesting of Title to all land in Uganda in trust for the people of Uganda, to

---

<sup>366</sup> H. Campbell (1975) *Four Essays on Neo-colonialism in Uganda: The Military Dictatorship of Idi Amin*, Toronto: Afro-Carib Publications, p.39.

facilitate the use of land for economic and social development and for other matters connected therewith.”<sup>367</sup> Some scholars have argued that the Amin government did not effectively implement the Decree due to its pre-occupation with security threats.<sup>368</sup> This thesis argues that some of the provisions of the Decree were quite significant especially in terms of boosting the Amin regime’s political power, contributing to the emergence of new landlords at the expense of customary land occupants and laying further grounds for land disputes in Uganda in general and Kibaale district in particular.

The Land Reform Decree 1975 was used to enhance the Amin regime’s power through various ways. The state became an undisputed supreme landlord due to acquisition of title to all land in Uganda and the appointment of land administration officials because of political considerations. As indicated in section 1 of the Land Reform Decree:

all land in Uganda shall be public land to be administered by the Commission (Uganda Land Commission) in accordance with the Public Lands Act, subject to such modifications as may be necessary to bring that Act into conformity with this Decree. ... There shall be no interest in land other than land held by the Commission which is greater than leasehold, and accordingly, all freeholds in land and any absolute ownership, including *mailo* ownership, existing immediately before the commencement of this Decree are hereby converted into leaseholds.<sup>369</sup>

It was through structures such as the Uganda Land Commission that the Amin regime’s power over a wider section of Uganda society was boosted. It has been argued by some scholars that the Land Reform Decree enabled individuals who occupied land because of customary and *mailo* land tenure to apply for long-term leases.<sup>370</sup> However, it is important to note that very few customary land occupants could afford to acquire land leases. Moreover, it was mostly the state-connected individuals who obtained long-term land leases in places such as Kibaale at the expense of the majority poor population.

Some scholars argue that the conversion of freehold and *mailo* land into leaseholds of 99 and 199 years for individuals and public entities respectively, the Decree appeared to have

---

<sup>367</sup> Uganda Government (1977), *The Land Reform Decree 1975*, Decree No.3, Kampala: Uganda Land Review Commission, p.18.

<sup>368</sup> R. Barrows & W. Kisamba-Mugerwa (1989), “Land Tenure, Access to Land, and Agricultural development in Uganda”, Madison: Land Tenure Center, WI, USA, P.10.

<sup>369</sup> Uganda Government (1977), op cit.

<sup>370</sup> *Journal of African Law*, Vol.44, No.1 (2000), pp.65.

cleared the seven decades-long contested *mailo* land tenure for the case of Buyaga and Bugangaizi counties. They contend that, the conversion particularly implied that the Buganda absentee landlords who legally owned much of the land in Buyaga and Bugangaizi counties would no longer own it in perpetuity.<sup>371</sup> On the contrary, most of the *mailo* land in Kibaale district is still legally owned by absentee landlords.

It is only in a few cases that the Land Reform Decree 1975 contributed to some socio-economic improvement in Kibaale district. For instance, my field study in Kibaale district indicates cases of land acquisitions because of the 1975 Land Reform Decree, a few of which contributed to socio-economic improvement though others became sources of subsequent land rights contestation and violence. Positive socio-economic impact was mainly due to land acquisitions and large-scale commercial land use by religious-based groups of new land holders. For instance, in Mabaale Sub-County, the Banyatereza Sisters acquired a land lease in Kinyarugonjo village in 1975 on the 98-acre land which formerly belonged to an absentee *mailo* landlord. This group of Sisters successfully established a Health Centre, church, schools and large gardens of crops such as bananas, maize, cassava, potatoes, beans, groundnuts and vegetables on their land in Kinyarugonjo in the years that followed.<sup>372</sup> The Banyatereza Sisters' operations on the land in Kinyarugonjo gained the local people's approval and support, especially after the establishment of the Catholic Parish centre, health facilities and educational institutions.

Unlike the above case, most of the long-term leases over extensive pieces of land which was acquired by the former *mailo* landlords and the new leaseholders practically became problematic to the majority customary occupants in Buyaga and Bugangaizi counties. To make matters worse, the Decree threatened the land tenure security of the public land occupants whose consent was no longer a requirement before being moved out of their land for official purposes. The Uganda Land Commission could lease the land occupied by the customary tenants without their consent and without necessarily compensating them.<sup>373</sup> It was in this context that several large land leaseholds contributed to increased conflict over access to and ownership of land in

---

<sup>371</sup> L.N. Bategeka (2003), "The effects of SAPs on Land Use under different land tenure systems in Kibaale district", *Poverty policy perspectives*, Working Paper No.33, Kampala: NURRU Publications, p.21.

<sup>372</sup> *Interview*, with E.K., Kinyarugonjo, December 22, 2011.

<sup>373</sup> Land Reform Decree, Section 3.

Kibaale district. A case in point is the 1,200 acres of land in Kenga near Muziizi River which the Uganda Land Commission leased to a politically influential man in 1976 who allowed the customary occupants to remain on it so long as they continuously gave part of their crop harvests to the leaseholder. Misunderstandings began to develop in the 1990s, especially after the tenants had refused to fulfill their seasonal tenancy obligations. The tenants claimed customary ownership of the land and threatened to use witchcraft against the landlord if he insisted on his claims.<sup>374</sup> This is one of the various land disputes between the Banyoro landlords who claimed statutory land rights and the Banyoro tenants who insisted on their ancestral land ownership rights.

However, the conflict between the Banyoro landlords who benefited from the Land Reform Decree of 1975 and the largely Bakiga new settlers over access to and ownership of land had become complex by the 1990s. One example which my field study covered concerns the 180.7-hectare land, located in Mangoma Parish of Mabaale sub-county, for which Tom Kaligenda acquired a lease from the Uganda Land Commission in 1976. Tom opened large fields on which he successfully carried out cattle grazing and cash crop growing and subsequently constructed a permanent residence in Mangoma village.<sup>375</sup> But he later found himself involved in land disputes with the new settlers. This was particularly between himself and the largely Bakiga new settlers some of whom he had employed as casual laborers while others had shifted from the nearby Ruteete resettlement scheme. By the time Tom died in the 1990s, some of the new settlers had reached an extent of cutting the barbed wires and killing cattle which often destroyed their crops. In an interview with one of the sons of the late Tom, I was told that the land dispute had escalated despite efforts by various Kibaale district authorities to resolve it.<sup>376</sup> I wondered why and how could the new settlers encroach on the land, legally owned by an early settler, with impunity? After interviewing some of the new settlers, I was informed that most them had spent about 15 years on the land and were *bona fide*<sup>377</sup> land occupants as stipulated by the Land Act 1998. Judging from this kind of evidence, it can be argued that some of the provisions of the

---

<sup>374</sup> Interview, F.K., Kenga, January 4, 2012.

<sup>375</sup> Interview, with S.K., Mangoma, August 9, 2013.

<sup>376</sup> Interview, Y.K., Mabaale, February 13, 2012.

<sup>377</sup> Uganda Government: *The Land Act 1998*, 29(a) and (b).

1995 Uganda Constitution and those of the Land Act 1998 instead hardened the resolution of disputes over access to and ownership of land in Kibaale district and Uganda at large.

Thus, despite the political and economic value which the Amin regime attached to the Land Reform Decree of 1975, it strengthened the grounds for continuous land rights contestation and violent conflict in some parts of Uganda. This was particularly evident in Buyaga and Bugangaizi counties of Kibaale district, where instead of resolving the *mailo* land-related conflicts, the Decree encouraged the emergence of more landlords. Moreover, the Decree increased the possibilities for the state-appointed local authorities,<sup>378</sup> at village level locally known as (habutongole), parish (Ahamuluka) and sub-county (Haigombolola) levels to meddle in land matters as they saw fit. Consequently, several chiefs did not only use their authority to acquire large chunks of land but also recommended the new settlers to acquire land at the expense of the pre-existing customary land occupants.<sup>379</sup>

#### **6.4 New Settlers and the increment of land rights regimes, 1970s – 1990s**

Kibaale district was among the most targeted destinations in Uganda by migrants from other parts of Uganda and the neighboring countries during the period of 1970s to the 1990s. This was partly due to the abundant fertile land and relatively easy means of accessing it by people from elsewhere. The new settlers managed to access land in Buyaga and Bugangaizi counties through various ways such as government-aided resettlement schemes, gifts, marriage, purchases, grabbing, and occupation of seemingly free land. By the early 1970s, many Banyoro in Buyaga and Bugangaizi counties had established friendship with the new settlers from mainly Kigezi region to the extent of even giving them free pieces of land on which to settle and cultivate. As stated by one of my interviewees, due to his father's friendship with the Parish chief of Kyakabanda, he was given a large piece of land, locally known as *ekibanja* (the term *Kibanja* literary refers to tenancy obligations on someone's land) in December 1972.<sup>380</sup> Another participant Byarugaba of Kikwaya in Kasambya Sub-county said that he was first given about three acres of land by a Munyoro friend in 1973. He indicated that after building a house and

---

<sup>378</sup> Though often regarded as chiefs, most of these officials had been detached from the traditional society because of military training and by the terms of service which made them agents of the central government. This meant that they were no longer traditional chiefs.

<sup>379</sup> Interview, B.I., Paachwa, December 24, 2011.

<sup>380</sup> Interview, Kyakabanda, November 29, 2011.

cultivating the initial land, he bought about 15 more acres of land in phases from the original people in the neighborhood.<sup>381</sup> Most of my interviewees in Buyaga and Bugangaizi indicated that much of the land which the new comers initially occupied had been easily acquired either through friendship or by paying little money to chiefs and other indigenous people. In some instances, the new comers were just left to freely settle in areas which the Banyoro had not occupied by that time due to the remoteness of the land and infestation by the Tse Tse flies. In other cases, the new comers' settlements served as Banyoro's shields against vermin and wild animals.<sup>382</sup>

The other new settlers in Kibaale district were part of first largest government-aided resettlement scheme which comprised of about 300 families of mainly Bakiga people from Kigezi region of south western Uganda. As earlier noted, they were transported and put in Ruteete resettlement Scheme just outside Kagadi town in Buyaga County in 1973. At that time, there was no conflict between the Banyoro and the new settlers because land was in abundance and the new comers were thought to be in the area on temporary basis.<sup>383</sup> The population in Ruteete resettlement scheme significantly increased between 1973 and 1985 from 3,000 to about 10,000 because of normal reproduction and the entry of more groups of migrants from western Uganda as well as the returnees from Tanzania.<sup>384</sup>

The second major resettlement scheme was undertaken in Kisiita Sub-county of Bugangaizi County in 1993. This involved about 3,600 families of mainly Bakiga people who had been evicted from Mpokya forest and game reserve in Kabarole district.<sup>385</sup> The Kisiita resettlement camp members quickly attracted more thousands of people from mainly south-western Uganda to the camp while others flocked the neighboring sub-counties such as Nkooko, Nyarweyo, Kasambya and Kakindo. The new settlers either bought land from the earlier settlers or just occupied what they perceived to be free land.

Meanwhile, even the government forest reserves came under increased pressure from the new settlers. According to one of my interviewees, the main forest reserves such as Kagombe,

---

<sup>381</sup> Interview, Kikwaya, February 10, 2011.

<sup>382</sup> Interview, Former Parish Chief, Z.S., Paachwa, December 25, 2010.

<sup>383</sup> Interview, with R.P., Igayaza, December 24, 2011

<sup>384</sup> Mubende Banyoro Committee Memorandum, 2005, p.7.

<sup>385</sup> Uganda Government: Report of the Commission of Inquiry into Bunyoro Issues, 2006, p.50.

Kasaato, Nyakarongo and Ruzaire, which had served as sources of game, herbs and wood, were significantly depleted by the new settlers and some Banyoro in the 1980s and 1990s.<sup>386</sup> As explained by one of the new settlers whom I met on her family land on the fringes of the remaining part of Ruzaire forest reserve, most people were attracted to the forest by the high fertility of the soils, which contributed to high yields of bananas, cassava, potatoes, beans, sorghum and upland rice.<sup>387</sup> Indeed, after several decades without being cultivated, the land under forests in Kibaale district remained fertile and attracted encroachers, especially due to weak forest management by the responsible government departments.

It should also be noted that some new settlers accessed/acquired land, either, after initially being casual laborers/workers of the first settlers (Banyoro) or being party to intermarriages with the Banyoro. It was for instance common for the Bakiga and Banyarwanda who worked for the Banyoro to receive portions of land as gifts. Other settlers who intermarried with the Banyoro were also often given land, either as gifts or as good gesture to new members of the Banyoro families. As indicated by most of my interviewees, there were more cases of Banyoro who married girls/women from Kigezi than the number of new settlers who married the Kibaale district girls/women. One of the reasons for intermarriage between the new settlers and the Banyoro was the need by the new settlers to facilitate their land acquisition in Kibaale district. The second reason was the fact that the Banyoro believed that the women from Kigezi were more hard-working than their own women and could therefore boost their agricultural outputs.<sup>388</sup> Finally, the intermarriages were carried out to cement the relations between the Banyoro and the new settlers from mainly Kigezi. To the new settlers, whose numbers were still small in the 1970s, they thought that their security amidst the majority Banyoro in Buyaga and Bugangaizi counties would be assured. This factor is clearly reflected in the following excerpt of an interview record:

Intermarriage is good because you get children who will think twice before attacking the tribe of their mother or father. That will be the beginning of harmonious living and people will begin looking at each other as brothers and sisters. Love knows no

---

<sup>386</sup> Interview, with Z.S., Kamata, July 18, 2014.

