

**ABSENTEE LANDLORDS AND LAND UTILIZATION IN UGANDA:  
THE CASE OF KIBAALE DISTRICT, 1894 – 1995.**

**BY**

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## DECLARATION

This thesis is my original work and has not been presented for the award of a PhD degree in any other University.

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**DEDICATION**

This thesis is dedicated to my late parents Mr. Zekeriya Maguru and Mrs. Bakunzi Maguru who educated me to Masters Level. May their souls rest in eternal peace.

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## DEFINITION OF TERMS

**Absentee Landlords:** These are people who own land, buildings or accommodation for lease or rent but they are not always physically present on the property. In this study, it refers to those people who own land in Kibaale and hold land titles but are not physically utilizing the land.

**Commoditization of land:** This refers to the conversion of land into a saleable commodity in monetary terms.

**Federalism:** In this study, means the demand by Buganda to divide the nation of Uganda into Federal states.

**Landed aristocracy:** In this study, it refers to that class of the Baganda that was created by the colonialists who gave them *mailo* land during the signing of the 1900 Buganda Agreement.

**Landlordism:** This is a system or practice where a land owner leases agricultural land to tenants.

**Land reform:** This is a series of measures carried out by government aimed at bringing about a fair and even distribution of land.

**Land-tenure:** This refers to ownership and use of land.

**Land use/utilization:** This refers to how people use the land resource both economically, socially and politically.

**“Lost counties”:** These were six counties of Bunyoro Kingdom comprising Buyaga, Bugangaizi, Buhekura, Buruli, Bugerere and Rugonjo covering an area of over 6,000

square miles, which were carved out and given to Buganda Kingdom as a reward for assisting the British to fight the Banyoro who were resisting British imperialism.

**Order-in-Council:** This is a statutory document promulgated by the British government by virtue of its prerogative powers to be used as the Constitutional framework of a colony.

**Squatter:** This is a person who settles on either private or public land without the right of ownership or payment of rent. In this study, therefore, squatters refer to those people in Kibaale District who are either living on public land or land that belongs to the absentee landlords.

**ABBREVIATIONS**

- BCGA:** British Cotton Growers Association
- CBR:** Centre for Basic Research
- CMS:** Church Missionary Society
- DP:** Democratic Party
- ENA:** Entebbe National Archive
- GEA Co:** German East Africa Company
- IBEA Co:** Imperial British East Africa Company
- IDS:** Institute for Development Studies
- KAR:** King African Rifles
- KY:** Kabaka Yekka
- LDCs:** Least Developed Countries
- MISR:** Makerere Institute of Social Research
- MBC:** Mubende-Banyoro Committee
- MOP:** Mode of production
- NCC:** National Consultative Council
- NRA:** National Resistance Army
- NRM:** National Resistance Movement
- NGOs:** Non – Governmental Organizations.
- OI:** Oral interviews
- PP:** Progressive Party
- UCSB:** Uganda Credit and Savings Bank

**UNLP:** Uganda National land Policy

**UNC:** Uganda National Congress

**UNLF:** Uganda National Liberation Front

**UNO:** United Nations Organization

**UCP:** United Congress Party

**UPC:** Uganda Peoples' Congress

**UPM:** Uganda Patriotic Movement

**UPU:** Uganda Peoples' Union

**UNM:** Uganda National Movement

## GLOSSARY

**Abarasura:** Bunyoro Kingdom's regular army.

**Abassi, Affifi and Ashmouni:** Varieties of cotton seeds.

**Babito:** Royal ruling clan in Bunyoro Kingdom.

**Bafuruki:** Bakiga who migrated from present-day Kabale District to Kibaale District.

**Bahooza:** Tax collectors.

**Bakoopi:** People who are not from the Royal family in Buganda Kingdom.

**Bahuma:** Cattle keepers in Bunyoro Kingdom.

**Buganda Lukiiko:** Parliament of Buganda Kingdom

**Bupangisa:** Renting of land from a landlord.

**Busulu:** Rent paid for using a piece of land.

**Ekita kyomwenge:** Gourd of local brewed beer.

**Ekita kyomubisi:** Gourd of local squeezed banana juice.

**Ekibaganno kyomutaka:** A share of the clan head.

**Empango:** Ceremonies that were held at the King's palace every year where the Banyoro from all parts of the Kingdom gathered to know one another.

**Gombolola:** A Sub-county in both Buganda and Bunyoro Kingdoms.

**Iteso:** An ethnic group in Eastern Uganda.

**Kabaka:** King of Buganda Kingdom.

**Kabaka Yekka:** King alone.

**Katikiro:** Prime Minister of Buganda Kingdom.

**Katukiro:** Prime Minister of Bunyoro Kingdom.

**Kazooba Nyamuhanga:** The almighty God.

**Kibanja:** A piece of land temporarily owned without a land title (Plural-Bibanja).

**Kibanja tenancy system:** A system where one temporary owns a piece of land as a tenant.

**Kiboko:** A type of coffee which was nicknamed after using canes to plant it.

**Kiganda name:** Name of the Baganda.

**Langi:** Ethnic group in Northern Uganda.

**Mailo land:** Land measured and allocated in miles.

**Mailo landlords:** Owners of land measured in miles.

**Mengo government:** Buganda Kingdom Administration.

**Mukooka:** A flood of water.

**Munyoro:** The inhabitant of Bunyoro Kingdom (Plural-Banyoro).

**Mutaka:** Clan head in Buganda Kingdom (Plural-Bataka).

**Mutuba:** Ficus tree.

**Musu:** Edible rat.

**Mwitanzige:** Local name for Lake Albert.

**Nanyinitaka:** Landlord.

**Ndaiga:** A territory in Buyaga County in Kibaale District.

**Ngabi:** An antelope.

**Nvujjo:** Tithe paid in kind for using one's land.

**Nyakaima tree:** A Sacred tree venerated by the Banyoro.

**Nyangire:** "I have refused".

**Omubazi gwenaku:** Medicine for poverty.

**Omubisi:** Local squeezed banana juice.

**Omukago:** Blood brotherhood.

**Omukama:** King of Bunyoro Kingdom.

**Rural Proletariats:** Rich village farmers

**Saza:** A county in both Buganda and Bunyoro Kingdoms.

**Tonto:** A local banana brew.

**Wa-Ingleza:** A Swahili word meaning Europeans from Britain.

**Wa-Fransa:** A Swahili word meaning Europeans from France.

**ABSTRACT**

This research focuses on absentee landlords and land utilization in Uganda, taking the case of Kibaale District in present-day Bunyoro Kingdom. It covers the period between 1894-1995. The study covers the economic history of Kibaale District during the colonial and post-independence period up to 1995. The objectives of this study were to identify the origins of absentee landlords, the commoditization of the land resource and its impact on land use between the landlords and the tenants. The study also examines how land policies of the colonial and post-independence governments tackled the issue of absentee landlords. The significance of this study is to add to the existing knowledge about the land tenure system in Kibaale District especially in relation to the politics of land allocation and utilization during both the colonial and post-independence periods. The study employed a number of theories including the theories of the articulation of the modes of production, neo-patrimonialism, conflict and relative-deprivation. The study adopted an historical approach in data collection and interpretation. Both primary and secondary data were collected. The study employed both the qualitative and quantitative methods of research to analyze and interpret the data. Both primary and secondary methods of data collection were used. A variety of informants were interviewed namely civil servants, peasants, teachers, landlords, landowners, politicians, and Kingdom leadership. The Uganda national archive in Entebbe was also a major source of information especially on correspondences of the colonial administrators. The research established that absentee Baganda landlords disrupted land use in Kibaale District during both the colonial and post-independence period. They were the holders of the land titles, and yet they were always absent which created insecure land-tenure among their Banyoro tenants. This research, therefore, recommends that the government should effect a land legislation that will solve the land question in Kibaale District.

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

#### **1.1 Background of the study**

Land is a crucial resource which has constituted a critical subject of study not only in modern Africa, but generally in the entire developing world. It is both a source of wealth and power. It is a major resource in the production process and the structure of its ownership and utilization can either cause or impede development and social stability (Museveni, 2001:70). Land plays a key role in poverty eradication. Thus its importance to peoples' livelihoods has led to increase in its demand world over (Mihanjo, 2001:2). This has often ended up in land conflicts that have in the long run affected its use.

Conflicts over land ownership and use have been a common phenomenon almost world over. In France, before the Revolution of 1789, there existed the feudal system of land ownership whereby land was owned by the church and a few landlords who extracted rent from the tenants. This created a class of landed aristocracy and the landless which created land wrangles whose end result was the Revolution (Thompson, 1966:106). In Latin America and Asia, due to lack of pro-people land legislation a few landlords owned chunks of land most of which was not utilized which forced the landless to seize it hence leading to land conflicts that resulted into loss of lives (Johnson and Bernstein, 1982:3). In Ireland, during the 19<sup>th</sup> century, due to land appropriation by government, there erupted land conflicts between the English men who were the landlords and the

Irish local small scale farmers who were poor and landless (Roland and Atmore, 1981:258). The above observations indicate that in Europe, Asia and Latin America there was the commoditization of land which created a class of landlords and the landless that ended up causing land conflicts which impacted negatively on land use.

In most parts of colonial Africa, like South and Central Africa, Kenya and Tanganyika, although some Africans owned land, the remaining chunks of land were owned by foreigners which also created land conflicts (Kaniki, 1992). Consequently, Africans were forced to fight for the repossession of their land which led to the loss of lives. In Zambia, due to colonial land tenure policies, there arose a problem of landlords when a few rich men bought land and paid managers to look after it which created a class of absentee landlords and tenants (Okoth, 2006:365). In Zimbabwe there was occupation of land owned by whites by indigenous Zimbabweans in the 1990s, which resulted in a revolution which was marked by a radical agrarian reform (Moyo and Yeros, 2007:103).

In colonial Kenya, land alienation provoked the Mau-Mau war from the late 1940s. There was increased demand for land as a result of population increase during the colonial period, yet the land which Africans occupied was now in the hands of the white settlers and many of them had large areas of uncultivated land. This forced the poverty-stricken and land-hungry Africans to start a rebellion which resulted in the murder of a few British farmers, mutilation of their cattle and other acts of violence with the aim of instilling terror into the settler community so that they could flee the country (Kershaw,

1997). Similarly, in colonial Tanganyika African land was declared colonial land and the fertile portions were alienated to the Europeans. This land alienation resulted into the Maji–Maji rebellion of 1905-1907 (Rodney, 1980:134). The above sources indicate that the onset of colonialism in Africa replaced the pre-colonial land tenure system which was largely communal with the alien one of private ownership which commoditized the land resource and created a class of landlords and tenants/landless that ended up creating land conflicts which adversely affected land use during the colonial and post-independence period.

Similarly, there occurred various land conflicts in Uganda during the colonial period which also had an impact on land utilization. Bikaako (1994:32) in her study about land conflicts in Mpigi District in Central Uganda observes that there are two types of land committees in the district namely problem-specific and general land committees which were set up to specifically handle land conflicts.

Ddungu (1994:1) in his work on land conflicts in Sembabule District in Central Uganda, observes that there is a problem of squatters who after failing to secure some security of tenure like tenancy agreements with the land owners, and pressing the government for agrarian reforms have come up with other forms of resistance ranging from uprisings to social movements. Mugisha (1992:29) in his study about land conflicts in Kabale and Kisoro Districts, in Western Uganda, observes that the common conflict is over public land which is inspired by land shortage partly due to high population levels. He asserts that the struggle for public land is more open and violent against those who are

encroaching on this land for settlement and crop cultivation. Otim (1993:30) in his work on land conflicts in Mbale District, in Eastern Uganda, asserts that land conflicts in the district took a new turn when the available arable land was reduced by the colonial government through compulsory acquisition of land to set up administrative centres and a forest reserve. This created land shortage which forced people to guard jealously the little remaining land which resulted into land conflicts.

Opyen (1993:42) in his study on land conflicts in Lango region, in Northern Uganda, observes that peasant hostility against land grabbing took several forms whereby, during the pre-colonial days, it was open war against another ethnic group which defended the land because by then it belonged to them. However, during the colonial period, capital penetrated Lango region which created social differentiation and gave rise to new forms of land ownership which have resulted into land conflicts.

Ssenkumba (1993:27) in his work on land conflicts in Kalangala District, in Central Uganda, observes that the major cause of land conflicts in the district was shortage of land caused by the presence of the forest reserves whereby the owners of these reserves conflicted with those who lacked enough land for cultivation. Julepa (2002:1) in his article 'Bunyoro meet over Kibaale crisis' observes that the Banyoro complained that their land had been grabbed by the Bakiga thus land is among the factors that has caused the Banyoro-Bakiga conflicts since 1972 to-date. These sources concur that most land conflicts in Uganda, are as a result of the land tenure policies which were introduced by the British colonial masters which adversely affected land use.

In pre-colonial Bunyoro land was not a commodity that could be marketed and sold at a profit, but it had a use value as it was a major source of peoples' livelihoods. Although it was under the custodian of the King, it was in plenty and each individual land holder had the right to utilize his holding as he deemed fit (Nyangabyaki-Bazaara, 1994:28). However, with the onset of colonialism and the signing of the 1900 Buganda Agreement, these individual land use rights were denied him as the British colonial masters changed the land-tenure system.

Doyle (2006:80) observes how colonial policy contributed to Bunyoro's colonial problems. He asserts that the dividing up of Bunyoro's territory and awarding some of her territories to Buganda in 1894 led to Bunyoro's loss of her richest, most heavily populated and historically important territories of Buyaga and Bugangaizi that form present-day Kibaale District which contained most of the royal tombs and many sacred sites. It is against this background that this research has been conducted, taking Kibaale as a case, for in-depth analysis on how change in land ownership during the signing of the 1900 Buganda Agreement left a negative impact on land use that was felt by the Banyoro of Kibaale District throughout the 20<sup>th</sup> century up to-date.

