

Natives into Settlers: Ethnicity, Land and Conflict in Uganda

**Report of a Methodology Workshop, Imperial
Royale Hotel, Kampala Uganda
Monday 20 July 2009**

**Compiled by
Dr. Sally Simba**



Natives into Settlers: Ethnicity, Land and Conflict in Uganda

Compiled by
Dr. Sally Simba &

**Working Paper Series,
No.6/August 2009**

The **API working paper series** is published to share ideas and perspectives, stimulate debates and elicit comments and feedback on topics based on on-going research projects. The working paper series provides a platform for sharing preliminary research work and other technical reports arising from policy forums, methodology workshops and related forums which may require further research before submission to professional journals or publication as policy reports. Such Series may be based on case studies, thematic issues or review of current literature covered by the topic, although they may also incorporate some findings of original research, which deserve to be shared with the research and policy communities. The Series are hosted on API website (www.africapi.org) and also printed for distribution.

Natives into Settlers: Ethnicity, Land and Conflict in Uganda

©Africa Policy Institute, 2009

Africa Policy Institute, Suite 7, First Floor, Lower Hill Duplex, Upper Hill Road, Next to The World Bank, P.O. Box: 34791-00100, GPO, Nairobi, Kenya / Suite 102 C, First Floor, Newlands Plaza, Corner of Dely & Lois Street, Newlands 0181, Pretoria, South Africa, P.O. Box 776.

Typeset by Bluegate Technology Solutions, Pretoria, South Africa
Printed by Tafari International, Nairobi, Kenya

API Working Paper Series, 6/August 2009
ISBN 978-9966-004-03-1

THE AFRICA POLICY INSTITUTE (API) IS AN INDEPENDENT, NOT-FOR-PROFIT pan-African think-tank designed as a center of excellence on peace, governance and strategic issues in Africa. The Institute is devoted to policy relevant research to stimulate and inform policy dialogue and sharing of innovative policy perspectives with research and policy communities. API would like to express its gratitude to the International Development Research Centre (IDRC) for support of its research under which this working paper series is published.

Table of Contents

Executive Summary	5
1. Introduction and Background	7
2. Defining the major concepts	8
3. Ethnicity, Land and conflicts in Uganda: Issues, Concepts and Methods	9
4. The Dynamics of Conflict in Uganda	13
5. Ethnicity and Identity in Uganda	14
6. Resources/Land and Conflict	17
7. Emerging Issues and Research Areas	18
8. Conclusion	20
ANNEX 1: CONFERENCE PROGRAMME	21

Executive Summary

The Africa Policy Institute (API), in conjunction with academics from Makerere University and partner civil society organizations in Uganda, organised a one day workshop at the Imperial Hotel, Kampala on 20 July 2009 to discuss the critical issues of ethnicity, resources/land and conflict in Uganda. Like other API methodology workshops in Kenya, Rwanda and Tanzania, the Uganda meeting was organized as a small but focused intellectual engagement aimed at exploring and clarifying issues for researchers. Attended by academics, civil society leaders, researchers and experts, the meeting was part of the API larger research on *Ethnicity, Land, and Conflict in Africa* which covers four countries namely Kenya, Uganda, Tanzania and Rwanda (Cote d'Ivoire, South Africa and Zimbabwe are additional comparative case studies). The Uganda methodology workshop also followed up on the broader Nairobi Conference that launched the Ethnicity, Land and Conflict in Africa project. The meeting's objectives included to clarify theoretical and conceptual issues which would assist researchers undertaking field study; to agree on common methodological approaches to the study; and identify emerging issues and areas that the field study should focus on.

At the end, the meeting identified six key issues and areas of research focus. These are: The tenant-landlord relationship in Buganda, where issues of decentralization and federalism have featured in the conflict between the state and the monarchists. .

- ✓ Conflict relating to pastoralism, rustling and inter-ethnic tensions in Karamoja.
- ✓ The Balalo question relating to the migration of non indigenous pastoralists and the resultant conflicts experienced in the areas of Bunyoro, Teso, Lango and the West Nile.

- ✓ Conflict on the Acholi region centring on displacement and resettlement of victims of war, the quest for federalism in the region and the potential of conflict following the discovery of oil in Amuru district of Acholiland.
- ✓ Conflict relating to the Kibale question (formerly the lost counties) of Bunyoro; conflict between the Bakiga and the Banyoro and the potential of conflict as a result of oil in Bunyoro.
- ✓ The creation of districts in Uganda by the government, which has created boarder problems.

The following, therefore, is the analytic report of the Kampala workshop. The report defines the background to the study; explores the pertinent conceptual issues; examines the nexus between ethnicity, resources (land) conflict in Tanzania and, finally, identify emerging issues and areas of research focus.