<sup>387</sup> Interview, with M.K., Kikonda, February 5, 2014.

<sup>388</sup> Interview, A.R., Irobe, February 21, 2011.

borders. If two young people meet and they like each other, you can't do anything to stop them.<sup>389</sup>

Indeed, many Banyoro and the new settlers from Kigezi intermarried mainly from the early 1970s. This helped to establish close relations which in turn contributed to cultural intermingling. This mainly applied to areas where the predominantly Bakiga migrants settled among many early settlers in Kibaale district.

In some other areas like Mpeefu and Rugashari in Buyaga County, the new settlers found almost unoccupied land on which they established their settlements and grew a variety of crops. Accordingly, the settlers in these places remained quite free from the influence of the Banyoro culture and language. They led almost similar life as that of Kigezi and even introduced their own names such as Rugashari for their new settlements.<sup>390</sup> By the late 1980s, the settler population had significantly increased to the extent of challenging the Banyoro in the competition for land and political power in Kibaale district. Despite the intermarriages and other forms of relationships between the Banyoro and the new settlers, the level of conflict in Kibaale district was gradually rising. Due to the competitive electoral politics, even those politicians who were part of the inter-marriages began to mobilize political support using and praising certain cultural markers. At the same time the Banyoro and the new settlers were increasingly involved in land disputes. As indicated by some of my interviewees, the Banyoro reminded the predominantly Bakiga new settlers that even the land they were occupying in such areas as Mpeefu and Rugashari customarily belonged to the Banyoro.<sup>391</sup> The Banyoro claims were often challenged by some of the new settlers who argued that they were entitled to the land as stipulated by the Land Decree of 1975. Other settlers claimed that they had bought the land from some Banyoro individuals.<sup>392</sup> Despite the claims by the Banyoro, the high concentration of new settlers in some parts of Kibaale district assured them of security against possible attacks from the early settlers. Their marriage relations with the Banyoro and the numerical advantage which they enjoyed in some parts of Kibaale district contributed to their social security and confidence. This is illustrated in the statements of one new settler politician who said that:

---

<sup>389</sup> *Interview*, E. Namazzi vis-à-vis H.F. Miiirima, August 15, 2009.

<sup>390</sup> Report of the Government Committee of Inquiry into the political developments in Kibaale district, April 2002, p.15.

<sup>391</sup> *Interview*, with, D.N., Kagadi, December 22, 2011.

<sup>392</sup> *Interview*, with, A.K., Kagadi, December 22, 2011.

We also have strong values, which we protect. Our people are known to be hard workers. We speak the truth. We are straightforward. Many words in Runyoro are not straightforward; you should speak in circles. How are we going to speak in Runyoro we who are straightforward? We shall adopt the good things in Bunyoro culture. We appreciate their good things — like the pet names (empaako). Mine is Ateenyi and they call me that and it is a good thing. We have married them — my wife is from Bunyoro and we have four children. However, we shall neither adopt the bad aspects of Banyoro culture nor give up the struggle for our land rights.<sup>393</sup>

In consideration of the above statement, I argue that the intermarriage between the new settlers from particularly Kigezi region and the early settlers known as Banyoro in Kibaale district did not completely guard against violent conflict over access to and ownership of land. Though it is evident that those people who migrated from Kigezi region easily settled and acquired land in Kibaale district partly due to their marriage relations with the early settlers of Kibaale district,<sup>394</sup> there was increased violent conflict between the early and the new settlers during and after the 1990s. The conflict has been partly attributed to the rapid population growth in Kibaale district which increased from 83,683 people in 1969 to 220,261 people in 1991.<sup>395</sup> It is correct to argue that the population pressure on land and an increasingly complex system of overlapping land rights regimes contributed to widespread violent conflict in Kibaale district but the question of why no appropriate steps have been taken to resolve the conflict remains unanswered. Despite the National Resistance Movement (N.R.M) government's constitutional and land law reforms, conflict over access to and ownership of land in particularly Kibaale district persists. As argued in the next section, the shortcomings in the 1995 Uganda Constitution and the subsequent land reform laws instead reduced the possibilities of resolving the persistent conflict in Kibaale district.

## **6.5 The 1995 Uganda Constitution and the land-related conflicts in Kibaale district**

In the period 1990-2000, 17 African countries and about 14 Latin American states either altered or wrote new constitutions in order to improve on democratic constitutionalism.<sup>396</sup> Similarly, the National Resistance Movement (N.R.M) government embarked on the making of a

---

<sup>393</sup> Interview, with E.N and B.T., August 15, 2009.

<sup>394</sup> Interview, with D.T., Kyabasara, December 15, 2011.

<sup>395</sup> Uganda Government, Population Census Report, 1991.

<sup>396</sup> D.C. Moehler, (2006), "Participation and support for the constitution in Uganda", *The Journal of Modern African Studies*, Vol.44, No.2, Cambridge University Press, p.277.

new constitution which was, among other things, intended to redress past mistake in issues such as land tenure in Uganda. Though the changes and problems which the country had experienced since independence were used as a justification for constitutional reform, it can also be argued that President Museveni hoped to gain legitimacy through the reforms.<sup>397</sup> As part of the Constitutional reform process, a Constitutional Commission chaired by Justice Benjamin Odoki was established to gather the necessary information which eventually constituted the report of 1992. Among other things, it recommended that: (a) the Land Decree of 1975 be repealed; (b) the customary tenants be allowed to apply for freehold rights over the public land they were occupying; (c) the *mailo* land rights be converted into freehold; (d) leases on public land be converted into freehold; and there should be an update and decentralization of the land registry.

Following the recommendations of the Constitutional Commission, steps were taken to establish a Constituent Assembly (C.A). The elections for delegates of the C.A were held in March 1994. The C.A was established and did its work until it promulgated the new Constitution of the Republic of Uganda on October 8, 1995. The land-related provisions from three Articles of the 1995 Uganda Constitution are worth citing here, to highlight its shortcomings in the resolution of conflict over access to and ownership of land in Kibaale district.

First, Article 26 of the 1995 Uganda Constitution provides for people's protection from deprivation of property and states that:

- (1) Every person has a right to own property either individually or in association with others.
- (2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied: (a) the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for: (i) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property.<sup>398</sup>

---

<sup>397</sup> W. Muhumuza, (2009) "From Fundamental Change to No Change: the NRM and the democratization in Uganda", in *Le Cahiers d'Afrique de l'Est*, No.41, p.24.

<sup>398</sup> Uganda Government (2006) *Constitution of the Republic of Uganda 1995*, Kampala: Uganda Law Reform Commission, pp.43 – 44.

Second, Article 29, clause 2, states that “Every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda”.<sup>399</sup> Although this clause provides for Ugandans to freely move and either access or own land in any part of Uganda, they have at times been challenged by the question of *de facto* local belonging.

Lastly, Article 237 of the 1995 Uganda Constitution deals with more specific land rights and it states that:

- (1) Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution.
- (2) Notwithstanding clause (1) of this article: (a) the Government or a local government may, subject to Article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament; (b) the Government or a local government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens; (c) non-citizens may acquire leases in land in accordance with the laws prescribed by Parliament, and the laws so prescribed shall define a noncitizen for the purposes of this paragraph.
- (3) Land in Uganda shall be owned in accordance with the following land tenure systems: (a) customary; (b) freehold; (c) *mailo*; and (d) leasehold.
- (4) On the coming into force of this Constitution: (a) all Uganda citizens owning land under customary tenure may acquire certificates of ownership in a manner prescribed by Parliament; and (b) land under customary tenure may be converted to freehold land ownership by registration.
- (5) Any lease which was granted to a Uganda citizen out of public land may be converted into freehold in accordance with a law which shall be made by Parliament.
- (6) For the purposes of clause (5) of this article, "public land" includes statutory leases to urban authorities.
- (7) Parliament shall make laws to enable urban authorities to enforce and to implement planning and development.
- (8) Upon the coming into force of this Constitution and until Parliament enacts an appropriate law under clause (9) of this article, the lawful or *bona fide* occupants of *mailo* land, freehold or leasehold land shall enjoy security of occupancy on the land.
- (9) Within two years after the first sitting of Parliament elected under this Constitution, Parliament shall enact a law: (a) regulating the relationship between the lawful or *bona fide* occupants of land referred to in clause (8) of this article and the registered owners of that land; (b) providing for the acquisition of registrable interest in the land by the occupant.<sup>400</sup>

---

<sup>399</sup> Ibid., p.47.

<sup>400</sup> Uganda Government (2006), *Constitution of the Republic of Uganda 1995*, Kampala: Uganda Law Reform Commission, pp.169 – 170.

Although the 1995 Constitution was meant to provide a basis for the most up-to-date legal framework in Uganda, many of its provisions about land were not adequate to ensure efficient land tenure and, in some cases, instead created grounds for further conflict. For instance, Article 26 appears inadequate in guaranteeing the land rights of the early settlers (known as Banyoro) in Kibaale district who insist that they were earlier deprived of their land by the British colonial agents (the Baganda chiefs) following the signing of the 1900 Buganda Agreement. Similarly, clause 2 of Article 29 which provides for the right of every Ugandan to move and settle in any part of Uganda has some limitations. Although it provides for the enjoyment of national citizenship rights such as the right to have access/own land in any part of the country, it does not ensure against the clash with local citizenry rights. Indeed, in 2003 there were violent conflicts between the Bakiga who moved from southwestern Uganda to acquire land in Kibaale district and Banyoro who claimed local citizenship land rights in the same district.<sup>401</sup> Similar conflicts occurred in different parts of Uganda and other African countries because of citizenship issues.

To make matters worse, Article 237 of the 1995 Uganda Constitution repealed the 1975 Land Reform Decree and restored the *mailo* land tenure which particularly made the land question in Kibaale district more complicated to resolve than before. By restoring *mailo* land tenure, the 1995 Constitution reinforced the Baganda Absentee landlords' claims for *mailo* land in Kibaale district. Although there was a constitutional provision for parliament to enact a law to regulate the relationship between the registered land owners and the bona fide occupants, it was not clear as to how the landlord-tenant conflicts in areas like Kibaale could be effectively resolved. Moreover, the constitution did not have the provisions which would effectively resolve the contestation between the various categories of people who were at different levels of land regimes by the 1990s.

As result, though the 1995 Uganda Constitution improved the democratic political culture, it helped those overseeing the constitutional making process to prolong transitional rule and get entrenched.<sup>402</sup> Moreover, the national constitutional provisions on land were/are in some cases challenged by the *de facto* local citizenship. This explains the conflict between the statutory

---

<sup>401</sup> A. Tumusiime (2003), "Children Beheaded in Kibaale clashes", *The New Vision*, Vol.18, No.126, May 27, 2003, pp.1-2.

<sup>402</sup>D.C. Moehler (2006), *Op cit.*, p.280.

owners of land (mostly Baganda) and the customary land occupants (mainly Banyoro) in areas like Kibaale.

## **6.6 Conclusion**

This chapter has shown how, instead of instituting measures for streamlining the land rights and resolving land disputes, the Amin regime concentrated on entrenching its political power. It has argued that Amin's introduction of the 1975 Land Reform Decree worsened the landlord-tenant relations in areas like Kibaale district. The chapter has pointed to the emergence of new large landowners at the expense of the majority peasants. Moreover, it has shown that the Amin regime's policy of replacing the former local chiefs with new ones (loyalists to the military government) disorganized the grass-root land administration system. Consequently, the chapter has argued, there was massive unregulated migration of various peoples from mainly southwestern Uganda and the neighboring territories to Kibaale district. This resulted in increased contestation and violent conflict over access to and ownership of land in Kibaale district in spite of the formulation of the 1995 Uganda Constitution. The circumstances that led to increased conflict over land are discussed in the next chapter.

## CHAPTER 7

### LAND POLITICS AND CONFLICT IN KIBAALE DISTRICT SINCE 1996

#### 7.1 Introduction

This chapter examines the factors for persistent contestation and violent conflict between the early settlers (mainly Banyoro) and the newcomers (such as the Baganda and Bakiga) over access to and ownership of land in Kibaale district from 1996. It aims to highlight: why the conflicts over access to and ownership of land intensified during and after 1996 despite constitutional and land reform efforts. The chapter contributes to a broader debate on land-related conflict and the challenges to land reform in Africa. Moyo points to the disappointing neoliberal land reforms in Southern Africa which instead of benefiting the majority, led to greater concentration of foreign and local elite land ownership.<sup>403</sup> Mafeje also observes that, in spite of the promises by most post-colonial African governments to redress issues such as the historical land expropriation-related injustices, little has so far been achieved.<sup>404</sup> Ntsebeza argues that the colonial and post-colonial central governments' maintenance of decentralized despotic systems and particularly the empowerment of traditional authorities in the allocation of land in the rural areas of South Africa and in other parts of Africa has been a compromise to democratic processes.<sup>405</sup> These studies contribute to general understanding of unsuccessful land reforms and miss some specific cases of land questions. For instance, Mamdani's theory of decentralized despotism is relevant to the understanding of how the colonial and post-colonial governments have upheld the local despotic structures, thereby contributing to contestation and violent conflict over land between strangers and customary occupants.<sup>406</sup> However, the theory does not fully explain persistent land rights contestation and violence in some parts such as Kibaale district. This chapter serves to illustrate the circumstances that contributed to increased land-related violence in Kibaale district in 1996 despite the reformed electoral process.

---

<sup>403</sup> S. Moyo (2002), "The Land Question and Land Reform in Southern Africa", *April 18-19, 2002 Conference Paper*, Pretoria: National Institute for Economic Policy, p.1.