Suffice it to note that, during the pre-colonial era any land disputes could be settled amicably by the elders of a given clan or society. However, with the onset of colonialism, these land disputes were subjected to the colonial courts which were always in favour of the colonial masters and their agents who grabbed land from the

Africans who in turn ended up becoming tenants and the land grabbers becoming their landlords and absentee landlords in the case of Kibaale District.

### **1.2 Statement of the Problem**

In 1894, Col. Colville rewarded Buganda Kingdom with six counties of Bunyoro Kingdom which came to be referred to as “the lost counties”. During the signing of the 1900 Buganda Agreement, land ownership changed from communal to individual ownership. The signing of this Agreement created a class of landlords in Buganda and Absentee Baganda landlords in the “Lost Counties” of Bunyoro to Buganda. This study, therefore, aims at interrogating the relations between the Banyoro tenants and the Baganda Absentee Landlords in relation to the subsequent land ownership and use, the ensuing social and economic consequences and the state’s response to the ensuing contradictions surrounding land ownership and use. Most studies on Kibaale District have concentrated on the political and not economic history, hence the need for this study.

### **1.3 Research Questions**

1. Which types of land-tenure system existed in pre-colonial Bunyoro Kingdom up to 1900?
2. How did the 1900 Buganda Agreement change the land-tenure systems in Kibaale District?
3. How did the Banyoro in Kibaale District respond to the issue of absentee landlords during the colonial period?

4. How did the state handle the issue of absentee landlords in Kibaale District during the post-independence period?

#### **1.4 Objectives of the study**

This study sought to achieve the following objectives:

1. To analyze the types of land-tenure system that existed in pre-colonial Bunyoro Kingdom up to 1900.
2. To interrogate the 1900 Buganda Agreement and its change of the land-tenure system in Kibaale District, 1900-1939.
3. To analyze Banyoros' response towards absentee landlords and land use in Kibaale District, 1939-1962.
4. To investigate the state's handling of absentee landlords in Kibaale District, 1962-1995.

#### **1.5 Research Premises**

1. The land-tenure system in pre-colonial Bunyoro Kingdom was majorly communal-based up to 1900.
2. The 1900 Buganda Agreement changed the land-tenure system in Kibaale District which affected land use.
3. The Banyoro of Kibaale District responded negatively towards the issue of absentee landlords and land use throughout the colonial period.
4. The issue of absentee landlords in Kibaale District has not been addressed passionately by the various regimes of post-independence state.

### **1.6 Significance and Justification of the Study**

The intersection between absentee landlords and land utilization is an important area of study as it adds to our knowledge about the politics of land allocation and use in African history, mainly because it is an alien concept which came along with colonialism. Land-based conflicts are a common phenomenon, not only in Kibaale District but in the whole of Uganda, and this study seeks to add to the already existing knowledge on land-based conflicts in Uganda, Africa and world over.

The study is significant as it adds to the existing knowledge about the politics and economics of land ownership and use in Kibaale. It also contributes to our knowledge about the political and economic history of Kibaale during the pre-colonial, colonial and post-independence periods. The study also adds to our understanding about the source of conflicts and land wrangles in the area under study. It further provides suggestions for administrators and policy makers on how to handle matters pertaining to absentee landlords and land utilization. The outcomes of the study will hopefully guide the administrators, policy makers, legislators and constitutional experts on how to enact laws that will provide security and protection to all the peasants of Kibaale in particular, and Uganda at large, who derive their livelihood from land which they currently occupy. The study will also act as a springboard for future researchers on matters related to absentee landlords and land utilization. It will also enrich the knowledge of the researcher on land-based conflicts in Africa as a whole and Kibaale in particular.

This study is also important as it is a historical study that focuses on a land-tenure system in an African setting which was communal and was conducive to its users which, was however, replaced by a new and alien individual land tenure system which created a class of landlords and tenants and commoditized the land resource hence affecting its use. This study is timely because most of the existing knowledge about absentee landlords and their impact on land use in Kibaale is in the peoples' memories which need to be documented for future use by researchers and other stakeholders.

### **1.7 Scope of the Study**

The study examines absentee landlords and land utilization in Uganda taking a case of Kibaale District. It zeroes on absentee landlords in regard to the question of land ownership and use. It covers the period 1894-1995. The year 1894 was earmarked as a starting point because it was the year when Buganda was officially declared a British protectorate by a notice published in the London Gazette on the 19<sup>th</sup> June 1894 (Molson, No.32343, ENA/02/031962:3). It was in the same year that Col. Colville handed over the six "lost counties" of Bunyoro to Buganda which included Buyaga and Bugangaizi counties that form present-day Kibaale District (Karugire, 1980:89). The study ends in 1995 as this was the year when a new constitution for Uganda was promulgated which recommended for putting in place a land Act that aimed at solving land conflicts. It also advocated for putting in place a land fund for compensating the absentee landlords in Kibaale District and other areas with land related conflicts.

### **1.8 Limitations of the Study**

Land issues are a thorny problem in Kibaale District, and therefore, there was a likelihood of giving false information based on ethnic and political reasons. However, this problem was solved by presenting to the informants' introduction letters from both Kenyatta and Kyambogo Universities to confirm to them that the purpose of the study was purely academic. There was also fear of getting inaccurate information from some of the informants. To overcome this problem, the authenticity of the information got from informants was double-checked and corroborated with the existing information from other sources in libraries and archives.

### **1.9 Review of Related Literature**

This section reviews the findings of other scholars who conducted their studies on land-related issues especially on how absentee landlords create land-based conflicts that impact negatively on land use. The review is conducted systematically starting with global issues on land, continental and national levels and lastly zeroing in on Kibaale District.

In his study on feudalism and the rise of mercantilist imperialism (Nabudere, 1997:2), points out that the concept of landlordism started way back during the period of the master-slave society in the ancient Roman Empire where they practiced the feudal land tenure system. In this type of tenure, land which was the basic means of production was owned by a few landlords who were in most cases physically present and were extracting land-rent themselves and were, therefore, not absentee landlords. This type of

land tenure affected the mode of land use that often led to land conflicts between the landlords and the landless. This work is pertinent to the current study as it will be of great significance when establishing the origins of the concept of absentee landlords and how it affected land utilization. Although, the study is outside Kibaale District, it was helpful when it came to analyzing whether the presence of landlords in Kibaale led to land conflicts between themselves and their tenants.

According to Cornwell's (1980:444) study on land ownership and utilization in China in mid-nineteenth century, land legislation created a class of landlords and the peasants who were landless which impacted on land use whose end result was land conflicts. However, when the communists under Mao Tse-Tung came to power, in a bid to end these conflicts, they carried out land reforms which took away land from the rich and re-distributed it amongst mainly the landless peasants. This study was relevant to the current study as it elaborately points out that unfair land distribution breeds conflicts in society. It was helpful to this study when interrogating whether the unfair land distribution in Kibaale District where the biggest chunk of land was allocated to absentee landlords, also created conflict between the Banyoro who were landless and their landlords.

In their studies about land use in colonial Central Africa, (Nyeko, 2003:126 and Wills, 1985:204) observe that, in pre-colonial African societies, land belonged to the clan on whose behalf the chief or clan leaders were trustees. It was thought of in terms of its socio-economic and cultural values rather than as a commodity. An individual local

small scale farmer could hoe a certain piece of land or graze animals in a certain area with the approval of a clan leader but had no property rights in the land and did not even pay rent for it. It was a communal holding to which every household had usufruct rights. These observations were useful to this study especially in investigating the systems of land ownership and utilization that existed in pre-colonial Bunyoro.

A study by Denoon and Nyeko (1987:143) on land use in colonial Southern Africa, observes that the colonial land tenure which brought about individual ownership led to drastic changes in land ownership and use. They argue that, although there was plenty of land which could have catered for the needs of both the whites and indigenous Africans, the new land legislation vested land in the hands of the whites who became landlords and in some instances leased it back to the indigenous African smallholders who paid rent through either the provision of labour, money or a share of the crop. Failure to pay this rent meant automatic eviction which became a source of African resentment towards the white settlers. Colonialism created a class of squatters and the landless that started demanding for their land as a result of which clashes erupted over land ownership and use, thereby, resulting in the destruction of property and loss of lives. Although these two studies were on Southern Africa, their findings are relevant to the current study which analyzes how the colonial land legislation in Uganda created a class of landlords and tenants and how they related to each other.

In his study on the land question and the peasantry in Southern Africa, (Moyo, 2003) states that the land question is not only an agrarian issue but also a critical social

question regarding equitable resource allocation. He observes that there are critical socio-political and economic questions that arise from persistent conflicts that ensue from unequal land distribution and discriminatory land tenure systems. He concludes that there should be equitable distribution of land in order to minimize land conflicts. His observations are relevant to the current study which investigates the Kibaale land issue.

Moyo and Yeros (2007:103) in their study about the agrarian reforms that changed land use in Zimbabwe, observes that the re-distribution of land which was formerly owned by whites to Africans by President Mugabe's regime resulted in a revolution which changed the state. They argue that the cause of this revolution was the little felt need to understand the social basis and contradictions of the land issues at hand which had been obscured and detached from politics. Although their study was carried out in Zimbabwe, nevertheless these observations are relevant to the current study which also sought to investigate whether the land issues in Kibaale District had been obscured and detached from politics or whether it had been politicized. This study examines whether the absentee landlords possessed substantial political influence that forced the state not to carry out radical land reforms in Kibaale and whether there is a need for a land revolution in Uganda in order to effect land reforms.

Sachikonye (2005:32) in his study about the "old" and "new" versions of Zimbabwe's land question, observes that in Southern Africa, and especially in Zimbabwe, the historical land question centered on the forms and consequences of the unjust land

expropriation by the colonial masters whereby, the fertile and prime land was owned and occupied by the white settler farmers who evicted the Africans who were the previous owners and allocated them infertile land. This became the source of the land question which focused on the historical injustices and inequality which later led to the demand for land re-distribution which has continued even after attainment of independence because of the slow pace in the process of land reforms. These observations are relevant to this study. They raise pertinent questions in regard to Kibaale. For instance, was the land question in Kibaale the result of land expropriation by the colonial masters? Did it create historical injustices and inequality? Did the land question and the resultant demands for its re-distribution persist after independence? How has the state handled the Kibaale land question in order to create stability in land property rights? This study sought to find answers to these questions.

In their study on the decline of landlords in Zanzibar during the colonial period 1873-1963 under Sultan Khalifa and the British colonial masters (Mlahagwa and Temu, 1991:141) observe that the colonial land policies created a class of landlords and the landless who were forced into reserves in order to provide cheap labour. Those squatters who were allowed to stay on the landlord's estate worked for the landlord in return for their stay on his estate. However, these squatters lived at subsistence level and were not allowed to grow cash crops on the landlord's estates. This in turn created land conflicts and calls for land reform. These observations were relevant to this study especially when analyzing the relations that existed between the landlords and the squatters in Kibaale during the colonial period.

Furedi (1991:10), Kanogo (1987:16), Leys (1975:46), (Shilaro, 2002:113) and Throup (1988:9) observe that colonial land tenure policies commoditized the land resource which resulted in land conflicts in Kenya. They argue that in pre-colonial times land tenure was basically communal. However, the coming of colonialism interfered with the practice of indigenous land tenure system and introduced individual tenure which aimed at attracting foreign settlers in Kenya. As a result, land was alienated to the European settlers which created a class of landlords on the one hand and squatters on the other hand. These squatters in return were to provide cheap labour to the settlers in order to be allowed to cultivate and graze on the European land. This in turn transformed the indigenous Africans from being land owners into squatters. They argue that the large-scale appropriation of land by Europeans created a class of the landless especially among the Kikuyu which caused wide spread poverty, bitterness, anger and frustration that ended up in the Mau-Mau revolt. These studies were crucial to the current study as they point out the genesis of the commoditization of land and landlordism.

A study by Van Zwanenberg and King (1975:38) on European farming and land speculation in Kenya during the period 1903-1940, observes that the consequence of the commoditization of land and its appropriation in Kenya enabled some wealthy Europeans to obtain enormous tracts of land which encouraged land speculation as the Europeans acquired them for a while and then sold them off in small parcels. They further observe that these capitalist speculators had considerable political influence which they used to put pressure on government to encourage white settlement in Kenya

in order to bring in customers to purchase their land. They also managed to persuade the colonial government to buy land from them and make it available to the new in-coming settlers.

They further state that the colonial government in Uganda accepted that in principle the land tenure policy should resemble that of Kenya where each tribal group had its own exclusive land for use. They, however, assert that for Buganda's case, her tribal land was extended at the expense of Bunyoro which had resisted British colonialism. This arrangement was done to ensure that their supporters in Buganda were rewarded with land. However, they did not mention why the Baganda were particularly rewarded with the land resource. Was there a hidden agenda to hijack the land resource which had been commoditized from the Banyoro resisters and allocate it to the Baganda collaborators for easy access for purposes of economic exploitation? This study interrogated whether this was aimed at consolidating the Baganda collaboration with the British since Buganda was to act as a base for the spread of British imperialism in the remaining parts of the protectorate.

In his work on the struggle by the Banyoro to recover the lost counties, (Lwanga-Lunyiigo, 2007:99) observes that in the 1900 Buganda Agreement, 2,995 square miles were allocated in the new *mailo* land dispensation in Buyaga and Bugangaizi that form present-day Kibaale. He goes on to observe that the Banyoro were deprived of their traditional rights to land and they instead became mere tenants who were compelled to pay rent to the Baganda landlords or forced to purchase their own land from these

landlords. However, he does not indicate whether this newly commoditized land resource was profitably utilized by the new allottees. Although, he observes that they extracted rent from tenants, he does not explain whether these dues were re-invested in Kibaale or elsewhere? This study endeavored to fill these gaps in knowledge by examining whether the dues were re-invested in Kibaale or elsewhere.

