
Land Politics and Conflict in Uganda: A Case Study of Kibaale District, 1996 to the Present Day

John Baligira

Introduction

This chapter examines how the interplay between politics and the competing claims for land rights has contributed to conflict in Kibaale district since 1996.

It considers the case of Kibaale district as unique. First, as a result of the 1900 Buganda Agreement, 954 square miles of land (*mailo* land in Luganda language) which constituted 58 per cent of the total land in Buyaga and Bugangaizi counties of present Kibaale district was allocated by the British colonialists to chiefs and notables from Buganda. It is unique because there is no other district in Uganda, where most of the land is statutorily owned by people from outside that district. Second, people from elsewhere migrated massively to Kibaale district to the extent that they constitute about 50 per cent of the total population. No other district in Uganda has so far hosted new settlers constituting such a high percentage of its population. The chapter argues that the massive immigration and acquisition of land, the existence of competing land rights regimes, and the politicization of claims for land rights have contributed to conflict in Kibaale district (see map 1).



Map 7.1: Location of Kibaale district in Uganda

Source: Makerere University Cartography Office, Geography Department, 2010

The ownership of *mailo* land in Buyaga and Bugangaizi counties by mostly Baganda was vehemently opposed by the Banyoro who considered themselves the original land owners. By the time of Uganda's independence in 1962, the contentions over land ownership in the two counties had not been resolved. Despite the 1964 referendum by which the people of Buyaga and Bugangaizi counties voted to be returned from Buganda to Bunyoro Kingdom, the central government did not resolve the contestation over the ownership of *mailo* land in the two counties.

Consequently, the disappointed Banyoro launched fresh violent campaigns after the 1964 referendum, forcing the Baganda to return to their homeland (Buganda) with their land titles, where they have remained as absentee landlords. Although the Banyoro in Buyaga and Bugangaizi counties exercised their customary land rights without interference from the absentee landlords, it was later realized that they

were susceptible to dispossession by the state and non-state actors. Given that the majority of the Banyoro lacked the legal land ownership titles for the land they were occupying in Buyaga and Bugangaizi counties, they could not regulate the new land acquisitions. This made it easy for thousands of migrants to move from such areas as southwestern Uganda and the neighboring Rwanda to enter Kibaale district and acquire large tracts of land. At the same time, it became easy for the central government to resettle people from elsewhere at Kibaale district where the majority of the people lacked the legal land rights with which to demand compensation. In some instances, the new settlers either bought land from the Banyoro or got it through intermarriage with them. The massive entry and acquisition of land by new settlers in Kibaale district resulted in population explosion which in turn contributed to violent conflict over land from the late 1990s.

It was particularly after the resumption of competitive electoral politics in Uganda in 1996 that Kibaale district experienced more widespread violent conflicts. This chapter first examines the historical background to the violent conflict in this district since 1996, given that the high population pressure and the emergence of more competing claims for land rights were the results of massive movements of people from other parts of the Great Lakes region to Kibaale district. Second, it examines how the politicization of the claims for land rights has contributed to violent conflict in Kibaale district. In the process of gaining a deeper understanding of the conflict, the work relies mainly on data from in-depth interviews.

Research Methodology

The data for this work was collected in the field in Kibaale district and from secondary sources in different libraries. It was further reinforced with in- depth interviews with purposively sampled men, women and youths in order to understand their involvement and gain deeper experience of the conflict in Kibaale district. The researcher assured the respondents of their confidentiality and mostly used open-ended questions to minimize the interruption of interviewees. The interviewees included those who either experienced or lived through the conflict in the district for a long period of time. Among those interviewed were some individuals who entered Uganda as refugees and were admitted to refugee settlement camps such as Kyangwali and Kyaka II but who later acquired land and settled in Kibaale district. Through the brief interviews with them, it became clear why they left the refugee camps and how they gained access to land in Kibaale district. The researcher held more than two interview sessions with other interviewees at the time and locations of their convenience. Among the respondents were five of the oldest people, eight politicians who were active during the conflicts, the youth leaders and other residents of Kibaale district. With the permission from the respondents, their interviews were recorded using a voice recorder

As part of data processing, the audio recordings were transcribed, analyzed and coded. The emerging data sets were corroborated with those obtained from books and documents. The researcher also made efforts to corroborate the information obtained from the different interviewees to reduce distortions due to exaggeration and lies. The subsisting information after the verification and cross-checking were used to write up this work.

Literature Review

Some studies have suggested that the conflict in Kibaale district and other parts of the Great Lakes region was fueled by ethnic loyalties and cultural differences. For example, Espeland (2007: 5) argues that the 2002 electoral crisis and land redistribution threw ethnic divisions into sharper relief in Kibaale district. The violent conflict which occurred in Kenya during and after the 2007 elections has also been regarded by some scholars as an inter-ethnic affair. For instance, Yieke argues that it was in the Rift Valley province of Kenya (inhabited by the 'indigenous' Kalenjin and the 'settler' Kikuyu) where the fiercest and violent battles of ethnicity took place after the 2007 elections (Yieke 2011:15). The problem with this viewpoint is its outright assumption that conflicts in the seemingly multi-ethnic communities are always the result of ethnic differences when most of them are actually struggles for political power and natural resources.

There is some useful literature which regards land as one of the resources which have mostly contributed to conflict in Africa (Odgaard 2006:5). Using Rwanda as a case study, for instance, it is argued that matters worsened in the early 1990s when politicians who took advantage of land scarcity and land-related conflicts and promised rewards in the form of land to those who were prepared to kill the so-called enemies and ended up aggravating the genocide of 1994 (Takeuchi and Marara, 2011:120). It is also correctly stated that conflict over land in one country has triggered conflicts in neighboring countries due to large numbers of refugees who end up there. For instance, as a result of the 1994 genocide in Rwanda, over a million Rwandan refugees moved into Kivu province in southeastern DRC (Mamdani 2002:234). This was later followed by conflicts over land in Kivu between the refugees and the indigenous people such as the Hunde, Nyanga and Tembo who believed that their land rights were being threatened by refugees from Rwanda (Ngabirano, 2010:55).

The literature highlights complex socio-economic and political issues which have contributed to conflict in various countries, especially in the Great Lakes region. The conflicts in the Great Lakes region, generated by the politics of inclusion and exclusion have been highlighted in the literature by scholars such as Mamdani. In his book entitled: *When Victims Become Killers*, Mamdani highlights the politics of indigeneity in post-colonial Uganda, how it involved the exclusion of the non-indigenous group by the indigenous people in politics

and economy, and how this contributed to the return to Rwanda of thousands of Rwandans either as civilians or as part of the RPF forces in the early 1990s (Mamdani, 2002:159-184). Also pointing to issues of citizenship and exclusion is Geschiere's *Perils of Belonging*, which examines the idea of *autochthony* – to be born from the soil with reference to cases in Africa and Europe (Geschiere, 2009:2). He correctly argues that, given favorable factors, autochthony can lead to violent conflict. He refers to the conflict in Kivu province of the DR Congo since the late 1990s which resulted from attempts by the Hunde, Nyanga and other 'autochthonous' groups to enforce their ancestral land claims against any contention by the late settlers (Ibid., :122). It is mainly the ways of inclusion and exclusion analyzed by the current literature which informs this study about the conflict between the Banyoro and the new settlers in Kibaale district.