<sup>404</sup> A. Mafeje (2003), "The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa" *Civil Society and Social Movements*, Geneva: United Nations Research Institute for Social Development, p.4.

<sup>405</sup> L. Ntsebeza (2005), *Democracy Compromised: Chiefs and the Politics of land in South Africa*, Leiden: Koninklijke Brill NV, p.25.

<sup>406</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.109.

## 7.2 Competitive elections and conflict in Kibaale district since 1996

The resumption of competitive electoral politics in Uganda in 1996 should have cleared more avenues for peace-building but it instead gave way to highly political and partisan expression of land grievances which culminated in violent conflict in some parts of the country. One of the most affected areas is Kibaale district which has experienced a series of violent conflict, especially during the election periods in 1996-1998, 2001-2002, 2006, and 2011. The question to be addressed here is: what has led to increased violent conflict over land in Kibaale district since 1996 and why has it been difficult to resolve?

To address the above question, there is need to put into consideration, the dramatic increase of new settlers in Kibaale starting from the early 1990s, the shortcomings of land administration institutions, the competing land rights regimes and the politicization of land rights. Like in many other parts of Uganda, officials in the Resistance Committees (R.C) in Kibaale district were empowered by the Local Government Act to collect fines from offenders and levy fees on local land transactions.<sup>407</sup> Through the R.C system (which became Local Council or L.C system after the enactment of the 1995 Uganda Constitution), the new settlers (most of them from Kigezi region) in parts such as Rugashari, Mpeefu and Kiryanga of Kibaale district dominated the local government positions which made it easy for them to allocate land to more people from Kigezi and other areas such as Rwanda. The new settlers used their local government positions to allocate parcels of land to more thousands of new comers in 1996 and afterwards to boost the numbers of their potential political supporters during elections.<sup>408</sup>

By the time of the 1996 presidential and parliamentary elections, various elective positions had increasingly become attractive to people in Kibaale district and other parts of Uganda. Like in most of the other 38 Uganda districts, the parliamentary elections became more competitive than the presidential elections which took place on May 9, 1996. Although the parliamentary candidates were required to campaign for votes based on individual merit, some of them did not only mobilize along sectarian lines but also used negative propaganda in relation to land rights. By using such negative propaganda in Buyaga County, Robert Kakooza (late settler)

---

<sup>407</sup> Interview with T.A., Kagadi, October 19, 2013.

<sup>408</sup> Interview with B.I., Kamata, December 24, 2013.

obtained 35% of the total votes from the predominantly new settler areas which put him above his closest rivals, Tibyata Bigirwa (first settler) and Ignatius Besisira (first settler), during the parliamentary elections of June 27, 1996.<sup>409</sup> One of the candidates who campaigned for the 1996 Buyaga parliamentary seat and lost to Robert Kakooza told me:

Can you imagine! Some of my political rivals were spreading false rumours that I was a thief while others portrayed me as one of the people who were planning to chase the immigrants out of the land they were occupying in Kibaale district. This negative propaganda must have contributed to my failure to win the parliamentary seat.<sup>410</sup>

Due to the competition for votes basing on land rights and sectarian lines, the 1996 parliamentary elections were marked by violent conflict in places such as Kakindo, Kagadi and Mabaale.<sup>411</sup> The violent attacks and counter-attacks were mainly carried out by the energetic male youth. Unfortunately, the victims of the attacks were mainly the women and children who remained at the homes.

In the same vein, the local council elections of 1998 were characterized by violent conflict in some parts of Kibaale district. This was because the elective offices from the lowest up to Local Council 5 Chairperson (District Chairperson) had become attractive. The position of district Chairperson, elective by universal adult suffrage through a secret ballot,<sup>412</sup> became as competitive as that of a national parliamentary seat mainly due to its importance to the first and late settlers in terms of decision-making authority on land issues. By that time, most of the new settlers (especially the Bakiga and Banyarwanda), who had been told that the Banyoro were planning to evict them from their land in Kibaale district, were determined to vote for settler candidates. As remarked by one politician:

In 1996, I campaigned for the parliamentary seat of Bugangaizi County and got few votes from the *Bafuruki* dominated areas. In 1998, some members of the district council, such as Fred Rulemeera, Grime Atwongyeire, and Josephat Tumwesigye were not happy with the district chairman Sekitoleko who had not appointed them to membership of the district executive committee. They complained that the district

---

<sup>409</sup> Uganda Government: Interim Electoral Commission Report, 1996.

<sup>410</sup> Interview, with B.I., Kamata, March 2, 2011.

<sup>411</sup> Interview with K.J., Kagadi, November 4, 2010.

<sup>412</sup> F. Lubanga and S. Villadsen, (2000) eds. *Democratic Decentralization in Uganda: A New Approach to Local Governance*, Kampala: Fountain Publishers, p.53

chairman did not appoint them because they were *Bafuruki*. These three *Bafuruki*, are the ones who decided to campaign on sectarian basis, appealing for votes from the *Bafuruki*. Some *Bafuruki* candidates spread the propaganda that the Banyoro would chase them from Kibaale land if they did not vote the *Bafuruki*. So, we need to consider these issues if we are to understand the conflict in Kibaale.<sup>413</sup>

In consideration of the above, it can be argued that to ensure their victory against the Banyoro candidates in Kibaale district during the local and national elections, the new settler local council chiefs continuously encouraged more people from the densely populated Kigezi and other areas to migrate into Kibaale district. This contributed to rapid population growth in Kibaale district from 220,661 in 1991 to 405,882 in 2002.<sup>414</sup> Unfortunately, the land administration framework was not and is still not effective enough to resolve the contestations/conflict in Kibaale district. Article 240 of the 1995 Uganda Constitution provided for the establishment of a District Land Board (DLB) for each district in Uganda. By Article 241 of the Constitution, the functions of a DLB include: (a) to hold and allocate land in the district which is not owned by any person or authority; (b) to facilitate the registration and transfer of interests in land; and (c) to deal with all other matters connected with land in the district in accordance with laws made by parliament.<sup>415</sup> The membership of the DLB is specified by the Land Act 1998 which requires one third of the members to be women. For the resolution of land disputes, the 1995 Uganda Constitution provided for the establishment of a Land Tribunal in each district. Article 243(2) of the Constitution states the jurisdiction of a District Land Tribunal to include: (a) the determination of disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land commission or other authority with responsibility relating to land; and (b) the determination of any disputes relating to the amount of compensation to be paid for land acquired.<sup>416</sup> The Land Act 1998 provides for the establishment of a Land Committee, consisting of at least three men and one woman in each parish (Muluka). The main function of the Land Committee is to determine, verify and mark the boundaries of the customary land for which a Certificate of Customary Ownership (CCO) has been applied.

---

<sup>413</sup> Interview, with A.K., February 3, 2014.

<sup>414</sup> Uganda Government: Uganda Bureau of Statistics, 2002.

<sup>415</sup> Uganda Government: The Constitution of the Republic of Uganda, 1995, p.171.

<sup>416</sup> Ibid., p.172.

Unfortunately, the image of Kibaale District Land Board has been tainted by corruption and sectarian tendencies. As demonstrated in the subsequent sections of this thesis, the DLB members were in some cases involved in the land redistribution exercises which were considered as biased by groups of new settlers. Moreover, the members of the Kibaale district Land Tribunal were not only underfunded but were also accused of corruption before their services were formally suspended in 2006. To make matters worse, no effective land committees were established in most parishes of Kibaale district and where they existed, they were either corrupt or were biased in favor of categories of claimants for land rights. Accordingly, the above stated loopholes in the land administration institutions in Kibaale district culminated in more violent conflict between 2001 and 2003.

### **7.3 Politicized land rights and conflict in Kibaale district, 2001 – 2003.**

There was fresh tension in Kibaale district at the end of 2000 as preparations for the local and national elections were underway. This coincided with more massive in-migration of people from particularly south-western Uganda, Rwanda and the Democratic Republic of Congo.<sup>417</sup> Like in the previous elections, the issue of land rights took a central position in the 2001 elections. The campaigns by the local politicians from both the first and late settler sides hinged on the questions of access to and control of land. One of the local political activists, Joseph Kazairwe convened a meeting at Kibaale district headquarters and reconstituted the Mubende Banyoro Committee (MBC) on July 30, 2001. While in the meeting, the MBC members resolved that “the indigenous people should take control of the top political posts to remain in control of their motherland”.<sup>418</sup> The MBC strongly worded message to the new settlers (locally known as *Bafuruki*) was also aired through the Kibaale Kagadi Community Radio (KKCR).

The *Bafuruki* were alarmed by the MBC pronouncements and announced their determination to fight against anyone who would try to chase them out of their land. Eventually, the *Bafuruki* met at the end of 2001 and resolved to establish an association known as the *Bafuruki* Committee (BC) for ensuring their political rights and land tenure security in Kibaale district. The BC soon became instrumental in the campaigns for the *Bafuruki* candidates whom

---

<sup>417</sup> Interview with H.F.M., Kisugu, September 12, 201.

<sup>418</sup> Minutes of the Mubende Banyoro Committee, July 30, 200.

they hoped to occupy strategic political positions to guarantee their stay on the Kibaale district land.<sup>419</sup>

Meanwhile, there was increased violence as the local politicians in conjunction with the MBC leaders conducted campaigns for local council positions in Kibaale district. To cause the exclusion of *Bafuruki* from the Kibaale political space, Joseph Kazairwe and his colleagues likened the *Bafuruki* from especially Kigezi as a new colonial force which was almost like the Baganda who had up to 1964 physically occupied the land in Buyaga and Bugangaizi counties. The Banyoro politicians and their followers insisted on their customary ownership rights to all land in Kibaale district and called for urgent intervention from the central government to restore their ownership rights over *mailo* land. This was counteracted by the *Bafuruki* claims for their political and land rights in Kibaale district as stipulated by the 1995 Uganda Constitution and the Land Act 1998. It was this contestation which stirred violence during and after the February 14, 2002 district Chairmanship elections. It is evident from my interviews with some new settlers that they chose to vote as a block for their candidate, Fred Rulemeera as the Kibaale district Chairman in February 2002 due to rumors that the Banyoro were planning to expel the new settlers from Kibaale district land.<sup>420</sup> The new settlers were of the view that the occupation and retention of strategic political posts in Kibaale district would safeguard them against expulsion from their land.

The strong suspicions between the Banyoro and Bafuruki over the land in Kibaale district contributed to violent conflict during the elections of February 14, 2002. The situation was worsened by the incumbent district chairman Sebastian Sekitoleko's loss of the election contest to defeat his rival, Fred Rulemeera (a new settler) who scored 55.9% of the total votes cast.<sup>421</sup> The election of Fred Ruremeera to the Kibaale district chairmanship provoked widespread protests and violence from the strongholds of the Banyoro. In one of the instances, Sebastian Sekitoleko was involved in the mobilization of the Banyoro from within and outside Kibaale district to block Rulemeera from taking over the Kibaale district chairmanship. On March 5, 2002, he mobilised thousands of supporters from Kibaale and the other parts of

---

<sup>419</sup> Interview with K.B., Nyanseke, October 18, 201.

<sup>420</sup> Interview, T.N., Mangoma, November 28, 2010.

<sup>421</sup> *The New Vision*, February 15, 2002.

Bunyoro region such as Hoima and Masindi.<sup>422</sup> This led to a massive demonstration which was only stopped by heavy police deployment to various strategic locations in Kibaale district.

The high intensity of violence in Kibaale district soon after the district chairmanship election warranted the central government's intervention. Accordingly, President Museveni intervened and pressed Fred Ruremeera, whose election to the district chairmanship was being contested, to give way for a compromise candidate George Nyamyaka. Although President Museveni was interested in the restoration of peace in Kibaale district, his intervention was inadequately and wrongly informed. Prior to his intervention, some politicians and the report of the Government Committee of Inquiry of 2002 portrayed the conflict in Kibaale district, especially over the leadership of Kibaale district was basically a contest between the members of the Banyoro and Bakiga ethnic groups. Unfortunately, the assumption that the ethnic factor was a major issue in the Kibaale conflict diverted the attention of the relevant authorities from cultivating the ways of resolving the contestation over access to and ownership of the land which was at the baseline of the violent conflict in Kibaale district.

Although the security appeared to have normalized after a 'compromise' candidate, George Nyamyaka had been sworn in as chairman of Kibaale district on July 26, 2002, there were indicators of unresolved issues even in the district leadership structure. The new district chairman did not satisfy the expectations of the new settlers as spelt out by the President's power sharing plan in Kibaale district.<sup>423</sup> To the disappointment of the Bafuruki, the number of Banyoro who were appointed to head the sectoral committees in the district Council significantly outweighed that of the new settlers. At the same time, tension was on the rise due to reports of organized evictions of the new settlers out of their land by the Banyoro. This was particularly done by groups of Banyoro youths who were bent on evicting whoever was considered as an illegal settler on the land in Kibaale district. The evictions were launched by the youth leaders in Bwamiramira sub-county in February 2003 and were spread to places such as Kakindo and Kenga in March 2003.<sup>424</sup> The eviction programme and the redistribution of land in Kibaale district was intensified by the MBC executive members after their meeting of April 17, 2003. As

---

<sup>422</sup> *The Monitor*, March 13, 2002, p.20.

<sup>423</sup> Y.K. Museveni (2002), "Communiqué on the Political Situation in Kibaale district during a Meeting at State House", June 8, 2002, point No.7, Nakasero: Uganda, p.3.