Okuku (2006:15) points out that the 1964 referendum in the two of the “lost counties” of Buyaga and Bugangaizi did not address the issue of land ownership. He argues that although administratively the two counties were returned to Bunyoro kingdom, the *mailo* land system remained intact with Baganda absentee owners retaining their *mailo* certificates. He goes on to state that the Kibaale land question surfaced again during the land bill debates of 1998 where it was recognized that there was need to compensate the Baganda absentee *mailo* land owners and allow the Banyoro tenants to take full possession of the land. Okuku concludes that the land fund to compensate the absentee landlords may not solve the question adequately. However, he runs short of giving ample suggestions on how to resolve the Kibaale land question. This begs the question whether there is need for the state to carry out land reforms and whether the state should use the policy of the “willing buyer- willing seller”, should the state dictate the prices and which mechanism is the state going to use to determine who the rightful Banyoro owners were? This study has, therefore, endeavoured to carry out in-depth investigations and to come up with recommendations on how the state can handle adequately the issue of absentee landlords in Kibaale and brings it to its logical conclusion.

Marsh and North (1972:119), Freud (1984:125), Mwanzi (1985:164) Ndebesa (1995:49) Marquardt and Zziwa (1998:177), Mamdani (1999:120) Sholto (2002) and Kateregga (2007) analyze how the colonial policy on land in Uganda changed the land tenure system. They concur with Lwanga-Lunyiigo (2007) and Okuku (2006) that the 1900 Buganda Agreement introduced the individual tenure system which was a new phenomenon. It transformed a section of the pre-colonial ruling class of the Buganda kingdom into a landed aristocracy. This created a land market which forced the individuals who were occupying the land as customary tenants at the time of allocation to become the tenants of the new land owners. They conclude that this new land tenure policy created a class of tenants and the landless which became a source of land conflicts. Although these studies focus on Buganda, they are relevant to the current study especially when analyzing the impact of the colonial land tenure policies on the indigenous people of Kibaale since it officially became part and parcel of Buganda Kingdom after the signing of the 1900 Agreement. A question that arises at this stage is, did the colonial land policy also create a land market, class of land owners, tenants and the landless that ended up in land conflicts? This study fills these gaps in knowledge on the land ownership and use in Kibaale District.

Hemphill (1963:426), Kiwanuka (1969:331), Were and Wilson (1984) Kabwegyere (1995:143) Pulford (1999:164) and Robinson and Smith (1979:117), in their works observe that Buganda's boundaries were expanded during the 1900 Buganda Agreement when a large portion of land that had been added to it at Bunyoro's expense was officially declared as her territory. They argue that this aggrandizement of Bunyoro's

land became a source of enduring bitterness throughout the colonial period. It created the lost counties question which became one of the thorny issues that remained unsolved and was passed over to the leaders of independent Uganda. Although they discuss how the lost counties issue was created by the British colonialists, they do not indicate how this brought about the commoditization of the land resource and creation of a class of absentee landlords in these counties. This study sought to fill these gaps in knowledge.

In his work about land-tenure in Uganda, Nsibambi (1989:224) observes that the absence of a clear land policy causes land conflicts. He argues that this has caused considerable friction between the landlords and tenants. However, his is a generalized observation and does not examine whether the land conflicts in Kibaale result from this lack of a clear land policy. This study, therefore, aimed at establishing whether part of Kibaale's land conflicts was as a result of lack of a clear land policy in Uganda. This concurs with Muhereza (1998:31), who observes that conflicts originate from the nature of land ownership. He argues that those who have land titles own the land but those without titles and can access land are simply land holders and not owners. He concludes that different forms of land tenure result into various forms of land disputes. Although these two studies are generalized, they are relevant to this study in trying to establish the modes of land ownership, security of tenure and whether the people of Kibaale are land owners or land holders.

Jorgensen (1981:97), in his work on colonial economic policies in Uganda, discusses how the colonial land policy affected Bunyoro. He observes that landlords retained many advantages like high social status, the right to allocate tenancies, the power of eviction and the right to prohibit tenants from erecting permanent structures. However, he is silent on whether these were Baganda or Banyoro landlords, on how the powers they possessed impacted on their relations with the tenants and on whether colonial land policy caused any land conflicts in Bunyoro. This study endeavored to fill this gap in knowledge.

In her report on escalating land conflicts in post-independent Uganda, Rugadya (2009:12), points out that there exist a number of land conflicts within and between communities like the Bahima, Basongora and Karimojong that practice pastoralism and sedentary agriculture. She further observes that the individualization of land ownership threatened the right of access to common grazing land and water, which has caused land conflicts over grazing lands. This report is helpful to this study in trying to establish the land relations that existed between the absentee landlords and the Banyoro cattle keepers over the grazing lands.

In his work about the history of Kibaale, 1891-2000, (Miirima, 2000:155), observes that, although in the London Constitutional meeting of 1962, it was agreed that a referendum be held in the lost counties to determine their fate, the issue of land titles was not decided upon which meant that even though the lost counties were returned to Bunyoro still the land remained legally in the hands of the absentee landlords. This

study endeavored to establish why the issue of land titles has not been concluded long after the London constitutional conference.

Bibangambah (1997:126), in his work on land conflicts in Uganda, observes that the 1975 land reform decree advocated for a total take-over of land by the government. This further promoted social injustice by promoting land grabbing and land concentration in a few hands, thereby maintaining a class of tenants and an additional class of the landless. His study is generalized and does not zero on Kibaale. Nevertheless, this study was of great help in analyzing how the 1975 land reform impacted on land utilization in Kibaale District in the period 1975-1995.

In his study on local conflict in Uganda; the case study of Kibaale District, (Green, 2006), observes that Museveni's government put in place a Land Act which aimed at the buying and transferring of land ownership from absentee landlords to Banyoro tenants. He is however, silent on whether this Land Act succeeded in transferring land ownership from the absentee landlords to the Banyoro. This study, sought to fill this gap in knowledge.

In his work on the politics of belonging and land rights in relation to Uganda land legislation and the lost counties, (Espeland, 2006:1), observes that the colonial and post-colonial legacy of the "lost counties", the land issue has currently re-surfaced as a contentious ethno-political issue in Uganda. His observation is an important guide to

this study to establish why they re-surfaced and the impact they had on land utilization in Kibaale District during the post-independence period.

Kasirivu (2008) states that the government was moving a step ahead to address the long standing problems in Bunyoro-Kitara Kingdom by offering free-of-charge land titles to the lawful and bona-fide land occupants in Kibaale District. His statement is important to this study in establishing if the government has operationalized the land-fund which was called for by the 1995 Uganda constitution. The above works on the land question are relevant to this study as they attempt to address pertinent questions on land. For instance, did the British continue to promote landlordism in post-independence Kibaale? What strategies did the absentee landlords use to retain their legal claims on Kibaale land? Did the landlords continue collecting rent during the colonial period and if so, how beneficial is it? Did they invest the rent in Bunyoro or Buganda? How did the post-independence land tenure policies impact on the relations between the landlords and the people of Kibaale District, and what are the possible strategies that can bring this issue of absentee landlords and land conflicts in Kibaale to its logical conclusion? This study endeavoured to come up with answers to the above pertinent questions.

### **1.10 Theoretical Framework**

Some theories have been advanced by scholars to explain why conflicts in general and land resource-based wrangles in particular, have been persistent in most developing countries, Uganda included. The major theories that have been advanced are the

articulation of the modes of production, the neo-patrimonialism, and the relative-deprivation.

The articulation of the modes of production theory (MOP) was propounded by scholars, among others, like Gunder (1967) and Laclau (1971) who, using the Latin America experience, point out that, the pre-capitalist modes of production are dominated by the capitalist modes of production which involve primarily a system of unequal exchange. The task is, in the long-run, to overthrow the pre-capitalist modes of production and their corresponding superstructures. They conclude by pointing out that pre-capitalist modes of production are preserved at the beginning, but are slowly transformed subject to their own laws of motion, by the laws of motion of the capitalist modes of production.

They are supported by scholars like Mamdani (1999:138), Mlahagwa and Temu (1991), Nabudere (1977) and Ogot and Ochieng (1995) who argue that the economies of the under-developed countries were incorporated into the world capitalist system during the imposition of colonial rule where the various modes of production were articulated making the capitalist mode dominant and the pre-capitalist modes dependent. This was as a result of the need to satisfy the demands of capitalism. They observe that the incorporation of capitalism in the colonies was done in two forms. In the settler colonies, the target was the destruction of the existing modes of production and its replacement with the capitalist modes of production while in other colonies they re-

structured and conserved the existing modes of production in a dependent relation. This was the case for Uganda.

Kay (1975:22) points out that, what constitutes a mode of production is a combination of two aspects of production namely, production as a material process on one side, and as a social process on the other. Kay further points out that both feudalism and capitalism, as modes of production, have one common aspect which is that, there must be a persistent surplus of material production over necessary consumption.

During the pre-colonial period, there existed both the pre-capitalist mode of production and communal land tenure. However, with the onset of colonialism, the communal land tenure was replaced by individual tenure which commoditized land and the communal and pre-capitalist mode of production was transformed into the capitalist form of production where the communal cultivator whose production had been primarily for home use was now turned into a cash crop commodity producer. Although the unit of production remained the family and a hoe as the means of production, but now the local small scale farmer produced raw materials like cotton and coffee for the metropolitan country and exchanged them with prices dictated by the metropolitan market.

With the appropriation and commoditization of land and replacement of the pre-capitalist mode of production, a section of the chiefs were turned into landlords, subordinated to the colonial state and started producing cheaply the badly needed raw materials by the colonial masters while the landless supplied cheap labour that was

badly needed for the production of the raw materials. This theory applies in Kibaale's case whereby although the family and a hoe remained the basic means of production, the Banyoro of Kibaale were now turned into commodity producers who were destined to grow cash crops for the colonial masters.

It should be noted here that, although, the capitalist mode of production aimed at articulating the pre-capitalist modes of production, they could not easily articulate them. Leys (1996:60) in his analysis of modes of production and their articulation points out that:

The way in which the capitalist mode of production is 'articulated' with pre-capitalist modes of production that continue to exist in the era of capitalism constitutes the class struggles in the social formations where this articulation occurs.

Leys observation is a clear manifestation that the capitalist mode of production could not easily articulate the pre-capitalist modes of production. There had to be a struggle during the process of articulation.

Gurr (1970) propounded the relative-deprivation theory. He observes that the primary source of violence is frustration. He argues that when frustration is prolonged and sharply felt then it results into anger and eventually violence. Walker and Smith (2001) defined relative-deprivation theory as the experience of being deprived of something to which someone thinks is entitled to. Berman and Lonsdale (2002) observe that according to this theory, the people who react are those whose material conditions

worsen as their aspirations increase and as economic growth widen the gap between them and the immigrant communities. This theory is applicable to this study as the factors underlying the increased resentment of the Banyoro of Kibaale towards the Baganda and the colonial and post-colonial governments has been as a result of the deprivation of their land.

The neo-patrimonialism theory was propounded by Eisenstadt (1971). He derived it from Max Weber's term of patrimonialism which he had used to describe a system of rule that was based on the administrative and military personnel that were answerable only to the ruler. He was supported by scholars like Sandbrook (1972), Maxon (1994:35) and Oyugi (1994:8). They argue that the patron-client network operates on the basis of patronage in which the major determinant is resource allocation. They argue that colonial conquest subverted the traditional socio-economic and political values of pre-colonial African societies. They point out that those Africans who aided the colonialists during their establishment of colonial rule received considerable material rewards.

They further argue that the post-colonial African leaders promoted further the patron-client relationship that had been introduced by the colonial masters. These leaders went ahead and created personal rule networks based on the patron-client relationships in which a leader at the centre of the system rewards people who pledge loyalty to him. This theory fits well in this study. During the colonial period, the British applied the patron-client relationship where they rewarded their Baganda clients with part of

Bunyoro's land and political positions as colonial chiefs in other parts of Uganda including Bunyoro.

This study, therefore, applies the theory of the articulation of the modes of production to analyze how the capitalist mode of production introduced by colonialism commoditized land resource which was the basic means of production in pre-colonial Kibaale. It interrogates how the placing of land under the control of the minority absentee landlords ended up causing land-based conflicts and how it impacted on the people of Kibaale District.

The study also applied the neo-patrimonialism theory where there were the patron-client relations during the colonial period. The gaps in knowledge were filled up using the relative-deprivation theory. These theories were used to analyze the relations and responses of both the landlords and tenants who gained from the 1900 land allocation and also those who were deprived of their land rights and were instead turned into tenants while others were made landless.

### **1.11 Research Methodology**

This covers the research design, area of study, the target and sampled population including sample selection, research instruments, pilot study and methods of data collection, presentation and analysis.

### **1.12 Research design**

The researcher used the qualitative research design because of the need for in-depth description of the historical events. Both primary and secondary methods of research were used during data collection whereby oral interviews and group discussions were held as primary sources of information while libraries and archives were used as secondary sources. The descriptive method of research was used to analyze and interpret the data collected.

### **1.13 Area of Study**

The study was conducted in the three counties of Buyaga, Buyanja and Bugangaizi that constitute Kibaale District which is located in south-western Uganda. It borders with Hoima District in the north, Kyankwanzi District to the North-East, Mubende District in the east, Kyegegwa District to the South-East, Kyenjojo District together with Kabarole district in the south-west and Ntoroko district in the West. It covers an area of 4,246 sq. Kms of which 3,113 are covered by land and 1133 sq. Kms are covered by water body (Asiimwe and Nolan, 2001:30). Its District headquarters are located at Kibaale which is approximately 219 Kms of road from Kampala, the capital city of Uganda.