The main aim of this chapter is to examine the causes of conflict between the so-called autochthones (those who regard themselves as the true sons and daughters of the soil) in Kibaale district and the new-settlers from elsewhere. It focuses on the conflicting claims for land rights between the autochthones and the new-settlers because it serves best in highlighting the nature and causes of conflict in a wider region (the Great Lakes region). It undertakes to address the following questions: (i) Why did people from elsewhere in the Great Lakes region migrate to Kibaale district? (ii) How has the migration and acquisition of land by new settlers contributed to conflict in Kibaale district since 1996? And (iii) Why have the attempts to resolve the conflict in Kibaale district been largely a failure?

To address the first question, the chapter mainly draws on the push-pull theory to explain the migration of people from their original locations to Kibaale district. The second question is addressed by examining how massive migration of people led to population pressure, increased conflicting claims for land access, use and ownership, which stirred up conflict, particularly, during the election campaigns. And to address the third question, I analyze the factors which have undermined the post-colonial governments' ability to reform the system of overlapping land rights regimes in Kibaale district and particularly, the way how the claims for land rights have been politicized by local and national politicians. In respect to the first question, the following section highlights the factors which contributed to the migration of thousands of people from elsewhere to Kibaale district.

Reasons for the Migration of People to Kibaale District

The migration of various groups of people from mainly southwestern Uganda and other areas of the Great Lakes region to Kibaale district needs to be examined in order to understand the conflict it has generated. This chapter explains the migration mainly with reference to the push-pull theory, as formulated by Lee (1966). He argued that migration results from consideration of positive and negative factors at the origin and destination which push and pull migrants

towards (non)-migration, hindered by intervening factors, such as, migration laws and affected by personal factors. To Lee, the factors which shape people's decision to migrate and the process of migration include: association with the area of origin; association with the area of destination; ability to navigate through intervening factors; and consideration of personal factors (Lee 1966:50.). Lee contends that 'while migration may result from a comparison of factors at origin and destination, the balance in favor of migrating must be enough to overcome the natural inertia which always exists' (Lee 1966:51). In short, Lee posits that migrants perceive certain benefits out of moving to another location as they also assess the intervening factors such as distance, cost of travel, government policies and language barriers. Though it does not provide a systematic model of migration, Lee's push-pull theory is quite applicable to the migration of various groups of people to Kibaale district. As indicated in the subsequent sections of this chapter, the migrants from mainly Kigezi region of Uganda and from the neighboring countries such as Rwanda and the Democratic Republic of Congo were at different times forced by certain undesirable factors to move from wherever they were to as far as Kibaale district, which was either perceived or known to have abundant fertile land and other attractions.

Factors Aiding Migration of People from Kigezi Region since the 1940s

The migration of thousands of people from Kigezi region was mainly a result of unbearable factors which revolved around rapid population growth and acute land shortage. The population of Kigezi district doubled from 206,090 in 1921 to 493,444 people in 1959 (Uganda Government 1966:53). By the 1940s, some Kigezi counties such as Ndorwa and Rukiga had become so overpopulated that their inhabitants began to scramble for land. At the same time, the land scarcity in Kigezi did not only culminate in life threatening conflict but also led to serious food shortage throughout the 1940s and 1950s (Ngologozo 1998:84). By the late 1950s, land in Kigezi district had been excessively fragmented due to overpopulation. The fragmentation problem was worsened by polygamy and the inheritance practices. The increased competition over the land resulted in widespread conflict to the extent of leading to several cases of homicide, particularly from the 1960s (Kagambirwe 1972:161).

Violent conflict as a result of competing land rights and food shortage are reflected in my interviews with some people who migrated from Kigezi and the neighboring territories. One of the interviewees from Rubanda County recounted how members of his family were suffering in the early 1970s due to limited cultivable land. He narrated that he had rented some pieces of land, which were about four miles from home, to which his family members used to walk every morning to grow food crops. He noted that, even after such a tedious routine of going to till distant land, the food harvest was still insufficient. He told how he

was forced to sell the land in Kigezi and decided to migrate to Kasongi in Buyaga County in 1973, after learning from his son who worked at Kisaaru tea estate that there was a lot of fertile land in Buyaga (*Interview*, with J. R., Kasongi, 14 December 2011).

Another participant spoke of how he decided to migrate from Ndorwa County after getting involved in a bitter conflict with his elder brother over a piece of land. In this case, the two men had been given the land by their father who died later. The two brothers, who were from different mothers, lived in harmony for some time and even agreed to acquire a title to their land. Unfortunately, the elder brother who had registered the land in his name later turned against his brother. This led to accusations of bewitching as well as attempts to kill each other. He tried to use the local council leadership to resolve the matter but failed. After realizing that his life was under threat, he and his family migrated to Kasambya in Bugangaizi County in 1983 (*Interview*, with A.T., Kasambya, 18 January 2011).

The stories from other interviewees are similar; they involved circumstances in which they left Kigezi to settle in Kibaale district after selling their land. One of the respondents said he was encouraged to sell his land to a rich neighbour and politician in Rujumbura County, who told him that he could use the money to purchase large and fertile pieces of land in Kibaale district. The land buyer even provided money to transport him and his family from Kabaale in Kigezi to Kagadi in Kibaale district on a bus operated by Horizon Bus Company (*Interview*, with R.T., Mangoma – Buyaga, 17 December 2011). Although this appears to have been a good arrangement, the respondent explained that some rich and influential people had bought land cheaply in Kibaale district which they exchanged for the valuable Kigezi land owned by certain poor people (Businge 2002: 9).

These highlights show that rapid population growth and shortage of land caused widespread discomfort to the people of Kigezi region and led to mass migration from the area. As propounded in Lee's push pull theory, undesirable circumstances prevailed in Kigezi region and 'personal sensitivities, intelligence, and awareness of conditions elsewhere' (Lee 1966:51) encouraged the Bakiga to migrate. Indeed, the land scarcity and food shortage in Kigezi and the availability of land in other parts of Uganda contributed to the migration of several people from Kigezi from the 1950s. In order to alleviate the land-related crisis, the central government took steps to resettle the surplus people of Kigezi to other places such as Ankole, Tooro and Bunyoro. By the 1960s, Bunyoro which had a small population had also become a ground for surplus population from Kigezi and other parts of Uganda. The migrants found it easier and more rewarding to acquire land and settle in Kibaale district where land was not only fertile and in abundance (up to the 1990s) but also because of the favorable nature of the land tenure in the area.

How Kibaale District's Land Tenure Eased the Migration and Settlement of New Settlers

Since the 1970s, there has been a massive migration to, and acquisition of land in, Kibaale district than other parts of Uganda by people mainly from the southwestern Uganda and neighboring countries in the Great Lakes region. The migration and settlement of many new settlers in Kibaale district can be explained by not only the existence of abundant fertile land but also by the nature of land tenure. As earlier noted, the British colonialists allocated about 954 square miles of land (*mailo* land) in Buyaga and Bugangaizi counties of Bunyoro to individuals who mainly consisted of chiefs and notables from Buganda (Rugadya, 2009:6). The rest of the land in the two counties became crown land (owned by government) some of which was put under government forest reserves. The ownership of *mailo* land in the two counties by Baganda chiefs and notables provoked violent resistance from the early settlers (known as Banyoro). The violence became so serious that the government which took over from the British colonial masters in 1962 planned to conduct the 1964 referendum for the Banyoro in the two counties, to decide on where their territories were to be located – in Buganda or Bunyoro Kingdom?