<sup>424</sup> *Interview*, T.S., Paachwa, October 16, 2010.

stressed by the MBC leaders, the land redistribution exercise was intended to: enable the Banyoro who were the rightful owners of the land which had been alienated by the Baganda during the British colonial period to regain their land rights and to guard against further in-migration of people into Kibaale district.<sup>425</sup>

Under normal circumstances, either the central government or the relevant local government land administration authorities should have intervened against the unlawful land redistribution exercise in Kibaale district. On the contrary, no appropriate and quick steps were taken by relevant national and local government institutions. Instead, the MBC executives collaborated with the officials of the Kibaale District Land Board (DLB) to implement the land redistribution programme. This demonstrated the lack of transparent national and local land administration institutions which should have resolved the land rights contestations amicably. Thus, the weaknesses in the DLB allowed the space for extra-legal actions by members of the first and new settler communities. It was unfortunate that the extra-legal actions resulted in violence which claimed the lives of innocent citizens such as the Munyoro woman and her two children who were beheaded in Kabamba sub-county.<sup>426</sup>

Although the officers of the Uganda Police eventually quelled the violence, there was evidence of latent conflict between the first and the new settlers in some places. It became common for people to boycott the shops of their perceived enemies.<sup>427</sup> One can argue that the State intervention only brought about short-term and pseudo peace. First, the deployment of the security personnel in Kibaale district did not address the root cause of contestation. Second, President Yoweri Museveni's intervention and the obstruction of Fred Ruremeera's ascendance to the district chairmanship office in favor of George Nyamyaka (one of the early settlers and generally acceptable to the new settlers partly due to the marriage between his daughter and one of the new settlers from Kigezi region), was merely a temporary measure. And third, the central government's promise that it would soon implement the much-desired land reform program in relation to the land of the absentee landlords in Kibaale district<sup>428</sup> was questionable. Where

---

<sup>425</sup> *Interview*, K. K. M., Karuguzza, February 7, 2011.

<sup>426</sup> *The New Vision*, May 27, 2003:2.

<sup>427</sup> *Interview*, K. E., Burora, October 21, 2010.

<sup>428</sup> *The Monitor*, April 2, 2005.

would the government get funds for compensating the absentee landlords, bearing in mind that it had failed to fulfill its budget commitments regarding the Land Fund during the past six years? Moreover, it soon became evident that the government did not have clear information regarding the Baganda absentee landlords. As earlier noted, the record of the absentee landlords of the land in Kibaale district was not clearly reflected on the *mailo* land register even by the time of Uganda's independence in 1962. This raises the question of how to determine the rightful absentee *mailo* land owners to be compensated and how to establish the boundaries of the land. To make matters worse, it proved difficult to establish how and to whom the land of the already compensated landlords would be redistributed. This is because most of the *mailo* land was already being occupied by the Banyoro and the new comers by 2004. With all these unresolved issues regarding most of the land in Kibaale district, one wonders how peace would be ensured after 2004.

#### **7.4 Multi-party politics and the intensification of conflict in Kibaale district in 2006**

The restoration of a multi-party system in Uganda following the referendum of July 28, 2005 referendum seemed to be a way of opening more space for democratic and amicable resolution of conflict. With the multi-party dispensation in place, the Uganda Electoral Commission proceeded to organize the Presidential, Parliamentary, and Local Council elections. Like what happened in the previous elections, the behavior of the aspirants to the different categories of political positions and the voters was partly influenced by the question of land rights. Although the central government had promised to address the concerns of the Banyoro and the *Bafuruki* of Kibaale district in relation to their tenure security on *mailo* and public land, there was no substantial fulfillment of the promises by the end of 2005.

It followed that both the Presidential and Parliamentary elections of 2006 were characterized by violence in some parts of Kibaale district. The re-occurrence of violent conflict in 2006 elections in Kibaale district showed how inadequate the previous efforts to resolve the land rights contestations were. It should be noted that the parliamentary campaigns generated more tension than the presidential campaigns. This can be explained by the parliamentary candidates' reference to the voters' land rights during the campaigns. Moreover, there were disagreements between the supporters of different parliamentary candidates over the issue of

continuous massive migration of people from such areas as Kigezi in south-western Uganda to Kibaale district just before the elections. The *Bafuruki* were again being accused of encouraging the in-migration of their relatives and friends into Kibaale district to boost their numerical strength for political reasons. At the same time, some individuals who worked at central government level were alleged to have bought the land of peasants in the densely populated south-western Uganda and encouraged the sellers to migrate to Kibaale district. For instance, one of the cabinet ministers from Kigezi region is said to have facilitated the transportation and resettlement of hundreds of people from Kigezi to Kibaale district after purchasing their land.<sup>429</sup>

Due to increased competition for votes under the multi-party dispensation, the parliamentary candidates often misrepresented the intentions of their opponents for the sake of winning political support from the voters. For instance, one of the parliamentary candidates is reported to have won the Buyaga County parliamentary seat in 2006 after he and his campaign agents had told voters that the Banyoro had hatched a plan to chase the new settlers out of their land in Kibaale district.<sup>430</sup> This provoked further contestation over land as both the Banyoro and the *Bafuruki* asserted contradictory claims over land in Kibaale district.

The announcement of February 23, 2006 Parliamentary election results for Bugangaizi and Buyaga counties was marked by increased violence especially where land was used a mobilizing tool. This was particularly evident where the two winners of parliamentary seats in Kibaale district had used the issue of land rights to solicit for votes. Basing on information from most of my interviewees, both Mabel Bakeine (a *mufuruki*) and Barnabas Tinkasiimire (also a *mufuruki*) won the parliamentary seats of Bugangaizi and Buyaga counties respectively after pledging to continue with the struggle for the land rights of the *Bafuruki* in Kibaale district.<sup>431</sup> Mable Bakeine has been particularly linked to the new settlers in Kisiita resettlement scheme and those in other parts of Bugangaizi County whose tenure security she pledged to defend. As reported by some of my research participants in Bugangaizi County, it was her campaign for the protection of the new settlers' rights which provoked the wrath of her opponent's supporters and

---

<sup>429</sup> Interview, S.J., Karuguuza, December 17, 2011.

<sup>430</sup> Interview with B.G.A., Kagadi, October 19, 2013.

<sup>431</sup> Group discussion, Kakumiro, December 16, 2013.

resulted in the violence of March 5, 2006 in which about 30 people got injured and some died, such as David Ndyabareeba and Barnabas Biryomumaisho in Kakindo sub-county.<sup>432</sup>

In response to the post-2006 parliamentary election violence, the central government arranged for another intervention in Kibaale district. Accordingly, President Yoweri Museveni appointed Brigadier (Retired) Matayo Kyaligonza to lead a delegation to Kibaale district to establish the nature of the conflicts and make appropriate recommendations. The delegation held some public meetings in Nalweyo, Kakindo, Kakumiro, Kiryanga and Kagadi in early March 2006. After attending these meetings as well as the talk-show at the Kibaale-Kagadi Community Radio, Kyaligonza's delegation reported that the conflict in Kibaale district was largely ethnic and political. The delegation's recommendations emphasized ways of enhancing political harmony between the Banyoro and the Bafuruki.<sup>433</sup> Unfortunately, the framing of the post-2006 violent conflicts was mainly based on political considerations rather than the contestations over land rights such as between the new settlers (mainly Bakiga) in Kisiita resettlement scheme and the early settlers (the Banyoro).

A Commission of Inquiry appointed by the President's office and led by Professor Ruth Mukama also completed its inquiry into the Bunyoro conflicts and compiled a quite comprehensive report. The Ruth Mukama Report, as it came to be known, presented its findings and recommendations in 2006. The report emphasized that the conflicts in Bunyoro in general and Kibaale district hinged on the historical injustices against the Banyoro. Accordingly, the Ruth Mukama Report recommended that the government should take steps to rectify the injustices by restoring land ownership rights to the Banyoro who were the customary owners of land in Kibaale district.<sup>434</sup> The report also attributed the conflict in Kibaale district to the lack of effective monitoring and regulation of people's movements at Uganda's borders. As a solution to this problem, the report recommended the improvement of immigration control mechanism and the recruitment of adequate numbers of immigration personnel to work at the strategic border points.<sup>435</sup> Despite some useful observations and recommendations of the 2006 Ruth Mukama Commission, its framing of the conflict as largely an outcome of the struggle between ethnic

---

<sup>432</sup> *Interview*, K.S., Kakindo, March 3, 2011.

<sup>433</sup> Rulekere 2006, Kampala: Ultimate Medi.

<sup>434</sup> The Republic of Uganda 2006:157.

<sup>435</sup> The Republic of Uganda, 2006:167.

groups is quite misleading. But still, the few appropriate recommendations were shelved by the central government, thus missing a step towards the resolution of the contestations over access to and ownership of land in Kibaale district.

### **7.5 Political patronage, vested interests and conflict in Kibaale district**

On June 4, 2009, news spread that groups of early settlers were planning a massive demonstration in Kibaale district. In an interview with the Mubende Banyoro Committee (MBC) chairman, Katta Musoke, he intimated to me that the demonstration was aimed at protesting the retention of land titles for most of Kibaale district land by the Baganda absentee landlords and continuous massive immigration into the district.<sup>436</sup> By the time the demonstration was halted, it had destabilized some parts of Bugangaizi County as the Banyoro youth were attacking the suspected new settlers. One of the victims was a pregnant woman who was molested and injured by the youthful demonstrators in Kakumiro.<sup>437</sup> On the night of Thursday June 4, 2009, the Kakumiro – Mubende road was blocked by the youth who had laid logs of trees across the road.<sup>438</sup> Other protesters were intercepted in Bwamiramira Sub-County carrying machetes and iron bars as they proceeded to attack the new settlers whom they accused of encroaching on the nearby forest reserve and illegally cultivating the land.<sup>439</sup> The demonstrations were called off after President Museveni had held a meeting with the MBC leaders at Nakasero State House on June 6, 2009 and promised to address the land grievances of the Banyoro in Kibaale district.

The President held more meetings with the leaders from Bunyoro region at the Entebbe State House on June 15, 2009 to discuss the conflict in Kibaale district as well as the land issues in the whole Bunyoro region. He reaffirmed the government's plan to compensate the absentee landlords for the land in Kibaale district and to implement the restitution of the land to the rightful owners. In another meeting with the new settlers, he explained that his government was committed to the restoration of harmony in Kibaale district to the benefit of the new settlers as well.<sup>440</sup> The President was merely repeating what he had promised to do six years earlier. It was likely that President Museveni would not easily sort out the land-related conflict in Kibaale

---

<sup>436</sup> Interview, K.K.M., Karuguza, October 12, 2010.

<sup>437</sup> Bakeine, et al. (2009), "Bafuruki memo to Museveni", in *The Observer*, August 10, 2009.

<sup>438</sup> *Saturday Vision*, Vol.3, No.22, June 6, 2009, p.5.

<sup>439</sup> *Saturday Vision*, Vol.3, No.22, June 6, 2009, p.5.

<sup>440</sup> *The Observer*, August 13 - 16, Vol.6, No.41, 2009, p.2.

district due to his vested interests in *mailo* land and political power. How could he take decisions against the *mailo* land owners when he himself owned *mailo* land in Buganda and Ankole? Moreover, how could Museveni's government embark on land restitution at the expense of the Baganda and the new settlers whose political support was needed as well?

Amidst this dilemma, President Museveni issued new guidelines, through a letter of July 15, 2009, to the Minister in charge of the presidency, Beatrice Wabudeya, on how to resolve the conflict between the Banyoro and *Bafuruki* (new settlers) in Bunyoro region. He argued that the problem of Bunyoro is the British colonial legacy, worsened by political marginalization of the Banyoro by the *Bafuruki*.<sup>441</sup> Accordingly, Museveni proposed among other things that: (i) district and sub-county chairmanship positions in Bunyoro be ring-fenced for the first comers; (ii) positions of Members of Parliament in Bunyoro except for the special constituencies created around Ruteete and Kisiita resettlement schemes be ring-fenced for the Banyoro; and (iii) all first comers who were on *Mailo* land in 1964 should be granted ownership and the absentee landlords should leave the land. All first comers who have been on public land should be granted titles of ownership of that land. He noted that the *Bafuruki* in resettlement schemes already had their land and advised them to get land titles if they did not have them. He further advised the *Bafuruki* who had legally bought land in Kibaale district to have their rights recognized.<sup>442</sup> Unfortunately, the President was instead reinforcing the autochthony claims which the first comers of Bunyoro had been making and contributing to conflict. Inevitably, the 'ring-fencing' proposals were out rightly rejected by the *Bafuruki* on grounds that their constitutional rights would be violated. The president's proposals in relation to the special constituencies around the resettlement schemes were also likely to be contested by the autochthons. In any case, how would the central government address the Banyoro claim that even the *mailo* land on which the resettlement schemes were established customarily belonged to them?

The 'ring fencing' proposals were certainly divisive and likely to exacerbate contestation over access to and ownership of land, in Kibaale district and Bunyoro region at large. As noted by Ogenga Latigo (leader of Opposition in Uganda's parliament at that time), the President was trying to apply the 'divide and rule' tactics that the British colonialists employed.<sup>443</sup> By

---

<sup>441</sup> Y.K. Museveni (2009), "Guidance on Banyoro – *Bafuruki* question", *The Sunday Monitor*, August 2, p.4.

<sup>442</sup> Ibid.