### **1.14 Study Population**

In 2002 census, the population of Kibaale District comprised of 405,882, whereby 200,131 were male and 205,751 were female. Buyanja county had a population of 69,196, Bugangaizi, 108,357 and Buyaga, 228,329 (Uganda Communications Commission, RCDF projects in Kibaale District).

### **1.15 Sampling Techniques and Sample Size**

Kibaale District has eighteen sub-counties. However, due to the vastness of the area out of these, six were selected for the study namely Matale, Bwamiramira, Kakindu, Kasambya, Nkooko and Bwanswa Sub-counties. In addition to that, two sub-counties from Hoima District namely Busiisi and Kahoora and Buhanika sub-county and Masindi municipality from Masindi District were chosen for the study. This was done to cover all the three districts that form present-day Bunyoro Kingdom. Two more sub-counties of Butayunja and Busimbi from the counties of Busujju and Ssingoo respectively were also selected to get the views of the people from those “lost counties” that remained in Buganda Kingdom.

The format of selecting informants was mainly the snowball technique where the first informant led the researcher to another knowledgeable person. The informants were selected irrespective of sex and targeted mainly those who have co-existed with the absentee landlords for a long time. A total sample of 87 respondents was interviewed. These included 10 civil servants, 8 self-employed, 2 landlords, 23 teachers, 3

politicians, 2 businessmen/women and 39 tenants. One group discussion was held in each sub-county totaling to six.

### **1.16 Research Instruments**

Structured interview guides were used for conducting oral interviews both through individual and guided group discussions. A checklist was also prepared which helped in gathering the precise information required during library research. These instruments were developed in the light of the objectives of the study and the researcher ensured that the questions in the instruments had direct link to the objectives. These instruments were selected because the principal researcher was interested in interacting with most of the informants. However, some few open-ended questionnaires were designed and distributed to those respondents who were literate and knowledgeable about the topic under study but had busy schedules that could not permit them to squeeze time for oral interviews and group discussions.

### **1.17 Data Collection**

During data collection, four research assistants were recruited and trained on how to use the research instruments and then deployed in the field. Letters of introduction from both Kyambogo and Kenyatta University were made available and presented to informants and other relevant organs to confirm to them that the purpose of the study was purely for academic purposes. The informants' views and answers were documented through note-taking. An interview schedule together with a checklist emphasizing on important areas was also used by both the researcher and research

assistants. The qualitative method was used during data collection. The primary source of information was the use of oral interviews and archival research, although, some few questionnaires were also used especially on those respondents who had busy office schedules. A structured interview guide which covered both the pre-colonial, colonial and post-independence periods was constructed and used to collect data through oral interviews.

During oral interviews, the researcher sought for information regarding the relations between the tenants and absentee landlords in relation to land use. These oral informants were mainly the elderly tenants, squatters, landlords, academicians, community and religious leaders, the Kingdom leadership and the central government representatives.

During archival research, the researcher used the Entebbe National Archive to search for information on absentee landlords in Kibaale District mainly in relation to correspondences by the colonial administration officials. The documents that were consulted included the colonial administrators' official letters, personal diaries, hand over reports, annual, and intelligence reports. These documents were chosen because they contained first-hand information from the colonial administrators.

Parliamentary debates, petitions, constitutions, government session papers on land and commissions of inquiry were also consulted. These documents availed information

mainly from Ugandans concerning the issue of absentee landlords and land utilization in Kibaale District.

Libraries were also used as the secondary source of information. The researcher corroborated oral information with written information on relations between tenants and absentee landlords both during the colonial and post-independence period. Information was obtained from relevant textbooks, journals, published and unpublished theses and dissertations. Various libraries like Kyambogo University Main Library, Makerere University Africana section and Kenyatta University Post Modern Library were accessed to gather the relevant information for the study. Also Makerere Institute of Social Research (MISR), Centre for Basic Research (CBR), The Uganda Society and the Ministry of Lands and Surveys libraries were also accessed to gather the relevant information to the study.

The libraries of both the Catholic and Protestant churches were visited since the missionaries played a big role during the negotiations and final signing of the 1900 Buganda Agreement, and also took part in land allocation and its utilization. Internet also became a valuable source of information to this study as it availed valuable information that was lacking in libraries and archives. In order to avoid biases and inaccuracies of some of the literature, the information gathered through secondary sources was corroborated with information gathered through archival and oral interviews for accuracy and vice-versa.

A pilot study was conducted for four days to test the validity of the proposed research instruments. It helped to examine the clarity of the instruments and the appropriateness of the procedure used during the administration of the research instruments and also testing the effectiveness of the proposed methods of data collection and analysis. The study used twenty informants from two counties of Bugangaizi and Buyanja (which was formerly under Buyaga County). Ten informants were selected from each county.

Similar questions were asked across the board like how land was owned and utilized during the pre-colonial, colonial and post-independence period and the relations between Baganda absentee landlords and Banyoro tenants. Their responses were similar across the board that land was communally owned and utilized during the pre-colonial period, that the change in land-tenure in 1900 created a class of landlords and tenants which affected land use, that the 1900 Buganda Agreement created landlords in Buganda and absentee landlords in Buyaga and Bugangaizi counties that form present-day Kibaale District.

### **1.18 Data Analysis**

A lot of data was collected from the field some of which were irrelevant to the study which needed to be sorted out. The collected data was organized first through identification and then it was inspected, edited and coded. The information was arranged according to historical periods for comparison and correlation. Information collected during the field work was sorted out by selecting only that responding to the objectives of the study and used according to each research question.

The information from different sets of data collected was sieved and the irrelevant information was put aside and retained only the relevant data to the study. The researcher used mainly descriptive interpretation and followed a thematic approach where chapters were determined by the objectives, research questions and the sources of data available. There was corroboration of the various sources of information for accuracy.

### **1.19 Validity and Reliability**

The validity of the research instruments was measured through the justification of each question in relation to the objectives of the study. Their reliability was tested by using similar instrument on different informants and then comparing the results. Also similar questions were administered to different people to compare their responses. The validity and reliability of the instruments was tested during the pilot study. The instruments that were tested were the structured interview guides, the check list and the open-ended questionnaires.

### **1.20 Ethical Considerations**

The oral informants were assured of confidentiality. They were assured of their freedom to give information or withhold it or pull out of participation at any stage. They were further assured that the information given to the researcher would be used only for academic purposes. Also informed consent was sought from the oral respondents by informing them of the nature and goals of the study.

## CHAPTER TWO

### **2.0 ADVENT OF BRITISH COLONIALISM AND ITS IMPACT ON BUNYORO KINGDOM UP TO 1900**

#### **2.1 Introduction**

This chapter covers Bunyoro's pre-colonial setting, her geographical, political, social and economic organization covering the later part of the nineteenth century which was during the reign of King Kabalega under whose rule Bunyoro experienced her first encounters with the British who later colonized her (Kihumuro, 1994:68). It goes on to analyze the evolution of Kibaale District, right from the pre-colonial period up to when it attained a district status. It further discusses the land-tenure systems that existed in Bunyoro Kingdom during the pre-colonial period, analyses how land was communally owned and was available for use to all members of a certain given community in the Kingdom without any encumbrances from the King who was the custodian of land.

The chapter further discusses Bunyoro's relationship with the neighbouring communities during the pre-colonial period. It analyses the first encounters of pre-colonial Bunyoro with British imperialism that was being established using Khedive Ismail as their colonial agent (Karugire, 1980:78). It interrogates how British colonial capitalism interfered with the social, political and economic setting of pre-colonial Bunyoro up to 1900. The articulation of the modes of production theory is applied to analyse how the capitalist mode of production articulated with the pre-colonial modes of production that were existing in colonies. The theory of neo-patrimonialism is also

employed to analyse how the colonial masters rewarded their Baganda collaborators with pieces of land that belonged to the Banyoro in order to sustain and support colonial interests in Uganda, and especially in Bunyoro Kingdom.

## **2.2 Origin of Bunyoro Kingdom**

Originally there existed Bunyoro-Kitara Empire which was a very extensive, prestigious and famous empire. Prior to the arrival of the Bantu-speaking people, there were some people who were still hunter-gatherers and were numerically small. It is believed that after inter-marriages and fusion with the Bantu they lost their original identity. During the 15<sup>th</sup> century Bunyoro-Kitara Empire experienced another wave of migrations of the Luo-speaking people who had migrated from Southern Sudan via Northern Uganda led by the *Babito* whom to-date, are the rulers of Bunyoro Kingdom (Kihumuro, 1994: iii).

The famous Bunyoro-Kitara Empire of the Chwezi reached its zenith of political power around the 15<sup>th</sup> century when it started declining. By the time of the arrival of the Luo speakers, the empire was already weak and their arrival hastened its disintegration. The various provinces which formed the empire declared their autonomy Bunyoro inclusive. The newly formed Bunyoro Kingdom retained the name of Kitara because the Babito who founded Bunyoro Kingdom established their headquarters in the same place where the Bachwezi had theirs. Consequently, they also needed legitimacy as the authentic successors of the Bachwezi (Kihumuro, 1994: iv).

Before Kabalega's rise to power, Bunyoro was a huge Kingdom which had no easy accessible means of transport which could facilitate the carrying out of effective political administration. Therefore, local chiefs maintained substantial autonomy and could rebel without any serious reprisal from the centre. However, Bunyoro Kingdom started declining as its parts were captured by the Baganda while others like Toro became independent under some rebellious princes. The climax of its decline coincided with the coming of the Europeans who annexed her counties of Buyaga, Bugangaizi, Buwekula, Buruli, Bugerere and Rugonjo to Buganda and other parts to other Kingdoms like Toro (Nyakatura, 1999: 1)

### **2.3 Geographical Setting**

Bunyoro Kingdom in which Kibaale District is located lies in South-western Uganda. It is bordered by Gulu District in the North, Apach District in the North-East, Nebbi District in the North-west, Lake Albert in the West, Kabarole District in the South, Bundibugyo District in the South-west, Mubende District in the South-East, Kiboga and Luwero Districts in the East (Map of Uganda, 2010).



Pre-colonial Bunyoro was a land of significant geographical variations. In many parts of the Kingdom, there was presence of uncultivated land characterized by tall grass separated by scattered settlements. Bunyoro was a land of environmental diversity. It had wetter upland areas which were higher than 4,500 feet above sea level and dry lowlands at 21,000 feet above sea level (Doyle, 2006:18). The area was characterized by numerous hills with heavy settlements and well distributed annual rainfall. Fertile soils were found around Kigumba, Hoima, Masindi, Northern Buyaga and Bugangaizi.

From Eastern Bunyoro, there were tracts of short grass that extended to as far as Mwenge, Kitagwenda and Busongora. It was this zone that had the best cattle grazing lands in the Kingdom and therefore was mainly inhabited by the cattle keepers. Doyle (2006:18) observes that by 1886 King Kabalega alone had 150,000 herds of cattle. Doyle, further points out that, out of every 40 families in a village at least 25 of them owned cattle. However, this did not result in shortage of land as there was plenty of communal land that was ear marked as grazing lands. It also possessed the counties of Mwenge and Bugerere which were also highly agricultural. Bunyoro's highest lands were on its western fringes where Toro and Bulega were heavily cultivated throughout the year because of the rich volcanic soils and reliable rainfall.

#### **2.4 Political and Social Organization**

Pre-colonial Bunyoro had a centralized system of administration. It was headed by the King (*Omukama*) who was assisted by county, sub-county, parish and village chiefs. During Kabalega's reign, Bunyoro comprised of 21 counties, each ruled by a county

chief who was answerable to the King himself. Amongst these were the counties of Buyaga and Bugangaizi that form present-day Kibaale District which were ruled by Rusebe and Kikukule during 1870s as county (*saza*) chiefs respectively (Kihumuro, 1994:63). The King also had a council of advisors. He was the overall leader who had powers to hire and fire his subordinates at will. The Kingdom had a standing army known as the “*abarusura*” which was responsible for its security. Therefore, the *omukama* was the controller of everything in the Kingdom and would marry from almost every clan of his subjects as a way of promoting unity (Byabazaire, O.I, 2010).

The Banyoro were organized along clans which were under clan heads. There were also family units which were responsible for the welfare of their members. These family units were close to each other and the units of each clan settled together in a particular area. The heads of the families and the clan leaders were responsible for maintaining law and order among the family and clan members respectively.

The Banyoro used to have social gatherings and various ceremonies like weddings, hunting, harvesting and threshing of millet, burial, marriage, beer ceremonies to mention but a few. They also performed *empango* ceremonies which were organized every year where people from different parts of the Kingdom came together to know each other. They made friendship with their external neighbours through blood brotherhood (*omukago*). This enabled them to make many friends and outside contacts hence good neighbourliness. They were therefore, co-operative people.

The Banyoro had the informal type of education. They had their cultural education where the youth were taught to love one another or else they would be punished by the devil through thunder, disease or even death. The old gathered around fire places where they taught the young ones through story telling, proverbs and legends (Byabazaire, O.I, 2010). They emphasized discipline and security. This type of education was aimed at raising the youth into respectable citizens. They also trained the youth on how to behave and work in their communities. The boys usually stayed with the fathers who taught them various skills while the girls stayed with their mothers, aunties and grandmothers who also taught them various skills and values, including family values.

The Banyoro were religious people who believed in the almighty God whom they referred to as (*Kazooba Nyamuhanga*) the creator of all things. The supreme God was represented by the *Omukama* and that is why his word was final (Rwamulyambire, O.I, 2010). They believed in ghosts and spirits of the dead. They prayed to them by worshipping trees, hills and many other physical things. They worshipped gods like *Kagoro, Nyabuzaana, Kaikara, Lubanga, Mulindwa* and *Wamara*, to name but a few. They also worshipped the gods of the Bachwezi (Kaheru, O.I, 2011)

Pre-colonial religion of the Banyoro also influenced the pattern of land use in Bunyoro. Land in which trees, hills and other physical things which were being worshipped was located was considered sacred and could not be used for cultivation or any other farm use. Thus, this rendered it unproductive and this impacted negatively on land use during the pre-colonial period. Even the trees which were being worshipped like the

“*Nyakaima tree* “ on the hills of Mubende were forbidden from being cut down for use as charcoal, supply of timber or for building purposes thus leading to environmental protection. However, with the onset of colonialism, all these African religious practices were declared satanic by the Christian Missionaries and these sacred lands were allocated to the Baganda absentee landlords as part of their *Mailo* lands hence affecting land use in Bunyoro Kingdom.