Although the Baganda landlords were forced to flee Buyaga and Bugangaizi counties at the peak of the conflicts just before and soon after the 1964 referendum, they retained their titles to the *mailo* land in Buyaga and Bugangaizi counties. As a result, the Banyoro who were living on *mailo* land in Buyaga and Bugangaizi counties legally remained as tenants of the Baganda absentee landlords. Other people in Kibaale district lived on what had been declared as public land (earlier known as crown land) in 1962. In spite of the continued ownership of *mailo* land by absentee landlords, many people in Kibaale district were involved in land transactions in the context of customary law and local government regulations. As proof of any land transaction, an agreement (on paper) would be signed by the buyer and seller as well as by witnesses who included the neighbors and local chiefs. According to information from most of the interviewees, the buyers and sellers of land in Kibaale district were men; the women only served as witnesses. Given that land in Buyaga and Bugangaizi counties was still abundant in the 1970s and 1980s, its price was relatively low.

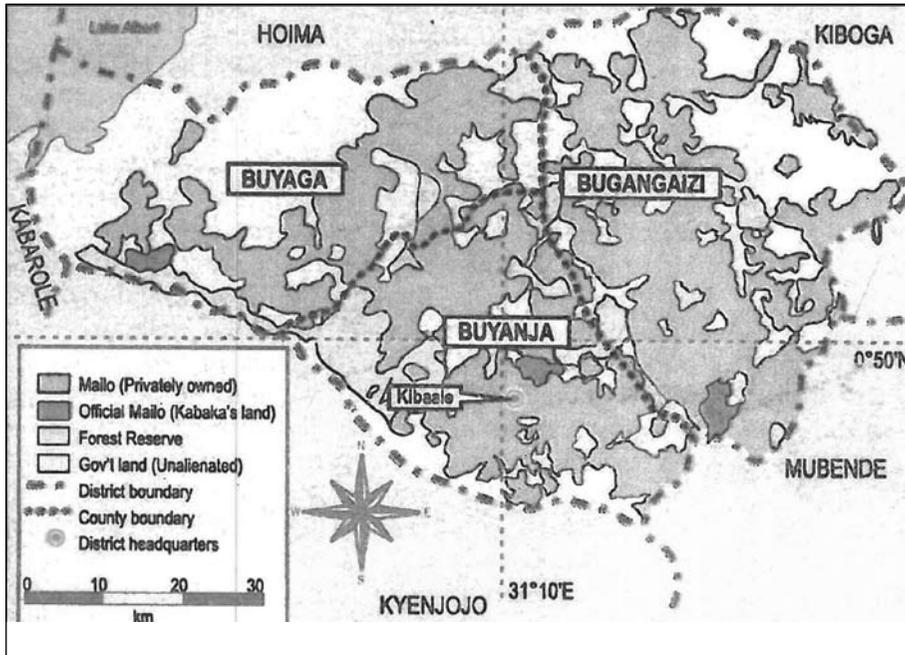
It was the abundance of this fertile and cheap land which attracted thousands of new settlers to Kibaale district. Throughout the 1970s and 1980s, many new settlers were able to access land in Buyaga and Bugangaizi counties through gifts and purchases. A big number of the new settlers entered Buyaga and Bugangaizi counties under two major government-aided schemes. The first largest government-aided group of settlers involved about 300 families of people from Kigezi district, who were resettled in Ruteete resettlement Scheme near Kagadi town in Buyaga County in 1973. At that time, there was no conflict between the

early settlers and the new settlers because land was in abundance and the new settlers were thought to be in the area on temporary basis (*Interview*, with R.P., Igayaza, 24 December 2011). The population in Ruteete resettlement scheme significantly increased between 1973 and 1985 from 3,000 to about 10,000 as a result of normal reproduction and the entry of more groups of migrants from western Uganda as well as the returnees from Tanzania (Mubende Banyoro Committee Memorandum 2005:7). 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 (Uganda Government: Report of the Commission of Inquiry into Bunyoro Issues, 2006: 50). The Kisiita resettlement camp members quickly attracted more thousands of Bakiga and others to the camp and in the neighboring sub-counties such as Nkooko, Nyarweyo, Kasambya and Kakindo. The new settlers either bought land from the early settlers or just occupied the seemingly free land, including the forest reserves such as Guramwa. Within a decade, the population of the new settlers in Bugangaizi County had surpassed that of the early settlers.

Meanwhile, the new settlers had acquired the seemingly free land in the remote areas and the forest reserves in other parts as well. According to one of my interviewees, the main forests such as Kagombe, 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 (*Interview*, with Z. S. Kamata 18 July 2014). As disclosed by a new settler 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 soil, which contributed to high yields of bananas, cassava, potatoes, beans, sorghum and upland rice (*Interview*, with M.K., Kikonda, 5 February 2014). Indeed, after several decades without being cultivated, the forested land in Kibaale district remained fertile and attracted encroachers, especially due to weak forest management by the responsible government departments.

By the early 1990s, much of the land in Kibaale district had come under high population pressure from the new settlers and the early settlers. The population had increased from 83,683 people in 1969 to 220,261 people in 1991 (Uganda Government 1991 Population Census). The system of overlapping land rights regimes became more complex than before and contributed to widespread conflict. The Uganda government's attempt to address the land tenure problems was reflected in the 1995 Uganda Constitution and the 1998 Land Act. Sub-section 4(a) of Article 237 of the 1995 Constitution provides that 'all Ugandans 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' (Constitution of the

Republic of Uganda 1995:170). The 1995 Constitution which even restored *mailo* land ownership was more beneficial to the customary land occupants in the predominantly public land areas of Uganda than in Kibaale district where most of the land is owned by absentee *mailo* landholders. Instead, it gave way to a system in Kibaale district under which the statutory land rights, held by individuals, institutions and government and which were in conflict with the customary land rights' holders increasingly became the source of conflict (see map 2).



Map 7.2: Land ownership in Kibaale district

Source: Saturday Vision, Vol. 3, No. 35, 5 September 2009, p.1.

Despite government's attempts to carry out reform, the land tenure system in Kibaale district is still so ambiguous that most people are either not sure of their tenure status or they assume that they own certain land when it is actually owned by someone else. During this author's recent field work, he was able to establish that most people in Kibaale district did not have titles to the land they were occupying and were not even sure of whether they were on *mailo* or public land. Some parts of Kibaale district which were remote and appearing to be no-man's areas were occupied by the new settlers, especially the Bakiga and Banyarwanda, who even renamed those areas. At the moment, those areas such as Rugashari, Mpeefu and Kyebando, are predominantly occupied by new settlers. These areas became more densely populated after 1996 as chiefs welcomed more new settlers in a bid to boost the numbers of their supporters so as to outcompete the Banyoro

contestants for the local government and parliamentary seats in Kibaale district (*Interview*, with R.P., Paachwa, 25 July 2014). It was under such circumstances that hundreds of refugees moved from refugee settlements such as Kyangwali and Kyaka II to the predominantly new settler areas.

Refugees and Conflict in Kibaale District

According to the 1951 Geneva Convention and the 1967 Protocol, a refugee is a person who leaves his/her country for another country in fear of being persecuted for reasons of race, religion, nationality, and membership of a particular social group or political opinion (The 1951 Geneva Convention, Article 1(2) and the 1967 Protocol, Article 1(2)). Indeed, thousands of people who fit into the above definition have so far settled in various parts of Uganda. In this section, I briefly discuss the factors which led to the coming of refugees from mainly Rwanda and the Democratic Republic of Congo to Uganda and examine how they acquired land in Kibaale district and, thereby, contributed to the existing conflict in the region.