1. Introduction and Background

In the recent times Uganda has been experiencing a resurgence of ethnicity. The local communities have been making demands for local autonomy or more participation in the affairs of the state and to partake in the distribution of the natural resources. The resurgence of ethnicity has raised issues of theoretical and policy significance. At the theoretical level, it demonstrates the dangers such states face when political mobilization occurs against the backdrop of failure to respect or adhere to the working democratic institutions. Whereas the end of the authoritarian regime meant stabilization and respect to civil liberties, many governments have failed to accommodate the rising political demands within the existing institutional framework. This can culminate into political violence and can be acute in multiethnic societies. In an attempt to diffuse ethnic tensions, various governments have been forced to abandon democracy to accommodate ethnic interest. In the end neither side is satisfied.

At the onset of transition process, Uganda instituted a number of economic and political changes. The economy was restructured to accommodate new political and economic forces. This is what (Offe and Adler, 1991) called triple or in other cases double transition. The advent of new capitalism either challenged or changed the status quo and in most cases brought about dispossession of certain categories of people. The basic argument is that political democracy needs a market economy and the market economy requires private property (Berger, 1992:10). Consequently, the economy had to be reorganised.

The process of economic restructuring in Uganda has led to privatization of public enterprises forcing many people out of employment. The whole process has left the people economically and politically demobilised. The result has been widespread poverty among the population. This has accelerated ethnic mobilization against the state and some private companies that are seen as responsible for the misery among the people. Many people are retreating to their own communities in order to challenge government's policy and programmes. It is in the light of the above that we wish to examine the issues of ethnicity, land and conflict in Uganda, with the understanding that communities have organized

themselves to make claims on land. They are challenging governments' efforts to establish development programmes especially where land is involved.

2. Defining the major concepts

The meeting started by defining the main concepts used in the study: ethnicity, land and conflict.

Ethnicity: As a social phenomenon, ethnicity can be manifested in various forms, between and among members of different ethnic cleavages. As social formation, ethnic groups are distinguished by their communal nature of boundaries erected between them or sharing a common consciousness. Other factors may include language, culture, religion, nationality, or geographical territory as source of identity that a certain group may wish to project. These elements produce ethnicity when relations between or among ethnic groups in a political system are characterized by common consciousness (Udogu, 1994) The members of an ethnic group may be restricted to a single nation or a group may cut across several national boundaries. They may vary in size, duration and intensity of involvement in politics. Therefore, ethnicity is defined as a condition where members of a society, in a given social context, choose to emphasize as their meaningful basis of primary, extra familial identity, assumed inborn, cultural, or national traits

The subjective factors defining an ethnic group may be consciously or unconsciously chosen by its members basing on their past history, present conditions, or anticipations for the future. These may include cultural traits selected to provide for the creation and maintenance of social cultural boundary. Ethnicity is also inherent, in areas where boundaries are porous, but it can also be acquired by any group that is self-identifying, whether minority or majority (Richards, 1999). Because the sense of belonging is voluntary, ethnic groups may choose to emphasize on any outward aspect they want to identify themselves for example race, language, tribe, shared history, region and at times old school networks. The consciousness develops because the major actors are dissatisfied with the present political arrangements or new relationships within the existing institutions. When these arrangements are not satisfactory or their

demands are not met, they may sometimes seek other ways of meeting them through either legal or extra-legal mechanisms depending on the political situation. It is this whole process that gives rise to ethnicity.

Land: It can be defined as a natural resource which includes such things as water, minerals and pastures. In economic terms, land is a commodity that has value and can be purchased or exchanged. To traditionalists, land belongs to a trinity of forces: the living, the dead and the unborn. Consequently, it instils a sense of cultural attachment to the land, as it edifies citizenship and defines one's identity.

Conflict: The definitions of the concept conflict take various connotations, which rang from psychological, cultural to social. The most important is the social conflict, defined here as a struggle over values, whether distributive or non-distributive, in which the immediate aims of the opponents are to neutralise, injure or eliminate their rivals (Williams, 1994: 54). Such conflicts can be manifested in forms of strikes, demonstrations, mutinies, protests, sabotage, communal rioting and even terrorism. In acute cases, conflicts have been expressed in form of internal wars, secessionist movements, civil wars and rebellions. Ethnic conflict presupposes the competition or rivalry for individualised or group economic and political goods which are important. The conflicts are intense when the stakes are collective goods, including the categorical claims to prestige and political authority. In this case, the primary factor in ethnic conflict is resource mobilisation, or inequalities (both ethnic and economic) and social strains among others.