## **2.5 Economic Organization.**

The majority of the Banyoro were local small scale farmers while others were hunters, traders, carpenters and blacksmiths. They grew a variety of food crops like bananas, millet, beans, simsim, vegetables, groundnuts, maize, onions, pineapples, cassava, sweet potatoes, sorghum and pumpkins to name but a few, which were mainly for home consumption. They used not to sell food for cash but they could exchange it for other needs of the family (Sekalega, O.I, 2010). This meant that there were cordial production relations between the local small scale farmers and the chiefs who were the custodians of the land which they looked after on behalf of the King. The mode of production was communal and depended on the patron-client relationships where the chief was the patron and the local small scale farmer the client.

Agriculture was the main economic activity of the pre-colonial Banyoro which depended on both communal and family labour. The main food crop grown was millet which could be stored in under-ground granaries for several years for purposes of food security. Shifting cultivation was practiced whereby the exhausted land would be left

uncultivated for three to four years to enable it regain fertility. However, new farm lands were opened up nearby so as to enable families remain in their home steads. The local small scale farmers also carried out fallowing and rotational systems of land use in areas where they had specific land rights (Doyle, 2006:22).

Nyangabyaki-Bazaara (1994:23) points out that most of the agricultural production was done by women and the youth who did most of the digging, weeding, reaping and threshing, while men cleared the new land, cultivated bananas and helped in weeding some crops. In some instances, communal labour was organized like during bush clearing, protecting crops from the wild game and during the harvesting season. During this period, there was sparse population, land was not yet fully utilized and every member of the community had access to land. Therefore, land conflicts were minimal.

Some Banyoro also looked after animals mainly cattle. Although the biggest number of herds of cattle was owned by the King, some Banyoro (*the Bahuma*) kept cattle which made them rich, proud and strong since it was the major source of wealth. It was therefore, in most cases the King, chiefs and the wealthy class that owned cattle. In most Banyoro societies cattle was referred to as medicine for poverty (*Omubazi gwenaku*). Cattle were also used *inter alia* as a medium of exchange and for settlement of bride price during marriages. The other group who particularly belonged to the poor class kept goats, sheep and chicken (Katebe, O.I, 2010). However, these animals were grazed on communally owned land where every *Munyoro* herdsman had a right to graze his animals. Kasirivu and Kasaija (2012:1) point out that Banyoro were cattle keepers

and many Banyoro lost their livestock during King Kabalega's resistance against the imposition of British colonial rule in Bunyoro Kingdom.

Some Banyoro also carried out hunting which provided them with meat that acted as a source of food during the time of food shortages. They also provided clothing, ornaments and other items that could be used during cultural festivals like during the King's coronation ceremonies. Some Banyoro were also artisans while others were great iron smelters who had a guaranteed market among the *Iteso* and the *Langi* who did not carry out iron smelting. Iron tools and weapons were, therefore, the most important indigenous manufactured goods (Doyle, 2006:26). They promoted the craft economy where they made tools like spears and hoes which they exchanged with goods from their neighbours. They were mainly supported by hunters who purchased their nets and weapons that were used for hunting. Others were carpenters and pottery makers. Bunyoro produced the best pottery, basketry and wooden crafts in the region (Doyle, 2006:26). Some Banyoro also carried out fishing in lakes and rivers which was also a source of protein food. All these activities were being performed using the land resource. However they were well regulated by the communities under their elders and chiefs who promoted good production relations hence impacting positively on land use as each member of the community could have access to land depending on his specialization.

Some Banyoro were great miners of salt which was a valuable commodity all over pre-colonial Africa. Bunyoro produced salt from the salt works in Kibiro at the shores of

Lake *Mwitanzige* (Albert) and Lake Katwe salt works (Miirima, 2000:21). Salt mined at Kibiro was of high quality while that mined at Katwe was of low quality although it was mined in greater quantities than that at Kibiro. This, therefore, made Banyoro dominate the regional salt trade. Some Banyoro were great traders who carried out both local and long distance trade. Their major item of trade was salt. They also traded in ivory and slaves which they exchanged with the Arab traders. Millet was also exchanged with their external neighbours through barter trade. Livestock and iron hoes were often used as mediums of exchange. Due to their strategic position, the Banyoro became the middlemen of the long distance trade. They, therefore, made a lot of profit from this trade (Doyle, 2006:30).

All markets within the Kingdom belonged to the King. He appointed tax-collectors (*Bahooza*), who collected revenue on his behalf (Kihumuro, 1994:66). Trade in Banyoro depended on patronage as it was strictly conducted by either King Kabalega himself, his treasurer Rwabudongo or his royal commanders like Kikukule. This patronage was to ensure that political power remained in Kabalega's hands as royal power heavily relied on wealth and patronage. Although the Banyoro did not grow any cash crops and did not possess modern industries, they were mainly involved in carpentry, pottery, blacksmiths, lumbering, weaving and beer brewing (Lugumba, O.I, 2010). This was consistent with the theory of neo-patrimonialism where the major determinant of patronage was resource allocation.

Bunyoro had a variety of mineral deposits which apart from salt remained untapped. These minerals like magnate, sand and other natural resources were also controlled by the chiefs on behalf of the King. He was, therefore, the overall controller of the Kingdom's economic activities (Nyangabyaki-Bazaara, 1994).

## **2.6 Land-Tenure in Pre-colonial Bunyoro Kingdom.**

In pre-colonial Bunyoro, there were four categories of land tenure based on ownership, namely, land belonging to the King, land controlled by the chiefs, land managed by the clan heads and land belonging to individual households. All land in Bunyoro belonged in theory to the King. He had powers to allocate it to his chiefs who exercised political control over his people under his over-riding authority. Therefore, in pre-colonial Bunyoro Kingdom political authority was connected to land holding (Beattie, 1971:165).

Bagonza (O.I, 2010) observes that land in Bunyoro was owned by the King of Bunyoro and people utilized it communally. He points out that all land belonged to the Kingdom under the trusteeship of the *Omukama*. The chiefs had rights over land where they received tribute like food stuffs, beer and labour from their local small scale farmers part of which was passed over to the King, who in turn reciprocated with periodic feasts and dishing out gifts to his chiefs and his people. Every chief was entitled to hold a piece of land (*kibanja*), where he had his own personal dependants and indigenous Banyoro farmers. However, if a local small scale farmer was dissatisfied with the chief,

he was free to move to the jurisdiction of another chief. This movement from one area to another was very common in pre-colonial Bunyoro (Kamaina O.I, 2010).

There were also land rights which were vested in the clan heads who headed localized lineages rather than the whole clan (Nyangabyaki-Bazaara, 1994:28). This was as a result of the fact that the Banyoro clans were scattered all over the Kingdom. Although in theory, the King was the owner of the land, its allocation was vested in the hands of the clans as the Banyoro had a proverb that “The King rules the people through his chiefs and the clans rule the land” (Nsamba, O.I, 2010).

Elders of every clan held the responsibility of dividing the land among the indigenous Banyoro. Land on a particular ridge belonged to a particular clan and its allocation for occupation and cultivation was the responsibility of the clan leader who also allocated land to outsiders who wished to live or cultivate on the ridge. Individual households also held rights in land which included the right to build a house, the right to cultivate the soil, the right to graze stock and freedom to pass these rights on to the heirs. However, these land rights were gender insensitive as women were not allowed to own or inherit land (Nsibambi, 1996:23). The Banyoro claimed possession rights over defined pieces of land where they planted the *Muramura* (to arbitrate) and *mitooma* (to meet) shrubs to mark the boundaries of their land (Doyle, 2006:22).

There were two types of usufruct rights namely individual and common rights. Individual usufruct rights were exercised by an individual and his family. As long as a

given household continued utilizing the land, the clan leader had no authority to interfere in the production plans of that household (Nyangabyaki-Bazaara, 1994:28). These rights could only be abrogated if the household abandoned its plot of land or neglected to cultivate it over a long period or if the head of that household was driven out of the area for being a sorcerer, a habitual thief or otherwise undesirable. In such a situation, the land could revert to the clan leader for re-allocation (Beattie, 1971:168)

There were also common usufruct rights which were enjoyed by all clan members on a particular piece of land on a particular ridge. Each clan member was free to graze, collect fire wood, medicinal herbs etc. These rights were enjoyed only by clan members and not outsiders. The outsiders who wished to enjoy these common rights would first seek consent from the clan (Nyangabyaki-Bazaara, 1994:28).

In pre-colonial Bunyoro Kingdom, therefore, apart from the King who had over-riding powers on the ownership of land, the rest held the land conditionally either by the King's favour in the case of chiefs or on production, occupation and acceptable behaviour in case of local farmers. Kasaija (O.I, 2010) observes that land in pre-colonial Bunyoro was free land and every body was free to cultivate wherever he/she wanted. The notion of permanent unconditional rights in land known as free-hold did not exist in pre-colonial Bunyoro, not until the signing of the 1900 Buganda Agreement (Beattie, 1971:168). The pre-colonial economy of Bunyoro still depended on the pre-capitalist mode of production where the land resource was being utilized depending on the patron-client relationships hence neo-patrimonialism.

## **2.7 Pre-colonial Bunyoro's Relations with Neighbouring Communities.**

Politically, Bunyoro was always competing with Buganda Kingdom for fame and prestige. Up to the 19<sup>th</sup> Century, Bunyoro was more powerful than Buganda. Throughout the centuries from around 15<sup>th</sup> up to 19<sup>th</sup> century, Buganda was expanding as a result of conquering territories of Bunyoro (Molson, No.32343, ENA/02/03/1962:2). The major cause of conflict between Bunyoro and Buganda was the dynastic ambitions of the ruling houses. In the early 16<sup>th</sup> century, Bunyoro mounted an attack against Buganda during the *Kabakaship* of Nakibinge who was slain in battle during this attack (Kihumuro, 1994:40).

During the 17<sup>th</sup> century, Bunyoro's territories of Gomba and Butambala fell to Buganda during the Kingship of Kimbugwe and Kateregga (Karugire, 1980:35). In the 18<sup>th</sup> century, during the *Kabakaship* of Mawanda, most of Ssinga and Kyaggwe counties which had a variety of clans which owed some allegiance to Bunyoro fell to Buganda and towards the end of the century Buddu also fell to Buganda (Lwanga-Lunyiigo, 2007:1).

Towards the end of the 19<sup>th</sup> century, British officials ceded parts of Bunyoro Kingdom popularly known as the "lost counties" to Buganda Kingdom as a punishment to Bunyoro for her resistance to the establishment of foreign rule (Molson, No. 32343, ENA/02/03/1962:3). Therefore, by the end of the 19<sup>th</sup> century, Buganda had taken over Bunyoro as the most powerful Kingdom in the interlacustrine region (Karugire, 1980:21). It was this struggle for fame and prestige that was exploited by the British

colonialists to get Buganda's military assistance to fight Kabalega of Bunyoro who had staged resistance against the establishment of colonial rule in Bunyoro Kingdom

On the other hand, politically, Bunyoro Kingdom had cordial relations with her Northern and Eastern neighbours. This was mainly as a result of the fact that the Palwo who set up states in Northern Uganda and in Busoga in Eastern Uganda continued to trace their origin to Bunyoro (Kihumuro, 1994:36). Bunyoro co-operated with her northern neighbours and often assisted one another militarily. This is made clear by Karugire (1980:31) who states:

“Sometimes Kabalega complied with the requests of some Alur chiefs by sending them troops, to raid the Lendu. Additionally, the traditions of the Langi and of the Banyoro confirm that from the 19<sup>th</sup> century, the Langi aided Bunyoro rulers by supplying them with troops from time to time”.

Economically, both Bunyoro and Buganda Kingdoms played a key role in both inter-state and long-distance trade. Salt was the primary commodity around which trade was built in pre-colonial Uganda (Bujerwa, O.I, 2010). This explains why Bunyoro became the principal link between the Nilotic speaking people of the North and the Bantu speaking people of the South including the Baganda. The Western neighbours of Nkore Kingdom and Kigezi traded with Bunyoro in salt which was exchanged for mainly foodstuffs from Kigezi and cattle products from Nkore Kingdom (Karugire, 1980:28).

## **2.8 Evolution of Kibaale District**

Present-day Kibaale District comprises three counties, namely, Buyaga, Bugangaizi and Buyanja. During the pre-colonial period, present-day Kibaale was part of Bunyoro

Kingdom. It was ceded to Buganda Kingdom in 1894 by Col. Colville (Kasirivu and Kasaija, 2012:1). During the signing of the 1900 Buganda Agreement it was officially declared part of Buganda.

In 1964 a referendum was held in the two of the “lost counties” of Buyaga and Bugangaizi to decide on whether to remain in Buganda or be returned to Bunyoro. The Banyoro in these two counties voted to return to Bunyoro Kingdom (State, 2007:31). In 1967 all kingdoms in Uganda were abolished and re-named districts whereby the two counties became part of Bunyoro District. In 1974 Bunyoro Kingdom was split into north and south Bunyoro respectively and the latter which contained the two counties of Buyaga and Bugangaizi was re-named Hoima District in 1980.

However, the people in the two counties felt neglected due to the absence of infrastructure and inadequate service delivery as a result of being far away from Hoima town which was the administrative centre. This forced the residents of the two counties to pressurize government for an independent district which they were granted in 1991 and named as Kibaale District (Christensen and Jensen, 2011:30).