<sup>443</sup> *Sunday Monitor*, August 2, 2009, p.3.

suggesting that certain top elective political posts be reserved for the first comers of Bunyoro, the President was helping to concretize the boundary between the first comers and the new settlers in Kibaale district. Moreover, with the case of Uganda, where a President's word is taken as a policy, his 'ring fencing' proposal was likely to send wrong signals to the whole country and provoke sectarian sentiments. However, the President's proposal appears to have been conditioned by the need to employ diplomacy on the first comers of Bunyoro for political and economic reasons. After the discovery of large quantities of oil in the Albertine rift of Bunyoro, it was not only necessary for the President to consolidate Bunyoro political support for himself but also to ensure co-operation with the first comers in the exploitation of oil.

The period that followed the 'ring fencing' proposals was characterized by anxiety and suspicions in Kibaale district in particular and Bunyoro region at large. Although Museveni invited the representatives/leaders of the *Bafuruki* and the first comers of Bunyoro for a meeting at State House Entebbe on September 4, 2009, there was no agreement on the 'ring-fencing' proposals.<sup>444</sup> As one of the solutions to the conflict in Kibaale district, the Buyaga County Member of Parliament Barnabas Tinkasiimire requested government to implement the proposed Kagadi district and to divide Buyaga County into two constituencies to create more political space in Kibaale. Unfortunately, the division of Buyaga County into two constituencies and the establishment of Kagadi district was not a sure way to lasting peace because it was prompted by the short-term selfish interests of the local politicians to increase their opportunities for winning parliamentary seats during the 2011 elections. In the process, the splitting of Buyaga County into two constituencies enabled the new settlers' candidate (Barnabas Tinkasiimire) to easily win the parliamentary seat of the new settler dominated Buyaga west and provided an opportunity to the first comers' candidate (Ignatius Besisira) to win the seat of the first comer dominated Buyaga East constituency. Admittedly, this political arrangement reduced the intensity of conflict between the Banyoro and the new settlers in the period 2012 – 2014. However, the question is: will this political formula stop the evidently continuing contestation over the ownership of *mailo* land in Kibaale district from exploding into violence? It is evident that some Banyoro leaders have continuously expressed discontent in relation to the unfilled government promises of

---

<sup>444</sup> Y.K. Museveni (2009), *Op cit.*, p.4.

restoring their ownership rights over *mailo* land.<sup>445</sup> The Banyoro were particularly furious about President Museveni's directive to Uganda's Prime Minister Ruhakana Rugunda in January 2015 to expedite the issuance of ownership of land titles to the new settlers in Ruteete resettlement scheme. The objection to the issuance of the land titles to the new settlers was mainly based on the Banyoro claim that most of the land under the Ruteete resettlement scheme originally belonged to their ancestors.<sup>446</sup>

Meanwhile, the central government sliced part of Kibaale district to establish Kagadi district with effect from July 1, 2016. This is one of the 25 newly established districts in Uganda which the President finally approved ahead of the February 2016 Presidential and Parliamentary elections in response to pressure from politicians. However, the establishment of Kagadi district is potentially explosive due to the fact most of its sub-counties such as Mpeefu, Bwikara and Rugashaari are predominantly occupied by new settlers,<sup>447</sup> whose parliamentary representative (new settler) has often been given votes for promising to guarantee the new settlers' land access and ownership rights against the Banyoro claims. The problem is that if the new settlers who actively campaigned for the formation of Kagadi district where they are the majority eventually dominate it politically and economically, they will most likely open new lines of conflict with the Banyoro. So far, some Banyoro residents in and around Kagadi town have protested the establishment of Kagadi district because they consider it as a way of placing part of Bunyoro under Bakiga colonial domination. As noted by one of the contestants for the Kagadi district Chairmanship, it is hard to forge harmonious relations between the early and new settlers so long as the conflicting claims for access to and ownership of land are not satisfactorily settled.

## **7.6 Conclusion**

Thus, this chapter has highlighted how the resumption of competitive electoral politics in Uganda in 1996 exacerbated the land rights contestation and violence in Kibaale district. It has posited that the central government's interventions in the Kibaale conflict were often motivated by its vested interests such as the need to enhance patronage ties with the various groups of people for political capital. It has particularly shown that the state's establishment of resettlement

---

<sup>445</sup> Interview, H.F.M., Kisugu, December 19, 2015.

<sup>446</sup> Interview, R.I., Kagadi, February 11, 2015.

<sup>447</sup> Uganda Government, 2002:16.

schemes in Kibaale district and its consistent intervention in support for the resettlement occupants has been driven by the need to ensure political support for it. The chapter argues that the state's interventions have often appeared to be in favor of the land rights of groups of people (such as the Banyoro) at the expense of others and has ended up contributing to persistent contestation and violent conflict over access to and ownership of land in Kibaale district. It contends that the regular reference to the voters' land rights by the national and local politicians during elections has also contributed to persistent conflict over land rights in Kibaale district, especially since the resumption of competitive electoral politics in 1996.

## CHAPTER 8

### GENERAL CONCLUSION

This chapter draws together the main findings on why there has been continuous contestation and violent conflict over access to and ownership of land in Africa in parts like eastern Democratic Republic of Congo and Zimbabwe, using a case study of Kibaale district since 1962. A historical background up to the granting of Uganda's independence in 1962 has been established by tracing the development of the land question from the early British colonial period. This particularly shows how the violent colonial conquest and land dispossessions at the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century contributed to the emergence of a complex land question which gave way to persistent conflict between different actors over access to and ownership of land in Kibaale district. The case study chapters 5 to 7 of the thesis have utilized empirical/historical evidence to show why the conflict over access to and ownership of land in Kibaale district has not been effectively resolved since 1962 despite land reform initiatives. Chapter 5 has examined why the contestation and violent conflict over land ownership in Buyaga and Bugangaizi counties was not resolved by the first Uganda post-colonial government between 1962 and 1969. Based on empirical data, the chapter has argued that the political risks of honoring the Banyoro claims for the ownership of the Baganda-owned *mailo* land in Buyaga and Bugangaizi counties hampered meaningful land reform by the first Uganda post-colonial government. Chapter 6 has analyzed the land reform project during the Amin regime, especially regarding the Land Reform Decree of 1975 and highlighted its shortcomings in addressing the contestation and violent conflict over access to and ownership of land in Kibaale district. The chapter contends that though the abolition of *mailo* land tenure by the Decree initially appeared as a solution to the contestation and violent conflict between the Banyoro customary land occupants and the predominantly Baganda landlords in Kibaale district, there emerged another challenge in the form of new landlords (with leases of up to 199 years). The last chapter 7 has covered the period of land reform efforts by the National Resistance Movement (NRM) government. It has focused on the land reforms which followed the promulgation of the 1995 Uganda Constitution and the enactment of the 1998 Land Act and has shown how the reforms have not effectively resolved the conflict over access to and ownership

of land in Kibaale district. This is partly due to the political conflict embeddedness in claims for rights in land.

The chapters of the thesis have been arranged and structured in such a way as to clearly show the impact of British colonial occupation, especially in relation to land dispossession and to highlight the reasons for persistent contestation and violent conflict between the Banyoro (regarded as the autochthons of Bunyoro region) and the newcomers such as the Baganda and Bakiga people, over access to and ownership of land in Kibaale district since 1962. The main objectives of the study as indicated in the introduction of this thesis have been addressed by the chapters in consideration of how the land rights-related events chronologically unfolded.

Whereas chapter 1 has introduced and highlighted the main issues of the thesis, chapters 2 – 7 have formed the main body of the thesis. Chapter 2 has reviewed the literature about identity, land/property rights and conflict, placing the Kibaale district conflict in the broad African context. The literature on theoretical issues has been reviewed to highlight the main concepts used in the thesis while the review of the other literature helps to indicate the information gaps which this thesis is addressing. The review of literature about theories of land rights and conflict include that on: the theory of property rights, evolutionary theory of land rights (ETLR), and the neo-classical property rights theory. The review identifies the strengths and weaknesses of these theories in relation to land rights and conflict in Kibaale district. On the whole, the chapter has contributed to the establishment of conceptual/theoretical issues of the thesis.

Chapter 3 has presented a historical background and an overview of conflict between different claimants over access to and ownership of land in the Ugandan context. It has highlighted the way how Buganda Kingdom, through which British colonialism penetrated Uganda, had been characterized by struggles (between the King and his subordinate chiefs) for the authority to allocate land prior to the 1900 Buganda Agreement. The chapter has revealed that the struggle to gain/retain the authority to allocate land has been at the centre of politics in Buganda and in other parts of Uganda before and after the inception of British colonial rule. This chapter is relevant to the thesis in terms of contributing to a broader context of the land question in Uganda. It has highlighted how some of national land issues have been reflected in specific

land issues in rural Uganda. For instance, the chapter has specifically analyzed the relationship between the land question in other parts of Uganda (especially in Buganda and Kigezi regions) and the challenges to the resolution of the contestation and violent conflict over access to and ownership of land in Kibaale district since 1962. The chapter has observed that the authority to allocate land was usurped by the British colonialists and some of it was passed over to ‘traditional’ chiefs such as those from Buganda to prop up the British colonial decentralized despotic system as postulated by Mamdani. The chapter has argued that, it is this centrality of the authority to control/allocate land in the political power configuration of Uganda which has since the colonial period, undermined effective resolution of the contestation and violent conflict between different groups of people over access to and ownership of land. Accordingly, the chapter has posited that the national leaders’ political interests in the land question of Buganda (where Uganda’s capital, Kampala is located) and its link to the *mailo* land question of Kibaale district also contribute to the understanding of why the central government has not yet effectively resolved the contestation and violent conflict over access to and ownership of land in Kibaale district.

Chapter 4 of this thesis has served as a precursor to the subsequent chapters. It has established the link between the previous chapter’s national context of the land question to a specific historical context of contestation and violent conflict over access to and ownership of land in Kibaale district. It has relied on data from archives, books/documents and interviews to establish the historical background of why there has been persistence of contestation over access to and ownership of land in Buyaga and Bugangaizi counties. It has first, analyzed the interests of the British-led forces and the way how they conquered southern Bunyoro. Second, it has traced the way how the Baganda chiefs and notables acquired *mailo* land in Buyaga and Bugangaizi counties and established why they were perceived as migrants/strangers. And third, it has examined the extent to which the inadequacy of the *mailo* land registry has contributed to the difficulty in resolving the contestation and violent conflict over access to and ownership of land in Buyaga and Bugangaizi counties during the British colonial period. Contrary to the generally held view that land dispossession in Buyaga and Bugangaizi counties took place after the signing of the Buganda Agreement of 1900, the chapter has shown evidence that the Baganda chiefs/fighters who participated in the bloody British colonial conquest war grabbed land from

the previous occupants during the war before 1900. This has weakened the generally held view that the British merely gave most of the Kibaale district land (in the form of *mailo* land) to the Baganda chiefs as a gift for their collaboration during the war of conquest. The chapter has particularly provided a clue to two of the outstanding questions: first, why the Banyoro, though some Banyoro own *mailo* land in Buganda region, have persistently contested the Baganda ownership of *mailo* land in Kibaale district. And second, why the contestation (often marked by violent confrontation and bloodshed) over land in Kibaale district has not been resolved up to the present day. The chapter has addressed the first question by relying on the findings that the Baganda chiefs and notables gained statutory ownership rights over the land in Kibaale district through war and bloody dispossession unlike the Banyoro who have acquired ownership rights over land in Buganda based on 'willing seller willing buyer' arrangements. The second question is partly addressed by the chapter's revelation that the complexity of the Kibaale district *mailo* land issue has either been deliberately shelved by politicians or has been grossly misunderstood. Moreover, as opposed to the generalization that traditional authorities held the prerogative of regulating land access in rural Uganda,<sup>448</sup> this chapter has shown how the Baganda and the subsequent migrants accessed land in southern Bunyoro after the traditional institutions had been eroded.

Chapter 5 has dealt with the question of why the first post-colonial regime (commonly referred to as the Obote 1 regime) was unable to resolve the contestation and violent conflict between the Banyoro and the Baganda over *mailo* land in Buyaga and Bugangaizi counties between 1962 and 1971. It has explored the political intricacies which characterized the preparation for Britain's declaration of Uganda's independence and how the 1962 Independence Constitution was influenced by the Baganda delegates at the London Constitutional conference, who struggled for the interests of the *mailo* landlords including those in Buyaga and Bugangaizi. The chapter has confirmed some validity of Mamdani's assertion that after the declaration of Uganda's independence in October 1962, the post-colonial government only took steps to deracialize rather than democratizing the inherited colonial state apparatus.<sup>449</sup> The chapter has henceforth argued that the unwillingness of the post-colonial state to democratize/dismantle the

---

<sup>448</sup> M. Mamdani (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press, p.17.

<sup>449</sup> *Ibid.*, p.137.

pillars of decentralized despotism such as the *mailo* land system in rural Buganda and in Buyaga and Bugangaizi counties of Kibaale district was dictated by political considerations. The post-colonial government's dilemma was how to resolve the contestation over *mailo* land without offending the Baganda landlords whose political support for the central government was essential. The chapter has further demonstrated that the post-colonial government held the 1964 referendum which culminated in the political return of Buyaga and Bugangaizi counties to Bunyoro but did not address the contestation over the *mailo* land ownership rights in the two counties. In consideration of data generated through mainly in-depth interviews and secondary sources, the chapter has contributed to the understanding of the political and economic considerations which curtailed the attempts to reform *mailo* land tenure. The chapter has observed that the Obote 1 regime enacted the 1969 Public Land Act which contributed to the enhancement of the freedom and tenure security of the majority peasants on public land but did not help the people of Buyaga and Bugangaizi where 80% of the land was under *mailo* land tenure. In short, the chapter has argued that the Obote 1 government, like its predecessor (the colonial state), was pre-occupied with maintaining its political power which was likely to be at stake if the government tried to resolve the contestation and violent conflict over access to and ownership of land in Buyaga and Bugangaizi counties at the expense of the interests of Baganda landlords.