The first largest numbers of refugees to Uganda originated from Rwanda as a result of the violent conflicts of 1959 and the early 1960s (Mamdani, 2002: 128). It can be argued that widespread land shortage contributed to increased social and civil conflict in Rwanda in the 1950s. By the early 1960s, Rwanda had become one of the most densely populated countries in Africa, at a ratio of 101 persons per square kilometer (Bruce, 2013:122). The land problem in Rwanda had by the early 1990s reached a point of less than 0.5 hectares of arable land per household (*Ibid.*). In the circumstances of land scarcity and poverty, people were easily mobilized to participate in violent conflict in Rwanda. How the Rwandan government handled the issues of land and refugees from the 1960s to the 1980s also exacerbated the conflict. The upheavals of 1959 – 1962 in Rwanda forced about 700,000 people to become refugees in the DRC, Tanzania and Uganda, leaving their land for occupation by the then pro-government Rwandans. Unfortunately, the Presidential Decree on the Reintegration of Refugees of February 1966 and the subsequent pronouncements emphasized that returnees would not be allowed to repossess their original land.

During the 1960s and 1970s, thousands of Rwandan refugees were accommodated in the major refugee camps in Uganda such as Kyangwali and Kyaka II. After settling in Uganda, most of them carried on their usual activities, such agriculture and trade. Others were able to move out of the official refugee camps to acquire land on their own. I personally studied at Mabaale Primary school in the 1970s with children of refugees whose parents had shifted from Kyangwali refugee settlement to Buyaga County in Kibaale district. With time, most of them were able to acquire as much land as they could and freely got involved in activities such as cattle herding and crop cultivation. Their integration

in the host communities progressed well until the early 1980s when they came under systematic repression by the Obote II regime which accused them of supporting the Museveni-led rebellion. As a result of the anti-refugee campaign which was dominated by Obote's Uganda People's Congress (UPC) youth wingers, houses belonging to several Rwandans were destroyed and in some cases land was confiscated and redistributed. Even after most of the affected Rwandans had been resettled in Kyaka II refugee camp, the government forces entered the camp in January 1985 and forced thousands of refugees and international staff to flee. It was only after the National Resistance Army rebels had taken control of western Uganda that about 30,000 Rwandan refugees, including those who had earlier been expelled from Uganda, were resettled in mainly Kyaka II camp (Legum 1987:380). It is possible that the uncertainties of the 1980s and threats to the refugees and other Rwandese who had settled in Uganda for a long time might have contributed to either their entry into the National Resistance Army led by Yoweri Museveni or their participation in the Rwandan Patriotic Front/Army (RPF/A) struggle which deepened the Rwandan conflict and culminated in the emergence of a new government in Rwanda in 1994.

Although thousands of Rwandan refugees returned to Rwanda soon after the genocide of 1994, there were fresh push factors which forced larger numbers of refugees out of Rwanda to other countries such as the DRC and Uganda. From the late 1990s, more refugees fled from eastern DRC due to violent conflicts which erupted in Kivu and Ituri areas. They were also settled in mainly Kyangwali, Nakivali and Kyaka II refugee camps. By 2004, Nakivali refugee settlement accommodated 12,635 Rwandan refugees out of the total 15,304 refugees (Kalyango 2006:3). However, many refugees were later involved in conflict with the host population mainly over land boundaries. Due to the conflict in Nakivali settlement, thousands of refugees moved to other areas such as Kibaale district, acquired land and some of them inevitably clashed with the early settlers in early 2006 (*Interview*, with G.W.B., Kagadi, 19 March 2011).

The analysis of the migration of different categories of people between the places of their origin and Kibaale district contributes to two ideas. First, the push-pull theory is applicable to the extent that there were land-related problems, food shortage and political problems which forced people to migrate from Kigezi and other parts of the Great Lakes region to as far as the attractive Kibaale district. However, the push-pull theory gives an impression of one directional migration of people, yet this chapter indicates that some refugees and other migrants often returned to their original countries. A modified migration model should cater for the migration of people on the basis of a two-way traffic, considering those who decide to return to their places of origin after some time because the conditions at their places of 'origin' and 'destination' could change either in favor of settlement or migration. The second idea is that the long-term process of migration from various places eventually contributed to population explosion, a more complex

system of overlapping land rights regimes and violent conflict in Kibaale district, especially following the resumption of competitive electoral politics in 1996. The following sections of this chapter examine the circumstances under which violent conflict has taken place in Kibaale district since 1996 and particularly highlight the extent to which the politicization of competing claims for land rights has contributed to the continuation of the conflict.

Competitive Electoral Politics and Conflict Intensification in Kibaale District since 1996

The resumption of competitive electoral politics in Uganda in 1996 should have reduced conflict in this district; instead it gave way to a 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 conflicts since 1996, especially during the election periods. As earlier indicated, massive migration of people from Kigezi and other parts of the Great Lakes region to Kibaale district eventually resulted in high pressure on land. This contributed to violent and highly politicized conflict over land rights, particularly due to increased competition for political positions at local and national levels. As a result, conflicts in Kibaale district often heightened during the election periods such as 1996-1998, 2001-2002, 2006, and 2011. The question to be addressed here is: what is the cause of these violent conflicts in Kibaale district since 1996 and why has it been difficult to resolve?

To address this question, it is necessary to consider a number of challenges in the region. Among these were the increased competition over land from the early 1990s, the shortcomings of land administration institutions, the competing land rights regimes, and the politicization of land rights. Prior to the general elections of 1996, there were legal and political reforms which contributed to increased competition over political power and resources. The reforms included those which enabled greater participation of women and youths in Uganda's political and economic development. After the adoption of the 1989 policy of affirmative action for women empowerment, their involvement in the struggle for political power and resources was boosted (Tamale 1999: 20). The involvement of women in policy formulation was enhanced after the affirmative action had led to the election and nomination of 41 women representatives to the National Resistance Council (NRC) of 1989 (Tripp 2000: 39). The role of 52 women in the 1994 Constituent Assembly (CA) of 286 delegates later contributed to the recognition of women's rights, especially in Article 33 of the 1995 Uganda Constitution. It was on the basis of these legal reforms that women in Uganda became more active than before in politics and other spheres.

The increased involvement of women and the youth was reflected at the local government level as well. At the village level, women and youths were able to

occupy some of the nine elective posts in a Resistance Committee (RC) which consisted of the Chairperson, Vice-Chairperson, General Secretary, Secretaries for Youth, Women, Information, Education and Mass Mobilization, Security and Finance. Like in many other parts of Uganda, officials in the Resistance Committees in Kibaale district were empowered by the Local Government Act to engage in things such as collecting fines from offenders and levying fees on local land transactions, (*Interview* with T. A., Kagadi, 19 October 2013). Through the RC system (which became Local Council or LC system after the enactment of the 1995 Uganda Constitution), the new settlers 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 who had occupied the local government positions were motivated to allocate parcels of land to more thousands of new settlers in 1996 and afterwards in order to boost the numbers of their potential political supporters during future elections (*Interview* with B. I., Kamata, 24 December 2013).

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 Ugandan districts, the parliamentary elections became more competitive than the presidential elections which took place on 9 May 1996. Although the parliamentary candidates were required to campaign for votes on the basis of 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 (new settler) obtained 35 per cent of the total votes from the predominantly new settler areas which put him above his closest rivals, Tibyata Bigirwa (early settler) and Ignatius Besisira (early settler), during the parliamentary elections of 27 June 1996 (Uganda Government: Interim Electoral Commission Report, 1996). One of the candidates who campaigned for the 1996 Buyaga parliamentary seat and lost to Robert Kakooza said: Can you imagine! Some of my political rivals were spreading false rumors 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 (*Interview*, with B. I., Kamata, 2 March 2011).