Kibaale District has a heterogeneous population comprising the indigenous Banyoro, Alur, Acholi, Langi, Batoro, Banyarwanda and the Bakiga popularly referred to as the *Bafuruki* (migrants from former Kigezi District). The district covers 4,241.7 Sq. Km of which 2,470 sq. Km (58%) is under *Mailo* land. Land utilization is as follows:

**Table I Showing Land Utilization in Kibaale District.**

<b>No</b>	<b>Type of Land Utilization</b>	<b>Sq. Km</b>
<b>1</b>	Land under cultivation	1,726
<b>2</b>	Land under woodland, bush and grassland	1,387
<b>3</b>	Land under forests	1,014
<b>4</b>	Land with open waters and swamps	111
<b>5</b>	Land under buildings	2.7
<b>6</b>	Land under plantations	1.0
<b>Total</b>		<b>4241.7</b>

**Source: Asimwe and Nolan (2001) 'Land reform and sustainable livelihoods in Kibaale District Pg.30**

### **2.9 Early Attempts at the Colonization of Uganda 1862-1882**

The imposition of British imperialism in Uganda was done in three phases. The first phase involved explorers. This was followed by Christian missionaries who may be viewed as agents of colonialism. Lastly by the colonial administrators who were the direct implementors of imperial rule (Karugire, 1980:55). The first attempts at colonizing Uganda was by way of the north when the Egyptian government under Khedive Ismail sent military expeditions led by Sir Samuel Baker and Emin Pasha respectively to annex both Buganda and Bunyoro Kingdoms to the Equatorial Province (Kihumuro, 1994:68). These Egyptian interests in establishing the Equatorial Province

were being supported by Britain whose major aim was to stamp out slave trade in the region and replace it with legitimate trade (Karugire, 1980).

This explains why Col. Colville was determined to conquer Bunyoro, which was suspected then to be a bastion of slave trade and a road block to accessing northern Uganda and the Equatorial Province. It also partly explains why Colville annexed huge chunks of Bunyoro's land to collaborative Buganda Kingdom. This was based mainly on the need to utilize the land resource for cash crop production. Therefore, Khedive Ismail's orders to Sir Samuel Baker were to firmly establish the anti-slavery campaign at Gondokoro in present-day South Sudan. However, Baker extended his campaigns into Bunyoro in 1872 which he thought was also the source of slaves. He also hoped to annex it to the Equatorial Province on behalf of the British (Kihumuro, 1994:68).

However, during Baker's stay in Bunyoro, his relations with King Kamuratsi were strained because of his arrogance toward the King. Karugire (1980:56) points out that:

“Baker's stay in Bunyoro was far from pleasant because he was tactless and arrogant and his relations with the reigning *omukama* Kamuratsi were strained”.

Sir Samuel Baker returned to Bunyoro in 1872, this time not as an explorer but as a Governor of the Equatorial Province which was under Khedive Ismail of Egypt, who claimed to be covering Sudan and parts of Northern Uganda. However, Baker was determined to annex Buganda and Bunyoro Kingdoms to the Equatorial Province because they were suspected to be the bases of the slave trade which Britain was

fighting hard to abolish and replace with legitimate trade that would provide raw materials to British industries.

However, by the time Baker arrived in Bunyoro, King Kamuratsi had died and had been replaced by his son Kabalega who was determined to revive the glory of Bunyoro Kingdom and also retain her independence (Molson, ENA/02/03/ 1962:2). To Kabalega's surprise, on 14<sup>th</sup> May 1872, Baker made a public announcement that he had annexed Kabalega's country to the Egyptian empire. Kabalega could not stomach this and was forced to attack Baker's camp at Masindi, managing to force him to withdraw to northern Uganda (Karugire, 1980:57).

All these developments, among other factors, were as a result of the need for the supply of raw materials, markets for their industrial products and more free land for re-investing their surplus capital (Nabudere, 1980:37). The European nations rushed to Africa to acquire colonies whose virgin land would be used to satisfy their economic needs, thereby promoting the periphery-metropolis production relations where the colonies would supply the colonial master with raw materials. This meant that, the communal modes of production for home use would be replaced by the cash crop commodity mode of production for export to the industries of the colonial masters.

This explains why Britain was determined to colonize Egypt, Sudan and later Uganda which was believed to be the source of the Nile whose waters were vital for cotton growing in Sudan as well as Egypt. In order to colonize Uganda there was need to first

pacify Bunyoro which was under king Kabalega who was being looked at as a stumbling block to their colonial mission. There was need to connect Uganda to the East African coast. Since Uganda was land-locked, there was need for quick means of transport hence the need for the construction of the Uganda railway (Karugire, 1980:84).

In 1874, Baker, in an attempt to justify his failure to annex Bunyoro wrote in his diary about his contacts with King Kabalega in which he deliberately poisoned the minds of the British against him and his Kingdom (Karugire, 1980:57). In support of Karugire's above assertion, (Molson, ENA, No.32343, 02/03/1962:2), observes that Kabalega quarreled violently with Sir Samuel Baker which earned him a reputation of unremitting hostility to all foreign influence. It was after these publications that the Europeans came up with the misconception that Bunyoro was hostile to the Europeans and that Kabalega was both anti-British and anti-development.

Therefore, Baker's most remarkable achievement in Uganda on behalf of the British was the creation of a lasting misunderstanding between the British and Bunyoro. This was to the extent that when at a later stage the British came to effectively impose their imperialism, they were determined to conquer Bunyoro through military means.

Upon expiry of his term in office, Sir Samuel Baker was replaced by Colonel Gordon as the new Governor of the Equatorial Province. He was briefed by Baker on the conduct and behaviours of king Kabalega of Bunyoro. Suffice it to note here that although

Gordon managed to construct some forts in northern Bunyoro during his term of office, he did not directly confront Kabalega. When Gordon's term expired he was replaced by Emin Pasha in 1878 as the new Governor of the Equatorial Province (Kihumuro, 1994:72). Unfortunately, Emin Pasha's governorship was brought to an abrupt end by the Mahdist revolt of 1882 in the Sudan, which was aimed at, among other things, to bring to an end Egyptian imperialism in the Sudan. However, during his short-lived governorship, he had come into contact with King Kabalega and had observed that Kabalega was suspicious of almost all Europeans (Karugire, 1980: 58).

Thus, British imperialism through Egypt was the first ever European threat to Bunyoro's independence. However, the Egyptian financial crisis and the Mahdist uprising in the Sudan crippled Egypt's plans for Equatorial Province, in the process enabling Kabalega to drive away the invaders from the boundaries of his Kingdom. This success with his first encounters with modern imperialism encouraged Kabalega to resist later British imperialism (Doyle, 2006:46). However, the Mahdist rebellion of 1882 taught the Europeans that the best option for colonization of Uganda was by way of the East Coast and not via the north.

Molson (ENA, No.32343, 02/03/1962:2) reporting about the dispute between the Kingdoms of Buganda and Bunyoro, states:

“Until the Mahdi's revolt blocked the Nile route, it seemed likely that the foreign influence would enter Uganda from the north. However as a direct result of events in the Sudan, foreign explorers, traders and missionaries used the eastern route from Zanzibar to enter Uganda”.

### **2.10 Occupation of Uganda from the East, 1862-1894**

After the failure to colonize Uganda via the northern route, the British decided to concentrate on the Eastern route which had been opened in 1844 when the first Arab trader, Ahmed Bin Ibrahim set his foot in Buganda Kingdom (Bennett, 1975:223). Before the encounter with the Arab traders, the Baganda practiced traditional religion. With the coming of the Arabs, they introduced Islamic religion which introduced new politics that created new conflicts among the ruling class in Buganda (Nabudere, 1980:21).

The first Europeans to come to Buganda were Captains Grant and John Speke who arrived at Kabaka Mutesa I's palace in 1862, from where Speke developed the idea of missionary activities in Africa using Buganda as a base. Unfortunately, he died in 1864 before his idea was implemented by the Church Missionary Society which was based in Britain (Karugire, 1980:60). However, between the period of Speke's departure and Henry Morton Stanley's arrival in Buganda in 1875, there had been a lot of Islamic activities in the Kingdom.

Upon Stanley's arrival he was requested by Kabaka Mutesa I to appeal to his home government to send missionaries to his kingdom. This request was fulfilled with the arrival of the Church Missionary Society Missionaries on 30<sup>th</sup> June 1877 in the persons of Lt. Shergold Smith and Rev. C.T. Wilson who were later joined by Rev. Mackay. These were followed by the Catholic white fathers who arrived on 23<sup>rd</sup> February 1879

in the names of Fr. Lourdel and Brother Amans who were later joined by Fr. Barbot, Fr. Girault and Fr. Livinhac who joined them in June 1879 (Karugire, 1980:62).

The arrival of Christian missionaries who also got followers at the Kabaka's palace intensified religious rivalry between the Protestants and Catholics due to the struggle for converts and Kabaka's favours that ended up in the religious wars of 1888-1892 in Buganda (Nabudere, 1980:21.) These wars were mainly between the Protestants who were British and the Catholics who were the French hence the Swahili name *Wa-Ingleza-Wa-Franza* war. Apart from the struggle for converts and favours, the missionaries also wanted to lay ground for the colonization of Buganda and later Uganda for their home countries. Nabudere (1980:22) states:

“The religious strife in Buganda was a reflection of intra-imperialist struggle in Uganda. The protestant faction stood for British interests hence its name *Ba-Ingleza* and catholic faction stood for the interests of the French hence the *Ba-fransa*”.

During Mutesa I's reign, he was able to control the conflicts between the various religious groups namely; the Protestants, Catholics, Muslims and traditionalists. Mutesa I died in 1884 and was succeeded by his son Mwanga who inherited these conflicts which he was unable to control. Mwanga was forced to request the Baganda Christian converts to renounce their Protestant and Catholic faith. On 3<sup>rd</sup> June 1886, those who refused to renounce their faith were burnt alive at Namugongo, a few kilometres from Kampala at the orders of Kabaka Mwanga (Karugire, 1980:66). These came to be popularly known as “The Uganda Martyrs” after they were canonized as Saints in the

Catholic Church by Pope Paul VI on 18<sup>th</sup> October 1964. To-date Christian believers from within Uganda and even beyond converge at Namugongo every 3<sup>rd</sup> June every year to commemorate these Saints.

Suffice it to note here that with the arrival of Christian Missionaries in Buganda, the real colonization of Uganda had begun. The Protestant missionaries became the main agents of British imperialism in Uganda. There was fighting between the Catholics who were French and the Protestants who were British, over who should take over Uganda as a Colony. With the assistance of Capt. Lugard and the Imperial British East African Company (IBEACo) troops the Protestant faction defeated the Catholic faction in the 1892 battle of Mengo, the seat of Buganda government (Jorgensen, 1981:48). The war ended in favour of the Protestants, with the consequence that Uganda ended up becoming a British Protectorate. All these conflicts took place because of the serious need to control the land resource upon which would be grown cash-crops, and also invest their surplus capital.

Germany, France and Britain were all eyeing Uganda as their colony for purposes of economic exploitation. Ntimba (O.I, 2013) points out that since the Europeans were the ones who all along had been involved in slave trade, the British needed to convince the Africans so that they could drop slave trade which had become very profitable especially to the African chiefs and embrace legitimate trade. It was found out that this could be achieved through the use of missionaries who could soften the hearts of the Africans through preaching the word of God. This, therefore, necessitated the British to

dispatch Christian missionaries to Uganda to achieve their orchestrated mission of colonizing Uganda on behalf of their home countries.

Germany had made attempts to colonize Uganda when in February 1890 Karl Peters, who was an agent of the German East Africa Company (GEACo), which was administering Tanganyika on behalf of Germany, secretly entered Buganda kingdom and signed a treaty with Kabaka Mwanga, which granted him German protection. This treaty created conflict between Germany and Britain, which was resolved through the signing of the Heligoland Treaty on 1<sup>st</sup> July 1890, in which it was agreed that Uganda becomes a British colony, thus ending the uncertainty as to which European country would colonize Uganda (Karugire, 1980:74). However, the colonization process of Uganda was to a larger extent accomplished by the IBEACo which was given a royal charter by Britain to rule Uganda on her behalf. It was this chartered company that played a major role in the British occupation of Uganda.

In 1890, Captain Lugard was dispatched by the Imperial British East African Company as its agent to come and establish its administration in Uganda (Molson, ENA, No.32343, 02/03/1962: 2). He arrived in Kampala on 18<sup>th</sup> December 1890. Lugard's main duty was to intercept Emin Pasha and Charles Stokes who were heading into the interior of East Africa with loads of guns and stop them from selling them to Kabaka Mwanga of Buganda. It was feared that this would make it difficult for the British to come to terms with Mwanga if he got access to these guns and became heavily armed.

Lugard's other assignment was to secure Buganda for Britain through signing an agreement with the Kabaka and also to consolidate the protestant position in Buganda. It was during Lugard's period that the conflict between the Catholics and the Protestants broke out and his assistance together with the IBEA Co. troops to the Protestants made them victorious (Jorgensen, 1981:48).

These religious wars left a lot of damage mainly on the Catholic side, and the French government demanded for compensation from the British government. After the end of the religious wars in Buganda, Capt. Lugard returned to Britain in October 1892 where he found a Liberal administration had been returned to power and there were a lot of debates of whether to abandon or retain Uganda. The Liberal government had mixed feelings over the whole question of Uganda. The Uganda question went beyond cabinet level and became a public issue. It became a bone of contention in British politics and reached an extent of dividing the British cabinet which centered on Gladstone who was the Prime minister and Rosebery who was the foreign secretary (Karugire, 1980:83).