Chapter 6 has examined the circumstances which influenced the Amin regime's land policy through the Land Reform Decree of 1975 and the effectiveness of the Decree in resolving the contestation and violent conflict over the access to and ownership of land in Buyaga and Bugangaizi counties up to 1995. The chapter has argued that though at the onset, the Land Reform Decree of 1975 seemed to frustrate the Baganda absentee landlords' hope to regain access to their *mailo* land in Buyaga and Bugangaizi counties, no steps were taken to fully resolve the land ownership contestation. Regarding the findings of the study, the thesis has shown that fresh landlords emerged in Kibaale district through the acquisition of long-term leases as provided by the Decree and land allocations to the Amin regime's loyalists. The chapter has argued that, the provisions of Land Reform Decree regarding how land was to be accessed/acquired greatly undermined the remnants of traditional/cultural institutions which had been responsible for land allocation and land dispute resolution. Above all, the chapter has

contended that by continuously weakening the traditional/customary structures through which various people could have accessed and gained ownership of land in the two counties, the Land Reform Decree of 1975 instead opened the possibilities for unregulated land acquisition which subsequently contributed to increased contestation and violent conflict over land in Kibaale district.

Chapter 7 has focused on the period of highly politicized land rights in Uganda in general and Kibaale district. It has particularly attempted to tackle the question: why has the contestation and violent conflict between the early and new settlers over access to and ownership of land in Kibaale district persisted despite the 1995 Uganda constitutional reforms and the subsequent land law reforms? The chapter has analyzed the land-related provisions of the 1995 Uganda Constitution as well as those of the Land Act 1998 and identified serious contradictions in relation to the resolution of land rights contestation and violent conflict. For instance, Article 29(2) of the constitution states that “every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda” yet the same constitution claims to guarantee the customary land rights. The chapter has shown that even the 1998 Land Act which was expected to clarify the 1995 Uganda constitutional land-related provisions did not provide appropriate means of resolving the land rights contestation/violent conflict in Kibaale district. Instead, the 1998 Land Act legalized *mailo* land tenure on one hand and provided for the Land Fund to compensate the Kibaale district absentee Baganda *mailo* landlords on the other. Accordingly, the chapter has pointed to the fact that the contradictory provisions in the so called reformed land laws have instead contributed to further contestation and violent conflict over access to and ownership of land in Kibaale district since 1996. The predominantly interview-aided findings of the chapter have demonstrated that since 2002, the Presidential, Parliamentary and Local government general elections have been characterized by more intensive contestation and violent conflict over land rights in Kibaale district than before due to the interests of national and local politicians. The chapter argues that the contestation and violence has been perpetuated by increased politicization of land rights by the national politicians and those in Kibaale district for the sake of enhancing political power.

Lastly, chapter 8 serves as the general conclusion of the thesis. It recapitulates the main issues tackled by the thesis chapters. The main argument reflected across the thesis chapters is that the centrality of the need to gain/retain the authority to allocate land at both national and local levels for the sake of political power increment/consolidation has been at the baseline of political decisions concerning land tenure reform in Uganda since the inception of British colonial rule. Accordingly, the thesis posits that the conflict between the autochthons (especially the Banyoro) and the new settlers over access to and ownership of land in Kibaale district has continued partly because the drive for political power is still diverting the relevant leaders/policy formulators from understanding and addressing the specific land problem in Kibaale district.

## BIBLIOGRAPHY

### (A) Secondary sources

#### i. Publications

Alchian A & H. Demsetz (1973), “The Property right paradigm”, in *The Journal of Economic History*, 33, No.1.

Alden L.W., (2006), “Land Rights Reform and Governance in Africa”, *Discussion Paper*, Oslo: UNDP.

Ansoms A. & Hilthorst T., (eds.) (2014), *Losing your land: Dispossession in the Great Lakes*, New York: Boydell and Brewer.

Aseka E.M., (2005), *Transformational leadership in East Africa: Politics, Ideology and Community*, Kampala: Fountain Publishers.

Asiimwe W and Nolan P., (2001), *Land Reform and Sustainable Livelihoods in Kibaale district*, Kampala: Makerere Institute for Social Research.

Atkinson R.R., (2010), *The Roots of Ethnicity: Origins of the Acholi in Uganda*, 2<sup>nd</sup> ed., Kampala: Fountain Publishers.

Atwood D.A., (1990), “Land Registration in Africa: The Impact on Agricultural Production”, in *World Development*, 18, No.5.

Baganchwera N.I. Barungi (2011) *Parliamentary Democracy in Uganda: The experiment that failed*, Bloomington: Authorhouse.

Baligira J., “Land Politics and Conflict in Uganda: A case study of Kibaale district, 1996 to the Present Day”, in Tukumbi-Lumumba K., at al., eds. (2017), *Peace, Security and Post-Conflict Reconstruction in the Great Lakes region of Africa*, Dakar: CODESRIA.

Barnes G & B. Child (2012), “Searching for a New Land Rights Paradigm by focusing on Community-based Natural Resource Governance”, *Proceedings of Annual World Bank Conference on Land and Poverty*, Washington DC: World Bank.

Barth F., ed. (1969), *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*, London: George Allen & Unwin.

- Bassett E.M., (2007), “The Persistence of the Commons: Economic: Economic Theory and Community Decision-making on Land Tenure in Voi, Kenya”, in *African Quarterly*, Vol.9, Issue 3.
- Bazaara N., (2002), “Politics, Legal Reform and Resource Rights in Uganda”, a paper for *Research Project on Land*, Kampala: Centre for Basic Research.
- Beattie, J (1958), “Nyoro Marriage and Affinity”, *Africa*, 28.
- Beattie, J. (1971) *The Nyoro State*, London: Oxford University Press.
- Bellamy R., (2008), *Citizenship: A Very Short Introduction*, Oxford: Oxford University Press.
- Berman, B., (1998), “Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism” *African Affairs*, Vol. 97, pp.305-341.
- Berry, S. (2002), “Debating the Land Question in Africa”, *Society for Comparative Study of Society and History*, 638-668.
- Boone, C. (2013), “Land Regimes and the Structure of Politics: Patterns of Land-Related Conflict”, *Africa: The Journal of the International African Institute*, Vol.83, No.1, pp.188-203, Cambridge University Press.
- Boone C., (2014), *Property and Political Order: Land rights and the structure of politics in Africa*, New York: Cambridge University Press.
- Bromley D.W., (1989), *Economic Interests and Institutions: The Conceptual Foundations of Public Policy*, Oxford: Blackwell Publishers.
- Bruce W.J., et al., (1994), *Searching for land tenure security in Africa*, Iowa: Hunt Publishing Company.
- Byres T.J., (1995), “Political Economy, Agrarian Question and Comparative Method”, in *Economic and Political Weekly*, Jstor, Vol.30, No.10
- Castells M., (2010), *The Power of Identity: The information Age: Economy, Society, and Culture*, Vol.2, 2<sup>nd</sup> ed.
- Cousins, B. & Scoones, I. (2009) “Contested paradigms of ‘viability’ in redistributive land reform: perspectives from Southern Africa”, *PLAAS Working Paper*, No.15.

Cousins B., et al., (2005), “Will formalizing property rights reduce poverty in South Africa’s ‘second economy’? Policy Brief 18, October 2005, Programme for Land and Agrarian Studies, University of Western Cape.

Cousins B., (2009), “Potential and pitfalls of ‘communal’ land tenure reform: experience in Africa and implications for South Africa”, *World Bank conference on ‘Land Governance in support of the MDGs: Responding to new challenges’*, Washington, DC: World Bank.

Curtin P., et al. (1990), *African History*, eighth impression, London & New York: Longman.

Demsetz H., (1967), *Toward a Theory of Property Rights*, 57 *Am. Econ. Rev. Papers & Proc.* 347.

de Soto H., (2000), *The mystery of capital: Why capitalism triumphs in the west and fails everywhere else*, London: Bantam Press.

de Soto H., (2004), *Bringing capitalism to the masses*, *Cato’s Letter*, 2, No.3.

Doyle S., (2006a), *Crisis and Decline in Bunyoro: Population and environment in Western Uganda, 1860 – 1955*, London: The British Institute in Eastern Africa.

Doyle S., (2006b), “From Kitara to the Lost Counties: Genealogy, Land and Legitimacy in the Kingdom of Bunyoro, Western Uganda”, *Social Identities*, Vol.12, No.4.

Dunbar, A.R., (1965) *A History of Bunyoro-Kitara*, Nairobi: Oxford University Press.

Elfverson, E. (2015), “Providing security or protecting interests? Government interventions in violent conflicts in Africa”, *Journal of Peace Research*, Vol.52, No.6, pp.791-805.

Emeka E. Obioha (2013) “Changing land reforms and Conflict over land in Sub-Saharan Africa”, *J. Hum. Ecol*, 44(3).

Epstein R.A., (2009), “Property Rights, State of Nature theory, and Environmental Protection”, in *New York University Journal of Law and Liberty*.

Espeland, R.H., (2007), “When Neighbours become Killers: Ethnic conflict and communal violence in Western Uganda”, Bergen: Chr. Michelsen Institute.

Feder G and D. Feeny (1991), “Land Tenure and Property Rights: Theory and Implications for Development Policy”, in *The World Bank Economic Review*, Vol.5, No.1, Oxford: Oxford University Press.

- Ferguson J., (2006), *Global Shadows: Africa in the Neoliberal World Order*, Durham, DC: Duke University Press.
- Fluehr-Lobban C., et al., “Tribe: A Socio-Political Analysis”, in *UFAHAMU: A Journal of African Studies*, Vol.7, No.1, 1976.
- Gausset, Q., et al., “Indigeneity and autochthony: a couple of false twins?”, in *Social Anthropology*, Vol.19, No.2, 2011.
- Geertz C., (1973), “The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States”, in Geertz, C. ed. *The Interpretation of Cultures*, New York: Harper.
- Great Britain, (1955), *East Africa Royal Commission 1953 – 1955 Report*, London: Her Majesty’s Stationery Office.
- Green, E., (2008) “Understanding the limits to ethnic change: Lessons from Uganda’s lost counties”, in *Perspectives on Politics*, Vol.6, No.3
- Gukiina, P.M (1972) *Uganda: a case study in African political development*, Notre Dame: University of Notre Dame Press.
- Gulliver, P.H., ed., (1969), *Tradition and Transition in East Africa: studies of the tribal element in the modern era*, London: Routledge & Kegan Paul.
- Guschiere, P., (2009), *The Perils of Belonging: Autochthony, Citizenship and Exclusion in Africa and Europe*, Chicago: The University of Chicago Press.
- Hall, R. (2004), “A Political economy of land reform in South Africa”, *Review of African Political Economy*, 31:100, 213-227, DOI:10.1080/0305624042000262257.
- Hastings A., (1997), *The construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge: Cambridge University Press.
- Haugerud A., (1983), “The Consequences of Land Reform among Small-holders in the Kenya Highlands”, in *Rural Africana*, No.15 – 16, Winter – Spring.
- Ibingira G.S.K., (1973), *The Forging of an African Nation*, New York: Viking Press.
- Iliffe J (1979) *A Modern History of Tanganyika*, Cambridge: Cambridge University Press.
- Ingham, K., (1974) *Foreign Relations of African States*, London: Butterworths.
- Jorgensen, J.J. (1981) *Uganda: A Modern History*, London: Croom Helm.

- Kagambirwe E.R., (1972), *Causes and consequences of land shortage in Kigezi*, Kampala: Department of Geography, Makerere University.
- Kariuki, S. (2007), “Political compromise on land reform: A study of South Africa and Namibia”, *South African Journal of International Affairs*, Vol.14, Issue 1.
- Karugire S.R., (1996), *The Roots of Instability in Uganda*, Kampala: Fountain Publishers.
- Kasfir N., (1976), *The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a Case Study of Uganda*, London: University of California Press.
- Keller E., (2014), *Identity, Citizenship and Political conflict in Africa* on how the complicated relationship between local and national identities contributes to violent conflict in post-colonial Africa.
- Kiwanuka, M.S.M., (1968), “Bunyoro and the British: A reappraisal of the causes for the decline and fall of an African Kingdom”, in *Journal of African History*, IX, 4.
- Kumar Ravi, ed. (2016), *Contemporary Readings in Marxism: A Critical Introduction*, Aakar Books.
- Kumar Rupensinghe (ed.), (1989), *Conflict Resolution in Uganda*, London: James Currey.
- Krier J.E., (2009), “Evolutionary Theory and the origin of Property Rights, in *Cornell Law Review*, Vol.95.
- Lastarria-Cornhiel S, (2003), *Uganda Country Brief: Property Rights and Land Markets*, Madison: Land Tenure Center, University of Wisconsin.
- Le Vine V.T., ‘Conceptualizing “Ethnicity” and “Ethnic Conflict”: A Controversy Revisited’, in *Studies in Comparative International Development*, Vol.32, No.2, 1997.
- Lee, E.S, (1966), “A theory of migration”, in *Demography*, Vol.3, No.1.
- Legum, C. ed., (1987), *Africa Contemporary Record, 1985 – 86: Annual Survey and Documents*, New York: Holmes & Meier Publishers.
- Lentz C., (2013), *Land, Mobility and Belonging in West Africa: Natives and Strangers*, Bloomington: Indiana University Press.
- Low, D.A “Uganda: The establishment of the Protectorate, 1894 – 1919”, in Harlow V., et al., eds. (1965) *History of East Africa*, Vol.2, Oxford: Clarendon Press.