3. Ethnicity, Land and conflicts in Uganda: Issues, Concepts and Methods

The question of ethnicity and land can be understood through a historical process. The colonial period in Uganda began with land conflicts, quite often degenerating into ethnic conflicts. In Buganda for instance, two systems of land ownership were created when the 1900 Buganda Agreement was signed by the British regents and Baganda officials: the Mailo land which was distributed to chiefs, who helped serve the colonial administration and the crown land. In the process, the earlier chiefly hierarchy was dispossessed. This explains the birth of the Bataka movement, the first social movement, which challenged colonial rule. It

started in 1908 but gained momentum in the 1920s, and formed the foundation upon which the latter social movements were formed. The 1900 agreement, in addition to recognizing Buganda as a province became the basis upon which other regions of the country were brought under colonial rule. However, other parts of the country were carved up into administrative units (districts). Most of these districts with the exception of Bukedi, Bugisu and Kigezi, coincided with more or less, culturally homogenous groups (Mudoola, 1993; Lunyigo, 1989, Karugire, 1980).

The signing of the 1900 Agreement was followed by the regularization of power or colonial rule in the new protectorate. This was done by introducing indirect rule in Buganda and native administration in Northern areas. The colonial conquest and regularization of colonial rule were significant processes in creating conflict.

In Buganda the local elites were promoted to chiefs and the others were taken to act as local chiefs in other regions. Buganda came under British colonialism through co-operation but others like the Bunyoro came under colonialism through conquest. The colonial process and the subsequent colonial administration aimed at ensuring that colonial hegemony was not jeopardised. They therefore rewarded the allies and conquered or neutralized those who resisted. Bunyoro's resistance saw a big chunk of their land given to the Buganda. This left an indelible mark on her political landscape and she continued agitating for her lost counties throughout colonialism and after.

The issue of Bunyoro's lost counties was passed on to the postcolonial government. The new government assumed power with the understanding that a referendum would be held two years after independence for the Banyoro in the lost counties to determine whether to revert to Bunyoro, remain independent or be part of Buganda. But Buganda did not co-operate with the government, despite having an alliance with the ruling party that assumed leadership after independence. The government went ahead and organized the referendum to Buganda's displeasure. The result was the breakdown of the independence alliance between the Uganda Peoples Congress (UPC) party and the Kabaka Yekka (KY), the coalition that had formed the first post independence

government. Two years after the referendum, in 1966 Uganda experienced a political crisis which led to the abolition of Buganda and other kingdoms.

The subsequent governments have not been in a position to solve the land question. Yoweri Museveni's National Resistance Movement (NRM) government which has been in power since 1986 has failed to initiate a comprehensive land policy that can solve the land issue. At the time when the NRM launched a bush struggle against the Uganda National Liberation Front government (UNLF), it forged alliance with landlords although the peasants also played an important role as foot soldiers. The land lords financed the NRM struggle to oust the UNLF government whereas the ordinary people formed to core of the military. This has posed new challenges to the NRM regime in the sense that it cannot have a comprehensive land policy without hurting either side.

The two legal documents, the Uganda constitution of 1995 and the land bill of 1998, which attempted to address the land issue, left numerous loopholes that have escalated conflicts between the landlords and the *bona fide* occupants on the land. The conflicts involving the landlords and the occupants have been increasing over time. These evictions have been exacerbated by the weak laws and the increased market for land. On the other hand, the law is not clear on who owns the land – the landlord or the *bona fide* occupants. The legal framework is also not clear about the land usage. It does not spell out how much one should own and for what purpose. This has allowed people to amass land while displacing others.

Another major challenge has been the accumulation of land by high ranking officials in the army and government. This has been done at the expense of the ordinary people. It is feared that those in power may not leave voluntarily, even when it is through a democratic process because of the fear of accountability. This has generated hatred for the migrant communities, especially those who have ethnic connections to those in power. The best example is that of the pastoralists “the Balalo” who had moved to places in the north and eastern parts of the country. They have been rejected with some places like Bunyoro experiencing bloody conflicts involving the pastoralists' incomers and the indigenous population.

This has served to further complicate the question of the lost counties. Whereas the earlier conflict was between the Banyoro and the Baganda, the question of the Bakiga, and other immigrants who have moved into this area has added a new dimension to the conflict. Though it is not clear whether they have received unfair political and economic advantage over the indigenous population in the area, they have been resisted for it is assumed that they have had unfair advantage over the locals politically and economically.