Whereas Gladstone was opposed to further acquisition of colonies, Uganda inclusive, Rosebery was in favour of maintaining a foothold in Uganda. This prompted the British parliament to appoint a special commissioner, Sir Gerald Portal, to come to Uganda to study the situation on the ground and advise the British government on the future of Uganda (Karugire, 1980:83). He arrived in Uganda in March 1893 after which he signed a new treaty with Kabaka Mwanga in which he gave the British the right to levy taxes in his kingdom. On 1<sup>st</sup> April 1893 he hoisted the Union Jack at Kampala which

marked the beginning of the end of the IBEACo. Administration in Uganda (Kiwanuka, 1968:314).

After the signing of the treaty and hoisting of the British flag, Portal left for Britain and presented his report in which he recommended that Britain should retain Uganda as her colony and replace IBEA Co. rule so that British government officials could take up full administration of Uganda (Karugire, 1980:84). Formerly the colonialists were using the waters of Lake Victoria and River Nile as the means of transport during the establishment of colonial rule in the interior of East Africa, but lacked a quick link to the coast. Portal, therefore, also recommended the construction of the Uganda Railway to speed up communication between the East African coast and the interior and at the same time also increase on the bulk of imports and exports hence promoting the colonial economy in Uganda (Nabudere, 1980:35). His major arguments for the retention of Uganda by Britain were that, it was the source of the river Nile, strategically located, and also never wanted to give any other European rival powers chance to occupy Uganda (Karugire, 1980:85). Therefore, after heated debates in the British cabinet, it was agreed that Uganda should be retained by Britain.

The decision to retain Uganda was also mainly because of the influence of the C.M.S whose members argued that their missionaries and converts needed protection (Marsh and North, 1972:103). There were also campaigns which were mounted by Captain Lugard and his British business supporters who argued in favour of retaining Uganda. Therefore, on 12<sup>th</sup> April 1894 it was announced in British Parliament that Uganda was

to be retained and on 27<sup>th</sup> August 1894 Uganda was formally declared a British protectorate (Karugire, 1980:85). Some scholars like Marsh and North (1972:103), have argued that the invitation of the missionaries by Kabaka Mutesa I was the major reason why the British came and occupied Uganda. However, there were wider needs of imperialism that necessitated the British government to occupy Uganda which was majorly strategic for achieving imperial motives, especially for the control over the trade in the middle and Far East. Karugire (1980:53) quotes Colin Cross who explained why it was essential to occupy Uganda:

“To control the Suez Canal, it was regarded as essential to control Egypt. To control Egypt, it was essential to control the hinterland Sudan. To control Sudan and the source of the Nile on which Egypt depended, it was necessary to control Uganda, and to control Uganda, it was necessary to have a railway running from the East coast and to control the railway, it was necessary to control Kenya, the territory through which the railway crossed”.

This shows that because of wider imperial considerations Uganda was to be colonized irrespective of the existence of the Christian missionaries. It was therefore because of its strategic location and its being the source of River Nile that convinced the British to occupy it in 1894.

### **2.11 The British Invasion of Bunyoro 1890-1899**

After Sir Samuel Baker's contact with Kabalega in 1872, he had written with bias against the latter convincing the British that Kabalega and the Banyoro were inherently treacherous and antagonistic to both Europeans and civilization (Kihimuro, 1994:68). His writings were widely read and they deeply influenced a number of Europeans such

as Casati and Lugard who were later to play an important role in Bunyoro's decline. Bunyoro's unfortunate encounters with the agents of British imperialism like Baker and Casati made them publicly condemn Kabalega as a despot, untrustworthy and as an enemy of civilization. (Miirima, 2000:1) states:

“British colonizers of that day saw him as a most barbaric ruler who stood in their schemes to colonize this part of Africa. They hence decided that they could not tolerate his presence. This led to their mobilization of an army to attack him and depose him”.

Molson (ENA, No.32343, 02/03/1962:2) states:

“Kabalega was an able, aggressive king, determined to restore the fortunes of a declining Bunyoro at the expense of neighbouring tribes including Buganda. Unfortunately, as it proved for Bunyoro, he quarreled violently with Sir Samuel Baker in 1872 and henceforth earned a reputation of unremitting hostility to all foreign influence”.

Therefore, in the 1890s, the imperial pride and ambition dictated the removal of Kabalega from the leadership of Bunyoro Kingdom. The dire need for Britain to control the Nile River necessitated putting Bunyoro under British control whether through peaceful or forceful means. When Kabalega rose to power, the Baganda did not sit comfortably by seeing a strong power emerging and which had vowed to recover what they grabbed from them. Kabalega was determined to re-conquer all the territories that had broken away from Bunyoro and declared themselves independent and those that had been conquered by Buganda. This forced Buganda to collaborate with the British and also to tarnish Kabalega's name. Miirima (2000:7) observes that, the Baganda leaders misled the British by telling them that unless Kabalega was totally crushed, there would be no peace in the region.

The Baganda chiefs, therefore, also added on Sir Samuel Baker's voice on tarnishing Kabalega's name and influencing the British view of Bunyoro kingdom. The Baganda administrators' ulterior motive was to support the British in their colonial interests and later use the British military power to stop Bunyoro from invading them and to also acquire more territory at the expense of Bunyoro kingdom.

Upon his arrival in Kampala, Captain Lugard signed a treaty with Kabaka Mwanga of Buganda Kingdom. Lugard was a representative of the I.B.E.A. Co and his major assignments were to secure the acknowledgement of British supremacy in the Northern Lakes region by stopping slave trade, and reducing the influence of Islam. He therefore planned to attack Bunyoro which he believed to be the bastion of slave trade and Islam, after which he would travel farther North to Weldai to attack the Mahdists in the Sudan. Therefore the first clash between the British and Bunyoro was in 1891 when Lugard invaded south-west Bunyoro in order to secure a route to Lake Albert to enlist the Sudanese troops who had been left behind by Emin Pasha at Kavallis (Molson, ENA/02/03/1962:2). In his report Lugard confirmed the view of some whites like Casati, Felkin and Baker of depicting Kabalega as a monster who stood in the way of peace and civilization. He described him as "a protector of the slave trade and militant Islam and an obstacle to the efficient exploitation of the lakes region's natural wealth" (Doyle, 2006: 63).

Col. Henry Colville who was appointed by the British cabinet to establish a formal British presence in Uganda arrived in November 1893 as the new British Commissioner to Uganda and was determined to silence king Kabalega of Bunyoro. His predecessors especially Capt. Fredrick Lugard were involved in skirmishes with Kabalega in Toro kingdom in 1890 during his attempts to restore king Kasagama on his throne (Molson, ENA/02/03/1962: 2). Lugard managed to remove Kabalega from Toro and built a line of forts along the Toro-Bunyoro border to stop Kabalega from re-invading Toro. He was then replaced by Sir Gerald Portal who came up with a policy of withdrawing the British and Nubian forces from these forts hence giving Kabalega a lee-way to re-invade Toro. This forced Macdonald who was the Acting British Commissioner in Uganda to come to a conclusion that there was need for a full-scale invasion of Bunyoro and subjugation of Kabalega if there was to be lasting peace in the region (Kihumuro, 1994:73).

In September 1893, Mac Donald instructed Owen to start preparations for the invasion of Bunyoro where two forts garrisoned by one thousand (1,000) Sudanese soldiers were established on Buganda's borders with Bugangaizi, in an attempt to force Kabalega to accept British suzerainty (Doyle, 2006:64). It was amidst these preparations that Col. Colville arrived as the new British Commissioner to Uganda and found plans were under way to attack Bunyoro. Both Col. Colville and Macdonald were determined to restore British prestige where possible and silence men like Kabalega. These plans of attacking Bunyoro fitted well in his assignments amongst which was the checking of a

suspected Belgian advance in the region and protection of British interests in the Nile basin (Karugire, 1980:89).

Col. Colville who was determined to restore British influence in the region was convinced that military expedition was the only option to conquer Bunyoro and force Kabalega to accept British rule. Beatie (1971: 74) observes that Colville went ahead and issued an ultimatum to Kabalega notifying him that:

“Unless in the meantime you send me guarantee for your good conduct in future and substantial indemnity for damage done in the past, I and my army would cross your frontier within 21 days from the date of writing”.

However, Kabalega did not make an official reply to the above ultimatum. Therefore, on 4<sup>th</sup> December 1893, Colville led a massive expedition against Bunyoro which was aimed at defeating Kabalega. This expedition comprised of 8 European officers armed with two maxim guns, around 400 Sudanese troops and approximately 15,000 Baganda militia men, led by a Muganda collaborator Semei Kakungulu, who all in all were armed with around 4,200 rifles (Kihumuro, 1994:74).

Colville expected Kabalega to stop them and fight a conventional war at River Kafu which unfortunately did not happen. Kabalega instead withdrew to Budongo forest. He however, slipped back towards the kingdom's capital of Mparo where he fought the British-Baganda force at Kisabagwa. He was however chased to Kisindizi and then to Kibanda. It was after this failure to capture Kabalega that Colville decided to withdraw

from Bunyoro in 1894 after which he made a decision to divide the kingdom into two portions with the aim of confining Kabalega in the northern portion (Karugire, 1980:89). He handed over the southern portion to Baganda chiefs and was to be ruled as part of Buganda Kingdom. These territories later came to be referred to as the lost counties, the most important of which were Buyaga and Bugangaizi that form the present-day Kibaale District (Beatie, 1971:2).

Colville entrusted the command of the remaining territory of Bunyoro to Capt. Thruston whose primary responsibility was to ensure that Kabalega did not cross River Kafu again. He returned to Buganda in February 1894 and on 9<sup>th</sup> April 1894 in king Mwanga's palace at Mengo in the presence of Col. Colville, Bunyoro's territories south of River Kafu were divided among the Baganda as spoils of war. On the same day, Colville announced in public at Kampala that Bunyoro's land south of the Kafu River was now annexed to Buganda (Molson, ENA/02/03/1962:3).

The Counties of Buyaga and Bugangaizi were allocated to the Baganda Roman Catholics, while the Protestants received North Singo and Buruli. The chieftainship of Namionjo (Present-day Bugerere) was put under Semei Kakungulu's administration. Here neo-patrimonialism set in with the Baganda being rewarded with part of the spoils of war which was part of Bunyoro's land, and were in return to continue supporting the colonial masters to achieve their colonial enterprise of entrenching colonial capitalism in Bunyoro and later in the whole of Uganda. Miirima (2000:57) observes that the

British parceled out Bunyoro's territory and ceded it to Buganda as a reward for their collaboration against Kabalega of Bunyoro.

However, various scholars like Roberts and Doyle have advanced different reasons as to why Colville made a decision to attack Bunyoro. Roberts (1962:194) observes that the immediate reason for Colville's attack of Bunyoro was the need to get a safe passage for the British emissaries to the Nile Basin to negotiate treaties for its British protection as it was ordered from the foreign office as per the orders dated 10<sup>th</sup> August 1893. However, this safe passage would not be possible along Lake Albert and River Nile without British free movement in parts of Bunyoro which king Kabalega was not ready to concede.

Doyle (2006:81) observes that there was need to prevent various Baganda religious groups from attacking each other, and therefore, they diverted their minds by attacking their old enemy. He further states that, the British decided to invade Bunyoro in order to strengthen their position in Buganda which was the key to the entire region.

Colville had been given instructions amongst which was to check on a suspected Belgian advance in the region and the protection of British interests in the Nile Basin (Karugire, 1980). Another official instruction from the foreign office was to make an effort and establish friendly relations with Kabalega so as to prevent him from entering into an alliance with the Mahdists of the Sudan (Lwanga-Lunyiigo, 2007:98). However it was Lord Rosebery's imperialist designs that led to the outbreak of the war between

Britain and Bunyoro. He was of the view that the Nile valley should be occupied by Britain and not any other foreign nation, especially France and Belgium. He therefore advocated for the signing of treaties of protection with the chiefs along the Nile. Colville received confidential orders to protect the interests of Britain in the Upper Nile basin. Colville believed that an invasion of Bunyoro would open the way to the Upper Nile and at the same time strengthen the British position in Buganda which was the key to the entire region.

However, Col Colville ignored this advice and instead attacked Kabalega and ended up rewarding Bunyoro's territory to Buganda without any official authorization from the foreign office. It was done informally without any official documentation. It, therefore, took time for the future colonial administrators to realize that indeed Bunyoro's territory had been ceded to Buganda since they couldn't find any written evidence to support it (Molson, ENA, No.32343, 02/03/1962:3).

When Berkeley replaced Colville as the new governor of colonial Uganda, he was not aware that the six counties of Bunyoro had been rewarded to Buganda. He therefore, proposed that Rwabudongo who was a Munyoro and one of the commanders of the Bunyoro army (*Abarusura*) should take over the administration of these "lost counties" (Roberts, 1962:195). But before he could take charge, Berkeley was reminded by the Baganda that those counties had been given to them by Colville as a reward for their military support to the British against Kabalega. Upon consulting the colonial office, it was agreed that they maintain the status quo. This change of mind by Britain annoyed

two British colonial officers, Foster and Pulteney, who were in-charge of Bunyoro, to resign from their positions in protest against this decision (Molson, ENA/02/03/1962:3).

The reasons as to why Colville made a decision to reward Buganda with reference to Bunyoro's territory have never been made clear. However, Doyle (2006:81) in Colville's "diary" pointed out that he did it because he wanted to reward the Baganda for their military assistance, the need to increase Buganda's security by weakening Bunyoro, to prevent Kabaka Mwanga and the Baganda Catholic Party from ever again threatening the British position in Buganda and also as a way of easing communication with Lake Albert which was a connecting link to Northern Uganda.