Owing to the competition for votes with a view to securing to land rights along sectarian lines, the 1996 parliamentary elections were marked by violent conflict in places such as Kakindo, Kagadi and Mabaale (*Interview* with K.J., Kagadi, 4 November 2010). The violent attacks and counter-attacks were mainly carried out by the energetic male youth. Unfortunately, the victims of the attacks were mainly women and children who remained in their homes.

As noted above, 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 level up to five Local Council Chairpersons (District Chairpersons) had become attractive. The position of district Chairperson, elective by universal adult suffrage through a secret ballot (Lubanga and Villadsen, 2000: 53), became as competitive as that of a national parliamentary seat mainly due to its importance to the early and new 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 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 (*Interview*, with A. K., 3 February 2014).

In consideration of the above, it can be argued that in order to ensure their victory against the Banyoro candidates in Kibaale district during the local and national elections, some new settler local council chiefs encouraged more people from Kigezi and other areas, which were characterized by push factors such as violent conflict and food shortages, to migrate into Kibaale district. This contributed to a rapid population growth in Kibaale district from 220,661 in 1991 to 405,882 in 2002. According to the 2002 census results, the biggest boost of Kibaale district's population was due to migrants from Kigezi region commonly known as Bakiga whose number dramatically increased from 25,000 in 1991 to 159,187 in 2002 (Uganda Bureau of Statistics 2002). After the 1998 local council elections, people (early and new settlers) in Kibaale district increasingly considered the local and national political positions as vital for their land tenure security. As a result, the continuous politicization of land rights led to higher competition for the elective positions in Kibaale district which in turn contributed to more widespread violent conflict.

It is important to note that the land administration framework has not been effective enough to either guard against or aid the resolution of 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 (Uganda Government: The Constitution of the Republic of Uganda, 1995:171). The membership of the DLB is specified by the Land Act 1998 which requires one third of the members to be women. For the purpose of 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 (Ibid, 172). 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.

Unfortunately, the image of Kibaale District Land Board has been tainted by corruption and sectarian tendencies. As demonstrated in the subsequent sections of this chapter, the DLB members were in some cases involved in the land redistribution exercises which were considered biased by the 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 particular categories of claimants for land rights. Owing to the ineffective and non-transparent land administration institutions in Kibaale district, it was inevitable for continued competition for the elective political positions to culminate in further violent conflicts between 2001 and 2003.

Elections and Violent Conflict in Kibaale District, 2001 – 2003.

By the end of 2000, tension had resumed in Kibaale district as people were preparing for local and national elections. The population pressure on land was increasing mainly due to massive migration of people from particularly southwestern Uganda, Rwanda and the Democratic Republic of Congo (*Interview* with H.F.M., Kisugu, 12 September 2013). Matters worsened in 2001 due to the activities of some local politicians who even aired sectarian messages on Kibaale Kagadi Community Radio (KKCR) (Uganda Government, 2002: 9). On 30 July 2001, Joseph Kazairwe called a meeting at Kibaale district headquarters and

reconstituted the Mubende Banyoro Committee (MBC). Among other things, the MBC resolved that 'the indigenous people should take control of the key affairs in Kibaale district and the top political posts should be left for them to assume, and remain in control of their motherland' (Minutes of the Mubende Banyoro Committee, 30 July 2001). Joseph Kazairwe issued further threats to the new settlers (locally known as *Bafuruki*) using the Kibaale Kagadi Community Radio (KKCR).

This provoked counter-threats from some new settlers who expressed their determination to fight against anyone who would try to chase them out of their land. In order to ensure their land tenure security in Kibaale district, some individuals of Kigezi origin decided to establish their own association in late 2001. They named their association as Bafuruki Committee (BC) and resolved to use it as a means of mobilizing the people of Kigezi origin and other new settlers for the purpose of security in Kibaale district. It soon became instrumental in the campaigns for their candidates whose political power they hoped to use to guarantee their stay on the Kibaale district land (*Interview* with K.B., Nyanseke, October 18, 2013). It was predominantly composed of people from Kigezi region and Rwanda.

Meanwhile, the campaigns for local council positions in Kibaale district increasingly turned violent as the Mubende Banyoro Committee (MBC) members worked for the exclusion of new settlers from the political space. The MBC's historical leaders such as Joseph Kazairwe portrayed the people from Kigezi as a new colonial force and compared them to people from Buganda who had occupied the land in the 'lost counties' up to 1964. This was followed by widespread use of provocative and hate language before and soon after the 14 February 2002 district Chairmanship elections. According to one of the new settlers, his colleagues decided to vote as a block for their candidate, Fred Rulemeera as Chairman of Kibaale district in the 2002 elections following rumors that the early settlers were planning to expel the new settlers from Kibaale district land (*Interview*, T.N., Mangoma, 28 November 2010). The Bafuruki voters believed that the occupation and retention of strategic political posts in Kibaale district could ensure against expulsion from their land. On the other hand, the early settlers believed that their land rights would be threatened if the new settlers dominated the parliamentary seats and the leadership positions in the district.

Owing to increased suspicion between the new settlers and the early settlers, the 14 February 2002 elections were held amidst violent conflict in Kibaale district. Matters worsened when the incumbent district chairman Sebastian Sekitoleko lost the electoral contest to his rival, a new settler, Fred Rulemeera who scored 55.9 per cent of the total votes (*The New Vision*, 15 February 2002). Though almost all the new settlers might have voted for Rulemeera, his percentage score also indicates that some early settlers, perhaps by his fellow Protestants, also

voted for him (Schelnberger, 2005:45). However, there is evidence that some early settlers in Muhooro sub-county did not mind voting for a new settler as long as he was related to a religious sect of the 'Faith of Unity' or 'abaikiriza' led by Desteo Bisaka with headquarters in Muhooro trading centre (*Interview*, B.Y., Muhooro, 13 January 2011). This religion teaches unity of people irrespective of their ethnic or racial inclinations as reflected in the Runyoro language words used when greeting: one starts by saying *okwahukana* (in English – disunity) and the other person answers *kukahwaaho* (in English – no more disunity). Since the majority of the leaders and members of this religious sect include new settlers and the early settlers, it is possible that the belief helped to demystify their assumptions that they were ethnically different. As a result, many early settlers in Muhooro and the neighboring Bwikara sub-county voted for a new settler, Fred Ruremeera as Chairman of Kibaale district in 2002. On the basis of this, and according to the views of most respondents from and around Muhooro area, conflicts were largely connected to conflicting land rights and not ethnicity. For instance, one old man called Matayo Barwogeza was in conflict with some new settlers who forcibly encroached on his land on block 23 in Bwikara sub-county.

The early settlers' opposition to Fred Ruremeera's election was mainly evident in other parts of Kibaale district, where some politicians attempted to create conditions for the exclusion of new settlers from the district leadership. For instance, Sebastian Sekitoleko was reported to have been involved in the mobilization drive with the aim of blocking Ruremeera from taking over the Kibaale district leadership. On 5 March 2002, he called for a demonstration against the new settlers, which was to involve thousands of early settlers from Kibaale district and the other parts of Bunyoro such as Hoima and Masindi (*The Monitor*, 13 March 2002). The demonstration was stopped by a heavy police deployment in most strategic parts of Kibaale district. According to the then Kibaale district police commander, Fabian Drazi, renewed campaigns against the Bafuruki had been instigated by self-seeking politicians such as the outgoing district chairman and some local parliamentarians (*The New Vision*, 6 March 2002).