The triple crisis in Buganda has been over land, the monarchy and power. The crisis can be explained through a historical process. At the inception of colonialism, as earlier mentioned, Buganda was given a separate land ownership that favoured the ruling elite, a status quo they have vowed to defend. With the country just recovering from the two decade civil war which pitted the Lords' Resistance Movement against the government, people are going back to their homes only to be faced with the dilemma over land. For close to 20 years, the population in the north has been displaced, taking refuge in the Internally Displaced peoples camps (IDPCs). Back home they cannot trace the boundaries of their land. In cases where land is owned communally, communities have started fighting amongst themselves. Even neighbouring districts are accusing each other of extending boundaries during the period of instability. When Gulu district is accusing Lira of extending her boarder into Gulu land, Lira is accusing Gulu of expansionism. This has further been complicated by the entrance of individual entrepreneurs, mostly military officers and high ranking government officials. The two have taken advantage of the long civil war to fence off large pieces of land to the chagrin of the local people.

The government policy of creating new districts for almost each and every community has compounded the land problem. Communities which used to coexist peacefully are now up in arms fighting for land. For example, there is a conflict between Butalega district and Tororo over a swamp that borders both districts. On the other hand, the Acholi and Baganda are demanding for federalism. The discovery of oil the Bunyoro region has also led to the demands for federalism. The demand for these systems of administration is clearly because

of resources, which the indigenous population may not be ready to share with other communities.

4. The Dynamics of Conflict in Uganda

Uganda, unlike her neighbouring countries, has experienced the highest number of conflicts. These conflicts have taken many forms including tyranny, violation of human rights, state terrorism and civil war. The major issues involved in these conflicts have centred on political power, and resources, such as land, water and grassing areas.

The conflict in Uganda, starting right from the colonial era has been both internal and external. Each of these conflicts have had its own historical setting. One cause of conflict in Uganda is her geo-political location, where Uganda is on one hand surrounded by rich, poor and peaceful countries and on the other hand, countries that are in crisis. Uganda has either received conflict or exported it into other countries. At one time, Uganda has imported crises from the Democratic Republic of Congo, Rwanda and Sudan and on the other hand, it has exported crisis to Tanzania when Amin attacked and tried to annex the northern part of Tanzania. The major characteristic of conflict in Uganda is that it has involved violence to achieve the desired goals. At a certain point in time, there has been breakdown of political order as exemplified by the 1971 and 1985 coups.

Uganda has been involved in a number of ethnic conflicts with the state or the individuals who man it being some of the actors. The conflicts have ensued because of structural issues transcending immediate grievances. At independence the political elite promised rapid modernization and industrialization which was to come with increasing political participation. Schools, hospitals and other infrastructure were promised to the population. Unfortunately, the first generation of post-independence leadership had a strong interventionist policy particularly in the management of the economic activities and resources like land. In the process of accelerating development the post colonial leadership heavily relied on the state for development.

In the 1950s the colonial administration pursued a policy of gradual development in what has been called the perspective of unlimited time (Dinwiddy, 1981). They found themselves with duo-responsibility of keeping peace and pushing for political advancement which was necessary for local improvement. By compartmentalizing the local units of government, it was thought that peace could be easily maintained and the rule of law established. This compartmentalization was driven by the view that ethnic groups in Africa were in their natural state and constantly at war with one another. But the whole process only achieved a fleeting stability. The subsequent history has shown that the issues of ethnicity were not eliminated but simply frozen.

5. Ethnicity and Identity in Uganda

Ethnicity in Uganda has been constructed through a long historical process starting with colonialism and subsequent practices of postcolonial governments. The struggle for independence, the constitutional formula for independence and the series of post colonial political systems, have created configurations which are more or less ethnic. Politicians enlist the support of their ethnic groups in their clamour for power. Political battles, as seen by the citizens, are therefore about dividing the national cake.

The '90s have seen a change in Uganda's political landscape especially with the country attempting the political liberalization process. These has opened political debates that have allowed leaders and the general population to have interest in individuals representing the ethnic group, methods and nature of representation and how the group interests are defined. The questions and answers that emerge signify a democratizing effect on the states' reluctant liberalization process. It has become possible to express long term grievances and solve them through ethnic channels. Whereas political liberation has exacerbated the negative effects of political tribalism, it has shown a positive side, in the sense that it has allowed local debates about the emergency of moral ethnicity (Lonsdale, 1994).

The 1900 Buganda agreement and the subsequent agreements were signed by other kingdom areas such as Ankole, Toro and later Bunyoro defined the nature of

association in the colony. Political associations at this time were restricted within borders of ethnicity and defined administrative arrangements. This may explain why ethnicity marked the earliest form of African political activism.