- Lubanga, F and Villadsen, S. (2000) eds. *Democratic Decentralization in Uganda: A New Approach to Local Governance*, Kampala: Fountain Publishers.
- Lund C., et al., (2006), *Land Rights and Land Conflicts in Africa: A review of issues and experiences*, DIIS.
- Lwanga-Lunyiigo, S (1989) “The Colonial Roots of Internal Conflict”, in Kumar Rupesinghe (ed.) *Conflict Resolution in Uganda*, Oslo: International Peace Research Institute.
- Mafeje A., (2003), “The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa” *Civil Society and Social Movements*, Geneva: United Nations Research Institute for Social Development.
- Mafeje A., (1971), “The Ideology of ‘tribalism’”, in *The Journal of Modern African Studies*, Vol. 9, No. 2, Cambridge University Press.
- Mamdani, M (1976) *Politics and Class Formation in Uganda*, London: Monthly Review Press.
- Mamdani M., (2002) *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Kampala: Fountain Publishers.
- Mamdani M., (1996), *Citizen and Subject: contemporary Africa and the legacy of late colonialism*, Princeton: Princeton University Press.
- Manji, A. (2014), “The Politics of Land Reform in Kenya 2012”, *African Studies Review*, Vol.57, Issue 1, pp.115-130.
- Miirima H.F (1999) *Ebyafaayo bya Kibaale distrikti*, Kampala: The New Vision.
- Moyo, S. (2004) “The Politics of Land Distribution and Race Relations in Southern Africa”, *Identities, Conflict and Cohesion Programme*, Paper 10, UNRISD.
- Muchemwa, C., et al. (2011), “Misleading Images – Propaganda and Racism in the Politics of Land in Zimbabwe”, *International Journal of Humanities and Social Science*, Vol.1, No.19.
- Mudoola, Dan M., (1996), *Religion, Ethnicity and Politics in Uganda*, Kampala: Fountain Publishers Ltd.
- Mugambwa J., (2007), “A comparative analysis of land tenure law reform in Uganda and Papua New Guinea”, in *Journal of South Pacific Law*, Vol.11, No.1, P.53.

Munster, the Earl of, (1961), *Report of the Uganda Relationships Commission*, Entebbe: Government Printer.

Museveni, Y., (2002), “Historical Marginalization by Conflicts has made the Banyoro very Sensitive: Kibaale Museveni’s plan” *The New Vision*, Wednesday 24<sup>th</sup> April.

Museveni, Y.K., (2009), “Guidance on Banyoro – Bafuruki question”, *The Sunday Monitor*, August 2, 2009

Mutibwa, P.M., “Internal self-government: March 1961 to October 1962”, in Uzoigwe, G.N. ed. (1982) *Uganda: The Dilemma of Nationhood*, New York & London: Nok Publishers.

Mutibwa P.M (1992) *Uganda since independence*, Kampala: Fountain Publishers.

Mwenda A.M., (2007), “Personalizing Power in Uganda”, *Journal of Democracy*, Vol.18, No.3.

Nabudere, D.W (1980) *Imperialism and revolution in Uganda*, Dar es Salaam: Tanzania Publishing House.

Ngololoza, P (1998) *Kigezi and its people*, Kampala: Fountain Publishers.

Nsamba-Gyayiiya, E., (2003), *The Kibaale Land Question*, Kampala: Uganda Land Alliance.

Obeng-Odoom F., (2011), “Land reforms in Africa: Theory, practice, and outcome”, in *Habitat International*, No.36, Elsevier Ltd.

Okoth-Ogendo, H.W.O. (1999) “Land policy development in East Africa: A survey of recent trends”, *Paper for DFID Workshop on ‘Land Rights and Sustainable Development in Sub-Saharan Africa’*, Berkshire, England, February 16-19, 1999.

Okoth P.G. and Ogot B.A., (2000), *Conflicts in Contemporary Africa*, Nairobi: Jomo Kenyatta Foundation.

Okuku, J., (2002), “Ethnicity, State Power and the Democratization Process in Uganda”, Uppsala: Nordiska Afrikainstitutet.

Olayode K., “Beyond Intractability: Ethnic Identity and Political Conflicts in Africa”, in *International Journal of Humanities and Social Science*, Vol.6, No.6, 2016.

Peil M. (1977), *Consensus and Conflict in African Societies*, London: Longman Group Ltd.

Peters, E.P. (2007) “Challenges in Land Tenure and Land Reform in Africa: An Anthropological Perspective”, *CID Working Paper*, No.141.

- Peters P.E., (2013), “Conflicts over land and threats to customary tenure in Africa”, in *African affairs*, Oxford University Press.
- Petersen, C., (2006), *Uganda: Presidential, Parliamentary and Local Council Elections*, Oslo: Nordem.
- Peterson D.R (2010) ed. *Abolitionism and imperialism in Britain, Africa, and the Atlantic*, Ohio: Ohio University Press.
- Place F., (2009), “Land Tenure and Agricultural Productivity in Africa: A Comparative Analysis of the Economics Literature and Recent Policy Strategies and Reforms”, in *World Development*, Vol.37, No.8, Elsevier Ltd.
- Platteau J.P., (1996), “The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment”, in *Development and Change*, Vol.27, Oxford: Blackwell Publishers.
- Pratt R.C (1965), “Administration and Politics in Uganda, 1919 – 1945” in Harlow V., et al., (eds.), *History of East Africa*, Vol.2, Oxford: Clarendon Press.
- Ranger T., “The Invention of Tradition in Colonial Africa”, in E. Hobsbawm & Ranger T., (1983) *The Invention of Tradition*, Cambridge: Cambridge University Press.
- Schelnberger A.K., (2005), “Decentralization as a means of conflict management: A case study of Kibaale district, Uganda, *IEE Working Papers*, Vol.181, Bochum: Ruhr University Institute of Development Research and Development Policy.
- Schlager E and E. Ostrom (1992), *Property Rights and Natural Resources: A Conceptual Analysis*, University of Wisconsin.
- Slim, H., Thomson, P., Bennett, et al., (2006), “Ways of Listening”, *The Oral History Reader*, 2<sup>nd</sup> ed., London & New York: Routledge.
- Southall A.W., “The Illusion of Tribe”, in Gutkind P.W., ed. (1970), *The Passing of a Tribal Man*, Leiden: Brill
- Steinhart, E. I., (1999), *Conflict and Collaboration in The Kingdoms of Western Uganda*, Kampala: Fountain Publishers Ltd.
- Takeuchi S. and J. Marara, (2011), “Features of Land Conflicts in Post-Civil War Rwanda”, *African Study Monographs*, Suppl.42.
- Uganda Protectorate., (1923), *Department of Land and Survey Annual Report for the Year ending December 31, 1923*, Entebbe: Government Printer.

van Asperen P & J. Zevenbergen (2007), "Can lessons be learnt from improving tenure security in informal settlements?" *Workshop 17: Housing and Sustainable Urbanization in Developing Countries*, Rotterdam: ENHR.

West H.W., (1964), *The Mailo System in Buganda*, Entebbe: Government Printer.

White L., (2000), "Telling More: Lies, Secrets and History", *Theory and History*, Vol. 39, No. 4.

Yieke, F.A., (2011) "Ethnicity and Development in Kenya: Lessons from the 2007 General Elections", *Kenya Studies Review*, Vol.3, No.3.

## **ii. Unpublished materials**

Balimwoyo, M.M., (2002), "Interim Report on the tribal tension in Kibaale district", Hoima: Mid-western region police headquarters.

Green, E., (2006), "Demography, Diversity and Nativism in contemporary Africa: Evidence from Uganda", paper presented at the ASEN conference on Political Demography, London School of Economics and Political Science.

Miirima H.F., (1998), "The Kibaale Question: Past and Present", Unpublished paper presented to History and Reconciliation workshop in Uganda held on July 8-9 at Jinja.

Moyo S., (2002), "The Land Question and Land Reform in Southern Africa", *April 18-19, 2002 Conference Paper*, Pretoria: National Institute for Economic Policy.

Museveni, Y.K., (2002), "Communiqué on the Political Situation in Kibaale district during a Meeting at State House", June 8, 2002, point No.7, Nakasero: Uganda.

Musheshe, M., (2003), "The Recurrent Conflict in Kibaale District: Background, analysis and recommendations for conflict resolution and unity, an unpublished paper.

Okoth-Ogendo, H.W.O. "Land policy development in East Africa: A survey of recent trends", *Paper for DFID Workshop on 'Land Rights and Sustainable Development in Sub-Saharan Africa'*, Berkshire, England, February 16-19, 1999.

The World Bank (2005), *World Development Report 2006*, New York: Oxford University Press.

## **(B) Primary sources**

### **i. Government documents**

Hansard: *Uganda Independence Bill*, 16 July 1962, Vol.663.

HDA, “Relationships Commission”, February 11, 1961, Bunyoro Kingdom Archives.

HDA, “Local government policy, Lost counties”, October 15, 1961, Untitled file, Bunyoro Kingdom Archives.

Munster, the Earl of (1961), *Report of the Uganda Relationships Commission*, Entebbe: Government Printer.

The Republic of Uganda: *The Land Act 1998*.

Uganda Government: *Land Reform Decree 1975*

Uganda Government: *Districts Information Handbook 2002*.

The Republic of Uganda., (2002), “Report of the Government Committee of Inquiry into the Political Developments in Kibaale District,” Kampala: State House.

The Republic of Uganda, (2006), “Report of the Commission of Inquiry into Bunyoro issues,” Kampala: State House.

Uganda Government: Y.K. Museveni, “Communiqué on the Political Situation in Kibaale district during a Meeting at State House”, June 8, 2002, point No.7, Nakasero: Uganda.

Uganda Government: *H.E Yoweri Kaguta Museveni’s Statement on the Kibaale situation*, April 15, 2002, Kampala: Nakasero State House.

Uganda Government (2013), *Audit Report on the management of the land tenure reform project by the Ministry of Lands, Housing and Urban Development*, Kampala: Office of the Auditor-General.

Uganda Electoral Commission, (2006), Report on the general elections, Kampala: Uganda.

Uganda Government: *The Constitution of Uganda 1962*, Entebbe: Government Printer, 1964.

Uganda Government: *The Uganda (Independence) Order in Council*, 1962, section 26(1), Makerere University, Africana Section.

Uganda Government, (1995), *The 1995 Constitution of the Republic of Uganda*, Chapter 29(2) a.

Uganda Government, (1966), *Statistical Abstracts*, Entebbe: Government Printer.

Uganda Government (2010), *Statistical abstract*, Vol.1, 2010, Kampala: MLHUD.

Uganda Government (2006), *Constitution of the Republic of Uganda (Amendment Act) 2005*, Kampala: Uganda Law Reform Commission.

Uganda Bureau of Statistics, (2002), *The 2002 Uganda Population and Housing census*, Kampala.

Uganda Interim Electoral Commission, (1996), *Presidential Elections Final Results*, Kampala: Uganda.

## **ii. Newspapers**

Bakeine, M., (2009), “Bafuruki memo to Museveni”, in *The Observer*, August 10.

Businge G., (2002), “Your ignorance is complicating matters in Kibaale!” in *New Vision*, March 13.

Golooba-Mutebi, F., (2012), “Where are these clean people that you want the President to appoint?”, *The East African*, September 15.

Mamdani M., (2009), “Uganda: Buganda and Nation at Crossroads”, *The New Vision*, August 9, Kampala: The New Vision Publishing House.

Miirima H.F., (2001), “The History of Kibaale district”, *The New Vision*, Kampala: The New Vision Publishing House.

Mugerwa F., & E. Mulondo, (2006), “Rugunda named in Kibaale land disputes”, in *Daily Monitor*, March 13.

Museveni, Y.K., (2009), “Guidance on Banyoro – Bafuruki question”, *The Sunday Monitor*, August 2.

Museveni, Y., (2002), “Historical Marginalization by Conflicts has made the Banyoro very Sensitive: Kibaale Museveni’s plan” *The New Vision*, Wednesday 24<sup>th</sup> April.

Rulekere G., (2006), “24 arrested over Kibaale tribal conflict that has claimed 3”, *UG Pulse*, Kampala: Ultimate Media.

## **iii) Archival materials**

Colville, H., ‘Diary of the Mruli expedition’, E.S.A. A2/1

Berkeley’s circular to Grant, December 9, 1895, E.S.A. A5/1.

Dispatch of August 27, 1901, F.O. 2/460.

M.B.C to Sir Philip Mitchell (Governor), April 27, 1938, Catholic Church Archives, Rubaga, f.5.

M.B.C Memorandum to the Commission of Privy Councilors, 1958, Bunyoro Kingdom Archives.

HDA, "Tombs of the Bakama" file, D.C, Bunyoro to Administrator, Buyaga and Bugangaizi, August 7, 1963.