The national leaders have also been cited for their involvement in the conflict of Kibaale district. There are allegations that some high-ranking government officials and businessmen from Kigezi region were involved in the purchase of land from peasants in Kigezi and aiding them to move and settle in Kibaale district (*Interview with G. B., Karuguzza*, 13 October 2010). It was also reported that some ministers from Bunyoro region were making incendiary comments by telling the early settlers of Kibaale district that it was their right to exclude foreigners (*The New Vision*, 13 March 2002). In an effort to resolve the violent conflict in Kibaale district in 2002, President Museveni intervened and advised Fred Ruremeera, whose election to the district chairmanship was being contested,

to give way for a compromise candidate George Nyamyaka. Though the President was interested in restoring peace in Kibaale district, his intervention was based on wrong advice from some politicians and the report of the Government Committee of Inquiry of 2002 that the conflict in Kibaale district was due to competition between 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 political authorities from the land rights' issues which were at the root of the conflict.

The security situation seemed to have improved after a 'compromise' candidate, George Nyamyaka was sworn in as chairman of Kibaale district on 26 July 2002. He was expected to implement a power sharing plan announced by President Museveni while delivering a Communiqué on the Political Situation in Kibaale district during a Meeting at State House on 8 June 2002 (Museveni 2002:3). On the contrary, the number of early settlers appointed to head the sectoral committees significantly outweighed that of the new settlers. This caused discontent among the new settlers who were members of the District Council (*Interview*, B.Y., Muhooro, 13 January 2011). Meanwhile, there were claims and counterclaims over land rights between the early and the new settlers in some parts of Kibaale district. The tension increased due to campaigns which were aimed at evicting the new settlers out of the land in Kibaale district. Youth groups among the early settlers embarked on the eviction of those considered to be illegal settlers from the land they were occupying. They started from Bwamiramira sub- county in February 2003 and proceeded to places such as Kakindo and Kenga in March 2003 (*Interview*, T.S., Paachwa, 16 October 2010). A more ambitious programme of land redistribution in Kibaale district was announced by MBC executive members during their meeting of 17 April, 2003. According to the MBC, the land redistribution exercise aimed to enable the early settlers to own land which had been alienated by people from Buganda during the British colonial period; and to halt further entry of new settlers into Kibaale district (*Interview*, K. K. M., Karuguuza, 7 February 2011).

Although the land redistribution exercise was unlawful, no immediate steps were taken by relevant government institutions to stop it. The MBC executive officials worked in conjunction with the Kibaale District Land Board (DLB) officials to carry out the land redistribution exercise, an indication that Kibaale district lacked transparent land administration institutions. Such weaknesses in the DLB provided room for extra-legal behavior which often led to violent conflict. One of the incidents of violent conflict involved the death of one Munyoro woman and her two children (*The New Vision*, 27 May 2003) and serious injury of about 50 people in Kabamba village in Buyaga County on 25 May 2003.

Between May and July 2003, there were more cases of confrontation between the youths of early and new settlers in some parts of Kibaale district. The youths

among the early settlers went to an extent of trying to burn a bus which operated on the route between Kabaale town (in Kigezi region) and Kagadi town (in Kibaale district) after caning the passengers in it (*The Monitor*, 29 May 2003). According to one interviewee, the act of caning the passengers from Kabaale and the attempt to burn the bus was mainly due to the early settlers' suspicions that there was a deliberate plan by new settlers to grab the land in Kibaale district (*Interview*, D.N., Kagadi Town, 20 December 2013). These violent acts were to some extent provoked by actual illegal occupation of some land in Kibaale district. For instance, the land which belonged to a youth among the early settlers in Kyakataba in KyanaISOKE sub-county became a source of conflict in 2003 after some new settlers had forcibly occupied it (The Republic of Uganda, 2006:129).

From late 2003 up to 2005, there was evidence of latent conflict between the early settlers and the new settlers in some places. According to one of my interviewees, the new settlers were indignant to an extent of boycotting the shops owned by the early settlers who were perceived as enemies, but the feelings were quite mutual between the two groups (*Interview*, K. E., Burora, 21 October 2010). The relative calm experienced in 2004 and 2005 in Kibaale district was partly due to three main reasons. First, the police had improved on its deployment in the district. Second, President Yoweri Museveni's intervention and the installation of George Nyamyaka, an early comer (who was acceptable to the Banyoro and the Bakiga), because his daughter was married to a Mukiga, had temporarily cooled the people's tempers. And third, there were signs that the government was likely to implement the much desired land reform programme because some government officials were reported to be surveying and demarcating the land of the absentee landlords in Kibaale district (*The Monitor*, 2 April 2005). Although the process of compensating the absentee landlords had not yet been effectively undertaken, there was some relief on the part of the early settlers that the government was getting committed to the land restitution plan. But it soon appeared that the government could not effectively implement the land reform programme. For instance, it could not compensate a significant number of the Baganda absentee landlords due to lack of adequate funds. At the same time, there was no clear way of determining the beneficiaries of the land bought or to be bought by government from the absentee landlords. Moreover, no appropriate steps were taken to improve land tenure security for all the people in Kibaale district and to discourage the politicization of competing claims for land rights. With all these factors remaining unresolved, it was difficult for Kibaale district to avoid violent conflict in the subsequent elections.

The Elections of 2006 and Violent Conflict in Kibaale District

After the 28 July 2005 referendum in which Ugandans voted for the restoration of a multi-party system, the Uganda Electoral Commission was mandated to organize the Presidential, Parliamentary, and Local Council elections. Like in the previous elections, the 2006 Presidential and Parliamentary elections were characterized by violent conflict in some parts of Uganda such as Kibaale district. The violence which took place during the 2006 parliamentary elections in Kibaale district proved the inadequacy of the previous conflict resolution strategies. The parliamentary campaigns which began on 16 January 2006 and ended on 21 February 2006 generated more conflict than the presidential campaigns. This was partly due to disagreements over continuous migration of large numbers of people affected by various push factors in their original homelands to Kibaale district. It is claimed that in order to boost their numerical strength, the leaders of the new settlers encouraged more people from Kigezi and other parts of the Great Lakes region to migrate and settle in Kibaale district. Some central government officials were also alleged to have contributed to the conflict by encouraging massive migration to Kibaale district. For instance, one of the cabinet ministers from Kigezi region was also accused of aiding the illegal transportation and resettlement of hundreds of people from Kigezi to Kibaale district (*Interview*, S.J., Karuguuza, 17 December 2011).

Though the parliamentary candidates were required to attend joint campaign rallies, they informally held their own meetings. Many things happened during the meetings held outside the official ones. In some cases, the candidates and their agents exaggerated the intentions of their opponents so as to win the votes. As expressed by one of my interviewees, a Member of Parliament for Buyaga County won the elections in 2006 after he and his campaign agents spread rumors that the early settlers were planning to chase the new settlers out of Kibaale district (*Interview* with B.G.A., Kagadi, 19 October 2013). At the same time, the competition for votes forced some candidates to entice voters with money and other materials. These items were delivered to individual families or homes in the process of vote gathering (locally known as *Kakuyege*) just before the election date (*Interview* with J.K.K., Isunga, 12 January 2011).