The colonialists worked out a politico-economic formula for Buganda and other kingdom areas but one which was different from the northern regions. But the colonial process left a festering wound on Buganda's political history. It saw the emergence of two politico-religious groups: the Catholics and Protestants, each competing for politico-economic resources (Karugire, 1990). Being numerically disadvantaged the Muslims could not march the Christian groups. The fundamental divisions and debates leading to independence were between the Uganda Peoples Congress (which represented the protestant hegemony) and the Democratic Party (which represented the catholic establishment). The Muslims because of their numerical weakness chose to play politics and agitate for politico-economic resources with the either group (Mudoola, 1993).

As pointed out earlier the 1900 agreement had given Buganda a lot of advantages but they ended after independence. The waning of these advantages left Buganda feeling marginalised and she, therefore, started agitating for what she thought was her rightful place in Uganda's politics. During this process Buganda identified herself as an ethnic group. The colonialists had used Buganda to conquer (and implement the harsh and oppressive rules) the Northern and Eastern parts. Cash crop growing was restricted to the Southern parts making the Northern parts feel excluded and marginalized from sharing politico-economic resources. They were also able to seek jobs in the public service because schools (which would have helped them get these jobs) were started later. It was therefore the mishandling of these communities by the colonialists that led groups into assuming ethnic identities, which they wanted to defend

Uganda's immediate post independence government was dominated by two political parties: The DP and UPC. According to Karugire (1980), the DP started with two fundamental mistakes. It was predominantly Buganda and Catholic in leadership. The UPC on the other hand was Protestant and sought to contain Buganda, as its reason for existence. The Uganda political landscape was

therefore polarised between two groups – Buganda and the rest of the country. This struggle was conspicuous in the 1980 elections. The NRA/M guerrilla, which was fought on Buganda soil against the UPC government, was predominantly seen as a struggle between the north and Buganda. Whereas the president then was a Langi, the majority of the armed forces came from the Acholi region. The success of the NRA/M and the establishment of government sparked off another civil war – the Lords Resistance Movement/Army (LRM/A), which has been fought on the Acholi soil. The war was interpreted as the south vs the north. The Acholi feel marginalised and excluded from the political process.

The agitation for federalism from both the Baganda and Acholi can therefore be seen as a search for a new identity particularly with the perceived failure of national identity. This demand is geared towards safeguarding the perceived ethnic resources (land). But this new form of identity goes beyond land to encompass both economic and cultural identity.

Since the advent of the NRM, several socio-political formations have been unfolding. Mamdani (1995) once described the NRM, as a broad based government which did not go beyond the Nile to the East and beyond Karuma to the North. According to this view, the NRM is predominantly seen as a southern government. But now the East and the North are joining forces, they are talking of the greater North – a conglomeration of many communities – an area which geographically runs from the West Nile, through the North to the Eastern parts of Uganda.

There are also some new social movements that are emerging especially in the students' community at Makerere University. There are temporary alliances, and sometimes coalitions between students of different regions but mostly when they are vying for students' leadership. The important groups that emerge during elections are the NEC composed of students from Northern, Eastern and Central regions to basically contain the western students. The other one is NEW, that is composed of students from the Northern, Eastern and Western to contain students from the central region.

6. Resources/Land and Conflict

Historically, conflicts have emerged over resources such as land, water, grazing areas among others. In modern times, conflicts between communities, states/nations have had economic connotations. They have either been fighting over resources or right of to access those resources.

There are several causes of conflicts relating to land. First, conflicts are caused by extreme scarcity of fertile land, which have given rise to landlessness especially with the increase in population. The land problem is made acute especially because some of the techniques that work on land are still crude. As pointed out earlier, the land problem has also been aggravated by lack of clear land policy. The NRM government has been reluctant to endorse reforms because it came to power through the support of both the landlords and peasants and reforms might hurt either side. This has led to conflicts between the landlords and peasants. Another problem area has been the constitution. Whereas it recognises the rights to the access and usage of land, the same constitution bestows the rights of ownership to the landlord. The result has been serious evictions of the peasants, without much support from the state. The government has only responded with political intervention, where necessary to protect the customary peasants who are supporters to the government.

Eviction entails uprooting people from a familiar environment where some may have economic, cultural and identity attachments. Evictions have posed some problems, the most notable being inadequate compensation. Globalization and the response to market forces have also generated conflict. Greedy elites, especially those interested in speculation have turned to land for their economic adventures and in the process have evicted many peasants from their ancestral land. The land lords especially those who are not gaining from their land have turned to the market, to sell the land and in the process evicting the bona-fide occupants.

The need to protect the indigenous people against the exploitation by foreigners has also increased land conflicts. This protection, it is contended, may result into