**iv) Interviews**

J. Baligira, *Interview*, with G. T., Muhooro, April 14, 2011.

J. Baligira, *Interview*, with D. N., Kagadi, August 23, 2011.

J. Baligira, *Interview*, with B. I., Paachwa, December 8, 2011.

J. Baligira, *Interview*, with S. J., Karuguza, December 17, 2011.

J. Baligira, *Interview*, with B. I., Paachwa, December 24, 2011.

J. Baligira, *Interview*, with C. M., Nyanseke, September 8, 2011.

J. Baligira, *Interview*, with E. N., and B.T., August 15, 2009.

J. Baligira, *Interview*, with J. K., *Karuguuza*, March 2, 2011.

J. Baligira, *Interview*, with J. A., Kisiita, January 13, 2011.

J. Baligira, *Interview*, with J. B., Kiryambiire, March 17, 2011.

J. Baligira, *Interview*, with E. K., Kyakabanda, November 29, 2011.

J. Baligira, *Interview*, with B. K., Kikwaya, February 10, 2011.

J. Baligira, *Interview*, with Z. S. (Kyakabanda Parish Chief, 1972 - 1978), Paachwa, December 25, 2010.

J. Baligira, *Interview*, with A. R., Irobe, February 21, 2011.

J. Baligira, *Interview*, with H.F.M. (Press Secretary for Bunyoro King), October 12, 2011.

J. Baligira, *Interview*, with L.S.A, Nyankoma, August 26, 2011.

J. Baligira, *Interview*, with L.K., Mangoma, November 12, 2011.

J. Baligira, *Interview*, with B.M.A., Nyakarongo, February 19, 2011.

J. Baligira, *Interview*, with M.J., Kasambya, March 4, 2011.

J. Baligira, *Interview*, with B.Y., Muhooro, January 13, 2011

J. Baligira, *Interview*, with K.V., Mabaale, November 22, 2010

J. Baligira, *Interview*, with R.R., Kiryambiire, December 24, 2010

J. Baligira, *Interview*, with B.A., Kicucuura, January 16, 2011

J. Baligira, *Interview*, with T.S., Paachwa, October 16, 2010

J. Baligira, *Interview*, with K.K.M., Karuguuza, February 7, 2011.

J. Baligira, *Interview*, with B.G.W., Kibaale T.C., October 19, 2010

J. Baligira, *Interview*, with K.E., Burora, October 21, 2010

J. Baligira, *Interview*, with K.S., Mabaale, March 3, 2011

J. Baligira, *Interview*, with P.M.N, Makerere, November 30, 2011.

J. Baligira, *Interview*, with A.C., Kagadi, November 21, 2010.

J. Baligira, *Interview*, with N.S., March 3, 2011

J. Baligira, *Interview*, with A.T., Kagadi, February 27, 2011

J. Baligira, *Interview*, with A. K., Igayaza, March 1, 2011

J. Baligira, *Interview* with K.B., Nyanseke, October 18, 2013.

J. Baligira, *Interview* with H.F.M., Kisugu, September 12, 2013.

J. Baligira, interview with A.T., Kagadi, January 14, 2011.

J. Baligira, *Interview* with G. N., Kitemuzi, December 22, 2010

J. Baligira, *Interview* with T. N., Mangoma, November 28, 2010

J. Baligira, *Interview* with B. T. B., Mabaale, November 16, 2010.

J. Baligira, interview with A. T., Kagadi, January 14, 2011.

J. Baligira, interview with K. J., Kagadi, November 4, 2010.

J. Baligira, interview with T. B., Muhooro, November 8, 2010

J. Baligira, interview with S. K., Mukumbwa, January 7, 2011

J. Baligira, interview with A. K., Nyabinanga, December 23, 2010

J. Baligira, interview with G. B., Karuguuza, October 13, 2010

J. Baligira, interview with R. K., Muhooro, October 4, 2010

J. Baligira, interview with J. K., Kikonda, January 12, 2011.

R. Rukahemura, interview with J. K., Kiryanga, February 19, 2011

J. Baligira, interview with A. B., Kiranzi, October 13, 2010.

J. Baligira, interview with B.I., Kamata, March 2, 2011.

J. Baligira, interview with F. T., Mukumbwa, December 26, 2011.

J. Baligira, *Group discussion*, with Paachwa residents, December 24, 2010.

J. Baligira, *Group discussion*, with Burora trading centre residents, December 18, 2010.

**APPENDIX A**  
**INTERVIEW GUIDELINES**

**INTERVIEW GUIDE FOR IMMIGRANTS IN KIBAALE DISTRICT**

The objective of this study is to understand the relationship between land ownership/access and conflicts in Uganda with a case study of Kibaale district in Western Uganda during the period 1962 to the present day. This is basically for academic reasons and your views will contribute to an understanding of the nature and causes of conflicts in our region. Your participation in interviews is requested either at your home or at another location of your convenience. Since the interview questions are aimed at establishing the causes of persistent conflicts in Kibaale district, your views may contribute to conflict resolution. The interviews may be tape recorded, although requests to turn off the tape recorder at any time can be made. The researcher assures you that all information derived from the interviews will be kept confidential, and will only be used for research/academic purposes. Your participation will be highly appreciated.

**RELATIONS BETWEEN THE EARLY AND NEW SETTLERS IN KIBAALE**

**Outline of interview guide for new settlers:**

**General information**

1. Date of Interview: \_\_\_\_\_
2. Location of Interview: \_\_\_\_\_
3. Sex: \_\_\_\_\_
4. Home Address \_\_\_\_\_
5. Place of birth \_\_\_\_\_
6. Which year did you arrive in Kibaale district?
7. How old were you when you arrived in Kibaale district?
8. Did you decide to come to Kibaale on your own?
9. If not, who arranged your coming to Kibaale?

10. Did you come with a family?

11. Which of the following constituted the reasons for your migration to Kibaale district?

- a) Search for better land.
- b) Search for higher income.
- c) Search for a better physical environment or living conditions.
- d) Search for a more stable political environment.
- e) Search for a better future for my children.
- f) Other (please specify)

**Questions about migration history and current settlement:**

- When did you migrate to Kibaale district?
- What were your intentions for migrating to Kibaale district?
- Which problems did you experience when you were migrating to Kibaale district?
- How did you migrate to Kibaale district?
- How did you acquire the land you are currently settling on?
- Did you experience any challenge when you were acquiring that land?
- Which problems are you facing currently in your area of settlement?
- Are you permanent settlers here or you are just here temporarily?
- Which relationship do you have with the natives of this area?
- What is the nature of the settlement?

**Questions about the link between land ownership/access and conflicts in Kibaale district**

Are you aware of the Baganda absentee landlords?

If yes, do they affect land ownership and utilization in Kibaale district? If so how?

Is there any plan to compensate the Baganda absentee landlords?

If yes, who should benefit from the redistribution of the land from the Baganda absentee landlords?

How does land ownership in Kibaale district affect the relationship between people who came from your previous homeland and the indigenes of Kibaale district?

Are you aware of any conflicts which have taken place in your area because of land ownership issues?

How are these conflicts handled when they arise?

Do you have any resettlement scheme in this Sub County?

When was it established and for what reason?

Did this resettlement scheme affect other peoples in this area?

If yes, how did it affect the people?

Do you know any forest reserves in Kibaale district?

Does the existence of such a forest reserves affect the life of the people in your area? If yes, how does it affect the people?

Are there any conflicts that are related to the existence of such forest reserves?

If so how are they resolved?

Do you have any game reserve in Kibaale district?

How does this game reserve affect the livelihood of the people in the area?

Are there any problems associated with its existence?

If so, how are they handled?

Are there any large farms owned individually or collectively?

Does the existence of such farms have an impact on the life of the people in the area?

Are there any conflicts associated with such large farms?

How are they resolved when they do arise?

**End: Thank you for answering my questions.**

## **INTERVIEW GUIDE FOR THE EARLY SETTLERS IN KIBAALE DISTRICT**

The objective of this study is to understand the relationship between land ownership/access and conflicts in Uganda with a case study of Kibaale district in Western Uganda during the period 1962 to present- day. This is purely for academic purposes. Your participation in interviews is requested either at your home or at another location of your convenience. The questions are mainly aimed at establishing the causes of the conflicts between the indigenes and other peoples in Kibaale district to find ways of resolving them. The interviews may be tape recorded, although requests to turn off the tape recorder at any time can be made. The researcher assures the participant that all information derived from the interviews will be kept confidential and will only be used for research/academic purposes.

### **Questions on conflicts between the early settlers and other people in Kibaale district**

#### **General information**

Date of Interview \_\_\_\_\_

Location of Interview \_\_\_\_\_

Place of birth \_\_\_\_\_

#### **Ancestral history and current settlement**

Do you belong to any clan? If yes, what is it called?

When did you become a resident of this area?

How did you acquire the land you are currently settling on?

Do you have a certificate of ownership or any other form of evidence that you own this land?

Did you experience any challenge when you were acquiring that land?

Which problems are you facing currently in your area of settlement?

What is the nature of the settlement?

The struggle for the 'lost counties'

Do you have any idea about the struggle for Bunyoro's lost counties?

Did you participate in that struggle? If yes, how did you participate?

Do you know any other person who participated in the struggle for the return of the counties to Bunyoro?

Are you aware of the existence of the Mubende Banyoro Committee? If yes, what role did it play in the struggle?

Who constituted the leadership of the M.B.C? How did some people become leaders of the M.B.C?

Who were the members of M.B.C? How were they mobilized? What activities were they involved in?

How did the people from Buganda respond to the M.B.C campaigns?

What types of weapons were used in the conflict between the Banyoro and the people from Buganda in Buyaga and Bugangaizi counties?

What role did the British and other Europeans play in these conflicts?

Why were the lost counties not returned to Bunyoro before Uganda's independence?

What role did the M.B.C play in the struggle up to the referendum of 1964?

Were the indigenes of Bunyoro region satisfied with the results of the 1964 referendum? Give reasons for your answer.

What was the nature of conflict soon after the referendum?

What steps were taken to resolve the conflicts?

Do you have anything else which you would like to say about the conflicts between the indigenes of Kibaale district and other peoples?

## **Relationship between land ownership/access and conflicts in Kibaale district**

Are you aware of absentee landlords who own land in your area?

If yes, in which region are they currently residing?

Do they affect the way how land is utilized in your area?

What is the nature of land ownership in your area?

Have you heard of government's policy to compensate the absentee landlords of Kibaale district?

If yes and in case government completes the process of compensating the absentee landlords, who do you think should benefit from the land redistribution exercise?

From your own observation, in what ways is land used in Kibaale district?

Has your area ever experienced conflicts between the indigenes and the immigrants?

Were these conflicts a result of land ownership controversies? If yes, how?

Is there any resettlement scheme in this Sub County?

If yes, when was it established and for what reasons?

Did this resettlement scheme affect the people in your area?

If yes, how were the people affected?

Is there any forest reserve in your area? If yes, how has it been affected by increased human settlement?

Are there any conflicts that are related to the existence of such a forest reserve?

If so how are they resolved?

Are there any large farms in your area? If yes, who own them?

Does the existence of such farms affect the people in your area?

Are there any conflicts associated with such large farms?

How are they resolved when they do arise?

Do you have anything else to tell me about the relations between the indigenes and the immigrants in Kibaale district?

End: Thank you for the information and time you have given me.

---

### **INTERVIEW GUIDE FOR KIBAALE LAND ABSENTEE LANDLORDS.**

The objective of this study is to understand the relationship between Land ownership and conflicts in Uganda with a case study of Kibaale district in Western Uganda during the period 1962 to present- day. This is part of the requirements for a PhD study being undertaken by John Baligira at the University of Cape Town. Your participation in interviews is requested either at your home or at another location of your convenience. The interviews may be tape recorded, although requests to turn off the tape recorder at any time can be made. The researcher assures the participant that all information derived from the interviews will be kept confidential and will only be used for research/academic purposes.

#### **Questions:**

1. What is your clan (optional)?
2. What is your current place of residence?
3. What is your sex?
4. How old are you (optional)?
5. What is your level of formal education?
6. What is your occupation?
7. Are you married or not?
8. How many children do you have?

9. What education levels have they attained?
10. Do you have other dependants? If yes, how many are they?
11. Do you/did you own land in Kibaale district? If yes, how much land do/did you own?
12. For how long have you owned this land? /For how long did you own the land?
13. How did you acquire the land?
14. If you still own the land, under what land tenure system do you own the land?
15. Do you have a certificate of title to your land?
16. How many acres of land do you currently own?
17. Are there tenants on your land? If yes, do they pay any money to you for that land?
18. Have you ever gone to Kibaale district to either see or utilise your land? If yes, how often do you go there?
19. How do you relate with the people on your land and in the neighbourhood?
20. If you have a title for the land in Kibaale district, have you ever been asked by government to surrender your title in exchange for money?
21. At how much money is the government ready to purchase your land?
22. Are you willing to sell your land to the Government?
23. If yes, at how much money are you willing to sell the land?
24. Is it fair for government to purchase the land from you?
25. Do you think the people in Kibaale district have the right to claim ownership of your land?
26. Why do you think so?
27. Do you know other people from Buganda who own land in Kibaale district? If yes, can you name them?
28. What opinions do they have about selling their land to government?
29. Do they relate with the tenants on their land in Kibaale district? If yes, how do they relate?
30. Are you aware of people in Buganda who once owned land in Kibaale? Can you name them?

31. How did they lose ownership of the land in Kibaale district? If they sold the land, did they sell it to individuals or to government?
32. At how much money did they sell their land? Were they happy with the sales of land?
33. If the land was bought by individuals, did they get the land titles for it?
34. Are you aware of the conflicts between the Banyoro and the immigrants in Kibaale district? If yes, do the conflicts have any connection with the land which is still owned by absentee landlords from Buganda?
31. If you still own land in Kibaale district, do the tenants on it include people from other districts/countries?
32. If you were to sell the land, would you sell it to any willing and capable buyer? Can you give reasons for your answer?
33. Are you comfortable with the land tenure system in your area? Provide reasons for your answer.
34. Do you think the land tenure system in your area is better than that in Kibaale district? Give reasons for your answer.
35. What suggestions can you give to improve the relations between the indigenes of Kibaale district and other peoples?

**End: *Thank you very much for the contributions and the time you have given me.***