The Presidential and parliamentary elections, which were held on 23 February 2006, demonstrated the significant contribution of the land factor to the conflict in Kibaale district. The incumbent President Museveni won the election with 59.28 per cent of the votes at national level and 89 per cent of the 180,770 valid votes in Kibaale district. Kizza Besigye of the Forum for Democratic Change (FDC) scored 37.36 per cent of the votes at national level mainly from northern Uganda and 8.8 per cent of the votes in Kibaale district (Petersen 2006:17). The other three candidates who included John Ssebaana Kizito of DP, Abed Bwanika (Independent) and Miria Obote of UPC each scored less than 2 per cent of the votes (Uganda Electoral Commission: Report on the general elections, 2006).

The voting patterns during the 2006 elections indicate that ethnicity was not a major issue among the voters at national level and in Kibaale district. This was because Museveni defeated many candidates in their own homeland Buganda. Besigye got most of his votes from northern Uganda yet he is from Rukungiri in southwestern Uganda. Moreover, Besigye lost to Museveni in Kibaale district yet he is more of a Mukiga than Museveni.

Meanwhile, there was widespread violent conflict soon after the announcement of the 23 February 2006 Parliamentary election results for Bugangaizi and Buyaga counties. According to information from most of my interviewees, Bakeine Mabel (new settler lady) and Mr. Tinkasiimire Barnabas (new settler) won the parliamentary seats of Bugangaizi and Buyaga counties, respectively, due to their promises that they would continuously struggle for the land rights of the new settlers in Kibaale district (Group discussion, Kakumiro, 16 December 2013). Most of the violence took place in March 2006 as supporters of the early and new settler parliamentary candidates clashed. For instance, the 5 March 2006 violence which resulted in the death of women, children and some young men such as David Ndyabareeba and Barnabas Biryomumaisho and the injury of many people at Kasenyi in Kakindo sub-county was largely instigated by the supporters of a national legislator who had lost the 2006 elections to a new settler lady (*Interview*, K.S., Kakindo, 3 March 2011). In response, President Yoweri Museveni sent Brigadier (Retired) Matayo Kyaligonza, who was the National Resistance Movement (NRM) Vice-chairman of Mid-Western region to Kibaale district to explore ways of resolving the post-2006 election conflict. He held some public meetings in Nalweyo, Kakindo, Kakumiro, Kiryanga and Kagadi in early March 2006, trying to understand the causes of the conflict. In spite of the President's intervention, there remained strong suspicions among the different groups of people in Kibaale district (Rulekere 2006, Kampala: Ultimate Media).

At the same time, the President had appointed a Commission of Inquiry (2006) headed by Professor Ruth Mukama to investigate the Bunyoro issues, including the conflict in Kibaale district. Many people in the district presented their views and grievances to the commissioners hoping that the government would promptly intervene. In the 2006 Commission of Inquiry into Bunyoro issues' Report, it was observed that the historical injustices against the Banyoro contributed to the conflicts in Kibaale district. Accordingly, it was recommended that the government should take steps to rectify the injustices by restoring land ownership rights to the original owners of land in Kibaale district (The Republic of Uganda 2006:157). Another cause of conflict in Kibaale district was said to be the lack of effective monitoring and regulation of people's movements at Uganda's borders which leaves room for massive illegal immigration. To solve this problem, the Commission recommended the improvement of immigration control mechanism and the recruitment of adequate numbers of immigration officers to work at the borders (The Republic of Uganda, 2006:167). In spite of

the Commission's problematic conception of the conflict as largely an outcome of the struggle between ethnic groups, it made some useful observations and recommendations. Unfortunately, no steps were taken to implement some of the good recommendations of the Commission of Inquiry and particularly to address the sources of the conflicting claims for land rights in Kibaale district.

Vested Interests and the Continuation of Conflict in Kibaale District

On 4 June 2009, news spread that groups of early settlers were planning a massive demonstration in Kibaale district. According to the Mubende Banyoro Committee (MBC) chairman, Katta Musoke, 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 (*Interview*, K.K.M., Karuguuza, 12 October 2010). 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 (Bakeine, *et al.*, 'Bafuruki memo to Museveni', *The Observer*, 10 August 2009). On the night of Thursday 4 June 2009, the Kakumiro – Mubende road was blocked by the youths who laid logs of trees across the road (*Saturday Vision*, Vol.3, No.22, 6 June 2009:5). Other protesters were intercepted in Bwamiramira sub-county carrying pangas 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 (*Saturday Vision*, Vol.3, No.22, 6 June 2009:5). The demonstrations were called off after President Museveni held a meeting with the MBC leaders at Nakasero State House on 6 June 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 15 June 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 (*The Observer*, 13 – 16 August Vol.6, No.41: 2.). 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 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 15 July 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* (Museveni, 2009), 'Guidance on Banyoro-*Bafuruki* question', *The Sunday Monitor*, 2 August 2009:4). Accordingly, Museveni proposed among other things that: (i) District and sub-county chairmanship positions in Bunyoro be ring-fenced for the early settlers; (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 early settlers who were on *Mailo* land in 1964 should be granted ownership and the absentee landlords should leave the land. All early settlers 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 (Museveni 2009:4). Unfortunately, the President was instead reinforcing the autochthony claims which the early settlers of Bunyoro had been making and, thereby, contributing to conflict. Inevitably, the 'ring-fencing' proposals were outrightly 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 was it possible for Museveni to take the *mailo* land of Kibaale district away from the Baganda absentee landlords?

The 'ring fencing' proposals were certainly divisive and could instead worsen the conflict in not only Bunyoro region but Uganda at large. As Ogenga Latigo, leader of Opposition in Uganda's parliament at that time noted, the President was trying to apply the 'divide and rule' tactics that the British colonialists employed (*Sunday Monitor*, 2 August 2009: 3). By suggesting that certain top elective political posts be reserved for the early settlers of Bunyoro, the President was helping to concretize the boundary between the early settlers 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 deal diplomatically with the early settlers 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's political support for himself but also to ensure co-operation with the early settlers 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 early settlers of Bunyoro for a meeting at the State House Entebbe on 4 September 2009, there was no agreement on the 'ring-fencing' proposals. 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 so as to create more political space in Kibaale. Unfortunately, the division of Buyaga County into two constituencies and the proposal for the establishment of Kagadi district; hence it was not a solution to lasting peace because it was prompted by the selfish interests of the local politicians to increase their opportunities for winning parliamentary seats during the 2011 elections. For instance, by establishing Kagadi district, where the land in Mpeefu, Bwikara and Rugashari sub-counties was almost totally occupied by new settlers (Uganda Government, 2002:16), the new settler candidate, who was expected to guarantee the land rights of new settlers, was likely to face less political competition from the early settlers' candidate. Indeed, the splitting of Buyaga County into two parts enabled the new settlers' candidate (Barnabas Tinkasiimire) to easily win the parliamentary seat of the new settler dominated Buyaga west and provided an opportunity for the early settlers' candidate (Ignatius Besisira) to win the seat of the early settler dominated Buyaga East constituency.

Although the division of Buyaga County has led to relative calm, it is not likely to guarantee lasting peace if the issues of land ownership are not resolved. The splitting of constituencies on the basis of categories of people dominating them is likely to promote either sectarianism or group-oriented activities which may in turn cause more conflicts in Kibaale district. Moreover, if the new settlers encourage the formation of Kagadi district where they are in the majority and eventually dominate it politically and economically, they will most likely open new lines of conflict with the early settlers for two main reasons. First, they will be accused by the early settlers of partitioning and colonizing part of Bunyoro. Second, though minorities, the early settlers will most likely claim the land as theirs on customary basis.

Conclusion

On the whole, this chapter has highlighted the process through which competing land rights regimes evolved in Kibaale district and how the interplay between the claims for land rights and politics has contributed to violent conflict. It points out with reference to the push-pull theory that many people continuously moved from elsewhere in the Great Lakes region and acquired land in Kibaale district, where they initially lived quite harmoniously with the early settlers before getting involved in violent conflicts with them, especially after the resumption of competitive electoral politics in 1996. It indicates that the rapid increment of new settlers and the heightened conflict in Kibaale district was partly due to the central government's resettlement of thousands people from elsewhere to Kibaale district in 1992-1993.

I argue that the politicization of claims for land rights has greatly contributed to violent conflict in Kibaale district. Unfortunately, the government has often failed to take appropriate steps to resolve the conflict in Kibaale district due to its fear of antagonizing the potential political supporters. At the same time, it must be emphasized that the energetic youths have been the most active people in carrying out violent attacks and the victims have often been women and children. As a way forward, it will be appropriate to mount educational programmes and create more objective measures to streamline the issues of land rights in Kibaale district. Given that land-related conflicts in one part of the Great Lakes region has contributed to conflict in another part, there should be more effective co-ordination by the concerned authorities in the region, not only on political matters but also on issues of land use and ownership as well as the welfare of refugees.

References

- 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., 2010, *The Roots of Ethnicity: Origins of the Acholi of Uganda*, 2nd Edition, Kampala: Fountain Publishers.
- Baganchwera, N. I. Barungi, 2011, *Parliamentary Democracy in Uganda: The Experiment that Failed*, Bloomington: Authorhouse.
- Berman, B., 1998, 'Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism' *African Affairs*, Vol. 97, pp.305-341.
- Blagojevic, B., 2009, 'Causes of Ethnic Conflict: A Conceptual Framework', *Journal of Global Change and Governance*, Vol.3, No.1.
- Bruce, J. W., 2013, 'Return of Land in Post-Conflict Rwanda: International Standards, Improvisation, and the Role of International Humanitarian Organizations', in Unruh, J. and Williams, R.C., eds, *Land and Post-Conflict Peacebuilding*, London: Earthscan.
- Doyle, S., 2006, *Crisis and Decline in Bunyoro: Population and Environment in Western Uganda, 1860-1955*, London: The British Institute in Eastern Africa.
- Espeland, R. H., 2007, 'When Neighbors Become Killers: Ethnic Conflict and Communal Violence in Western Uganda', Bergen: Chr. Michelsen Institute.
- Guschiere, P., 2009, *The Perils of Belonging: Autochthony, Citizenship and Exclusion in Africa and Europe*, Chicago: The University of Chicago Press.
- Kagambirwe, E. R., 1972, *Causes and Consequences of Land Shortage in Kigezi*, Kampala: Department of Geography, Makerere University.
- Kalyango, R. S., 2006, 'Land Conflicts and Their Impact on Refugee Women's Livelihoods in Southwestern Uganda', in *New Issues in Refugee Research*, Research Paper No. 127, Geneva: UNHCR.
- Karugire, S. R., 1996, *The Roots of Instability in Uganda*, Kampala: Fountain Publishers.
- Rupensinghe, Kumar, ed., 1989, *Conflict Resolution in Uganda*, London: James Currey.
- Landau, P. S., 2010, *Popular Politics in the History of South Africa, 1400 – 1948*, Cambridge: Cambridge University Press.

- Lastarria-Cornhiel, S., 2003, *Uganda Country Brief: Property Rights and Land Markets*, Madison: Land Tenure Center, University of Wisconsin.
- 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.
- Lubanga, F. and Villadsen, S., eds, 2000, *Democratic Decentralisation in Uganda: A New Approach to Local Governance*, Kampala: Fountain Publishers.
- Mamdani, M., 2002, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Kampala: Fountain Publishers.
- Munster, the Earl of, 1961, *Report of the Uganda Relationships Commission*, Entebbe: Government Printer.
- Mwenda A.M., 2007, 'Personalising Power in Uganda', *Journal of Democracy*, Vol.18, No.3. Ngologozo P., 1998, *Kigezi and its people*, Kampala: Fountain Publishers.
- Nsamba-Gyayiiya, E., 2003, *The Kibaale Land Question*, Kampala: Uganda Land Alliance. Odgaard, R., 2006, *Land Rights and Conflicts in Africa: The Tanzania Case*, Copenhagen: Country Policy Study, DIIS.
- 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.
- Petersen, C., 2006, *Uganda: Presidential, Parliamentary and Local Council Elections*, Oslo: Nordem.
- Schelnberger, A. K., 2005, 'Decentralisation 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.
- Takeuchi, S. and Marara, J., 2011, 'Features of Land Conflicts in Post-Civil War Rwanda', *African Study Monographs*, Suppl.42.
- Tamale, S., 1999, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*, Kampala: Fountain Publishers.
- Tripp, A. M., 2000, *Women and Politics in Uganda*, Kampala: Fountain Publishers.
- Yieke, F. A., 2011, 'Ethnicity and Development in Kenya: Lessons from the 2007 General Elections', *Kenya Studies Review*, Vol.3, No.3.

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 8-9 July at Jinja.
- Museveni, Y. K., 2002, 'Communiqué on the Political Situation in Kibaale district during a Meeting at State House', 8 June 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.

Ngabirano M., 2010, *Conflict and Peace Building*, Kampala: Uganda Martyrs University Book series.

Primary Sources

Government Documents

- 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 Electoral Commission, 2006, Report on the General Elections, Kampala: Uganda.
- Uganda Electoral Commission, 2006, Report on the General Elections, Kampala: Uganda.
- Uganda Government, 1995, *The 1995 Constitution of the Republic of Uganda*, Chapter 29(2) a.
- Uganda Government, 1966, *Statistical Abstracts*, Entebbe: Government Printer
- Uganda Bureau of Statistics, 2002, *The 2002 Uganda Population and Housing Census*, Kampala.
- Uganda Interim Electoral Commission, 1996, Presidential Elections Final Results, Kampala: Uganda.
- United Nations: The 1951 Geneva Convention, Article 1(2) and the 1967 Protocol, Article 1(2).

Newspapers

- Bakeine, M., 2009, 'Bafuruki Memo to Museveni', in *The Observer*, 10 August.
- Businge, G., 2002, 'Your Ignorance Is Complicating Matters in Kibaale!' in *New Vision*, 13 March.
- Golooba-Mutebi, F., 2012, 'Where Are These Clean People that You Want the President to Appoint?', *The East African*, 15 September.
- Mamdani, M., 2009, 'Uganda: Buganda and Nation at Crossroads', *The New Vision*, 9 August, 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., & Mulondo, E., 2006, 'Rugunda Named in Kibaale Land Disputes', in *Daily Monitor*, 13 March.
- Museveni, Y. K., 2009, 'Guidance on Banyoro – Bafuruki Question', *The Sunday Monitor*, 2 August.
- Museveni, Y., 2002, 'Historical Marginalization by Conflicts Has Made the Banyoro Very Sensitive: Kibaale Museveni's Plan' *The New Vision*, Wednesday, 24 April.
- Rulekere, G., 2006, '24 Arrested over Kibaale Tribal Conflict That Has Claimed 3', *UG Pulse*, Kampala: Ultimate Media.