However, the question posed by this study, is that, if it is true that the Foreign office had not authorized him to cede Bunyoro's territory to Buganda, then why did they not un-do it and instead went ahead to confirm it in 1896 and re-confirm it in the 1900 Buganda Agreement? It is argued here that, it was because the colonial government had realized that it could not easily exploit Bunyoro's land resource if it was still under the control of the Banyoro whom they still considered as a threat to colonial administration. The land resource could only be easily exploited if it remained in the hands of the Baganda who were still partners in British colonialism. Although some scholars argue that the annexation of Bunyoro's territory to Buganda was a reward to the Baganda for their collaboration and military assistance, Roberts (1962:195) argues that this was not the major reason. He observes that Colville was more impressed by the strategic and economic potential he saw in Bunyoro. He quotes Colville:

“Although I meant business, (to exploit Bunyoro’s economic resources) they, the Baganda were happily not aware of this fact hoping only to return home richer by few goats and herds of cattle”.

This meant that the Baganda leaders were not aware of the British intentions of invading Bunyoro. However, from the British point of view, Southern Bunyoro had strategic value as their occupation of Bunyoro’s territory south of river Kafu would open up a route to the north. This meant that the control of Bunyoro would be both of political and economic value to the British colonialists.

Despite Colville’s decision to divide Bunyoro into two portions, this did not mean that Kabalega had been defeated. He instead fled to Lango, in Northern Uganda, from where he waged guerilla warfare against the British. In 1895, he slipped back to Bunyoro and attacked the British forces at Kijunjubwa near Masindi from where he repulsed a 20,000 British-Baganda and Nubian force where a British officer, Dunning, was killed (Kihumuro, 1994:74). The return of Kabalega inspired the morale of all those who were resisting British imperialism to re-activate their resistance. Kabaka Mwanga of Buganda too joined Kabalega and was received at Biiso by commander Ireta who was one of the commanders of the *Abarusura* army of Kabalega.

In October 1898, Kabalega’s forces crossed the Nile into Buganda where they ambushed a British patrol in north Buruli. However, British troops received reinforcement and Kabalega’s forces were repulsed back in Budongo forest. By January 1899 most of Kabalega’s forces had surrendered to the British, while others resigned. In

March 1899, Lt. Col. Evatts crossed into Lango region with the plan of capturing Kabalega. Even Kabalega sought the assistance of Chief Adora of Lango to repulse Evatt's forces, it was however too late. Kihumuro (1994:75) observes that Mwanga, having realized that they were near defeat, suggested to Kabalega that they surrender, but the latter replied:

“Everything has its own time appointed. A woman traveling with a child reaches a time of deliverance, so does a cow. The banana is planted and takes root but when it arrives fruition, it must fall and now we have reached the hour of our fate and if so be that our appointed time to die has come, let us not be faint-hearted”.

This shows how courageous and determined Kabalega was. On 9<sup>th</sup> April 1899, both Kabalega and Mwanga were discovered at Oyam in Dokolo County in Lango District from where Evatts' troops drove them into a swamp. This is where they were captured and taken into exile to Kismayu and later to the Seychelles Islands. This marked the end of Bunyoro's active resistance against the imposition of British Imperialism.

## **2.12 The political events that called for the signing of the 1900 Buganda Agreement, 1894-1899.**

The political events that took place in the period 1894-1899, became of great concern to the British government. These events were among others; the Muslim demands for more territory especially that of the county of Busiro, to be added to the counties of Butambala, Busujju and Gomba which had been allocated to them during the Gerald Portal-Mwanga Agreement of 29<sup>th</sup> May 1893 (Karugire, 1980:85). This persistent Muslim demand for more territory came about because after the end of the religious

wars, the political offices in Buganda were shared out among the three religious groups that were involved in the wars whereby the Protestants were given a larger territory, followed by Catholics and then Muslims which annoyed the Muslims and later made them demand also for the County of Busiro.

There was also Kabalega's resistance of 1893-1899 against the imposition of British colonial rule that resulted in the loss of Bunyoro's land to Buganda (Doyle, 2006:81), Mwangi's rebellion and the Sudanese mutiny of 1897 when the Sudanese soldiers who were helping the British to establish their colonial rule both in Uganda and Kenya put down their tools mainly due to their unpaid salaries (Karugire, 1980:94). These events forced Britain to send a special commissioner to Uganda to establish firm colonial administration in the protectorate (Marsh and North, 1972:118).

These persistent political events in Uganda provoked public criticisms in Britain especially the mishandling of the affairs in Uganda by the British colonial agents (Karugire, 1980:96). On top of that the protectorate was becoming too expensive to maintain, as in 1899 the British grant-in-Aid to Uganda was close to \$ 400,000 which was expensive for running a protectorate where no single commodity of trade had been produced (Karugire, 1980:96). As a result of these criticisms and probing questions, Sir Harry Johnston was appointed as a special commissioner to Uganda to address these political problems. Gutkind (1963: 20) points out that at the turn of the century in 1899, Sir Harry Johnston was sent as her Majesty's special commissioner to Uganda

protectorate with the mission of placing the administration of the Uganda protectorate on a permanent and satisfactory footing.

Johnston's main duties were, among others, to establish an orderly administration in Buganda, bring to an end the political crisis that had plagued the Buganda Kingdom especially, the religious conflicts, the Moslem demands, the Sudanese mutiny, Kabalega and Mwanga's rebellions. Johnston was also instructed to carry out reforms that would make the protectorate pay for its administration and to put in place structures that would facilitate the economic exploitation of the protectorate (Karugire, 1980:100).

The primary motive of British occupation of Uganda was access to tropical raw materials for her industries back at home (Mukiibi, O.I, 2010). Johnston was therefore instructed to consider a variety of tropical products that could be produced in Uganda so that they could pay for the cost of administration (Karugire, 1980:129). Johnston's other assignment was to reserve as much land as he could for Britain so that in the event of discovering some minerals and other wealth their exploitation would not be hampered by local protests.

With Sir Johnston's appointment, who arrived in Kampala on 20<sup>th</sup> September 1899 a new chapter had been opened in Uganda's history as the period of half-hearted occupation of Uganda by Britain came to an end and instead full colonial rule was imposed on Uganda (Karugire, 1980: 96-97).

### **2.13 Conclusion**

This chapter has highlighted the question of land ownership in Bunyoro Kingdom during the pre- colonial period. It has observed that the King was in theory the owner of all land in his Kingdom. He, however, vested the powers of land distribution to his subjects in the hands of the chiefs and the clan heads. Therefore, the peasants enjoyed the patron-client relationship. In effect, this was neo-patrimonialism at work.

In the period 1894-1899, Bunyoro Kingdom was at war with the British which made her lose part of her territory comprising seven counties to Buganda Kingdom. This led to the loss of both land and human labour which are the basic factors of production. This implies that the relative deprivation theory was at work whereby the Banyoro were deprived of their land by the British colonial masters and their Baganda collaborators.

This, therefore, leads us to the next chapter which analyzes the signing of the 1900 Buganda Agreement, change in land-tenure system, the rise of the absentee landlords and its impact on land use in Kibaale District and the response of the land users in the period 1900-1939.

## **CHAPTER THREE**

### **3.0 THE 1900 BUGANDA AGREEMENT AND CHANGES IN LAND TENURE IN KIBAALE (DISTRICT), 1900-1939**

#### **3.1 Introduction**

This chapter analyses the signing of the 1900 Buganda Agreement and the subsequent political and socio-economic events that unfolded in relation to land tenure in the two of the “lost counties” of Buyaga and Bugangaizi up to 1939. It unveils how land both in Buganda Kingdom and the six “lost counties” of Bunyoro Kingdom to Buganda was allocated to individuals thereby changing the land-tenure system from communal to individual land ownership. The chapter further analyses how the agreement ended up commoditizing the land resource and creating a class of landlords and tenants in Buganda and absentee landlords in the two of the six “lost counties” of Buyaga and Bugangaizi that form present-day Kibaale District.

It unfolds how the commoditization of land disoriented the people of Kibaale District and dispossessed them of land they had freely occupied hence transforming them into tenants and squatters. It further discusses the absentee landlord-tenant relations and its impact on land use. It analyzes how the transfer of the “lost counties” to Buganda impacted on land use up to 1939 when World War II broke out and interfered with land use as most able-bodied Ugandans were enlisted in the King's African Rifles to assist the British forces in this war.

The researcher examines how the people of Kibaale District living on the land owned by the landlords responded to the issue of absentee landlords. The colonial land legislations which were aimed at protecting the tenants by ensuring them security of tenure so that they could increase on their acreage of cash crop growing are also scrutinised. It interrogates the *Busulu* and *Nvujjo* law of 1927 and how it impacted on the relations between the tenants and the landlords who were themselves absentee landlords.

In this chapter, both the articulation of the modes of production, neo-patrimonialism and relative-deprivation theoretical approaches are applied to analyze how the capitalist mode of production replaced the pre-capitalist modes of production in order to meet the demands of colonial capitalism. This became possible because of the patron-client relations between the British and the Baganda respectively. The colonial government maintained its stand that the land in the “lost counties” should remain in the hands of the Baganda landlords so that it could continue enjoying the political support of Buganda Kingdom. On the other hand the relative-deprivation theory applies to the Banyoro in the “lost counties” who continued to be bitter because they remained deprived of their land by the Baganda absentee landlords.

### **3.2 Colonial Motives behind the Signing of the 1900 Buganda Agreement.**

The land issue was foremost in Sir Harry Johnston’s plans for the signing of the 1900 Buganda Agreement as he intended to reserve as much land as possible for the Protectorate government. He was driven by Cecil Rhodes’s idea of acquiring as much

land as possible in the hope that something valuable and profitable may be discovered in the near future (Lwanga-Lunyiigo, 2007:41). Suffice it to note that, although, Buganda had been officially declared a British protectorate in June 1894, this was a mere political declaration which did not give Britain legal powers over the control of land. Therefore, this Agreement was aimed at giving Britain legal powers over land in Buganda Kingdom.

Apart from the need for land, there was also need for missionary protection. There had been religious wars in Buganda that ended in 1892 when Captain Lugard fought on behalf of the Protestants and defeated the Catholics (Nabudere, 1980:27). However, both the Catholic and Protestant missionaries had realized that there was need for foreign protection irrespective of where it came from. The Anglican Missionaries requested their home government to provide them with protection in order to peacefully carry out their missionary work. Karugire (1980:83) states:

“The question as to whether Britain retained or abandoned Uganda was not left to the Liberal government alone to decide because the CMS fearing for safety of their missionaries and their converts and for their very future in the whole region, had mounted a thrill campaign for the retention of Uganda”.

The 1900 Buganda Agreement was, therefore, signed partly to protect the Missionaries in Buganda and later Uganda as a whole. There was also the need for the Uganda protectorate to pay for its colonial administration and to achieve this, there was need to establish some income generating enterprises hence the need for the signing of the Agreement (Marsh and North, 1972:118).

British imperialism also wanted to use Buganda as a base in enhancing its economic exploitation of Uganda. To achieve this, it had to first establish firm political control over Buganda hence the need for the signing of the 1900 Buganda Agreement (Katono, O.I, 2013). In order to promote economic exploitation, there was need to acquire huge chunks of land which could be allocated to foreigners for carrying out plantation agriculture. Yet, until then, all land belonged to the *Kabaka*. Therefore, there was serious need to change the land-tenure system in Buganda so that the British government could also get access to land in Buganda. All the above, necessitated the signing of the 1900 Buganda Agreement (Lwanga-Lunyiigo, 2007). In summary, the British were planning to articulate the pre-capitalist modes of production with the capitalist mode of production.

There were also political motives behind the signing of the 1900 Buganda Agreement. The British wanted to use Buganda as a base for the colonization of the rest of Uganda and at the same time use Baganda collaborators to extend their colonial rule in Uganda as Kiwanuka, (1974:317) states:

“British rule in Uganda was extended by the Baganda agents, who generally provided the first chiefs who introduced it nearly in all other parts of the protectorate”.

Due to the above motives, Britain was forced to send Sir Harry Johnston to Buganda with the major assignment of signing an Agreement with Buganda Kingdom.

### 3.3 The 1900 Buganda Agreement

The Buganda Agreement was signed between the British colonial government and the Buganda Kingdom on 10<sup>th</sup> March 1900 in Entebbe. It defined the relationship between the Kabaka, chiefs and the people of Buganda on the one hand, and her Majesty's government and the protectorate government on the other (Molson, ENA, No.32343, 02/03/1962:3). The British were represented by Sir Harry Johnston while Buganda was represented by three regents namely Sir Apollo Kaggwa, Zakariya Kisingiri and Stanislaus Mugwanya on behalf of the infant King Daudi Chwa II, who was three years old. The agreement was divided into four major parts, namely, Buganda's subordination to the British government, administrative arrangements of Buganda Kingdom, financial matters and those that dealt with general issues (Karugire, 1980:102).

In this 1900 Agreement, Buganda attained her permanent boundaries. She was divided into twenty counties including two of the six "lost counties" of Buyaga and Bugangaizi that form present-day Kibaale District. Kihumuro (1994:79) points out that, Clause 9 of the agreement states that, for purposes of native administration, Buganda Kingdom shall be divided into twenty counties including the six counties of Bunyoro namely Buyaga, Bugangaizi, Buwekula, Rugonjo, Buruli and Bugerere. Low and Platt (1970:70) point out that Buganda's boundaries were expanded during the signing of the 1900 Buganda Agreement when a large portion of land that had been added to Buganda in 1896 at Bunyoro's expense was officially declared as Buganda's territory.

Clause 15 was the most scrutinized provision of the Agreement for it dealt with land allocation. Article XII of the Agreement gave effect to a revolutionary land settlement in Buganda where all the cultivated land was distributed between the royal family and 1,013 chiefs and notables which came to be known as *mailo* land (Molson, ENA, No.32343, 02/03/1962:4).

In the 1900 Buganda land settlement, out of 2,995 square miles which were allocated from Buyaga and Bugangaizi (Present-day Kibaale District) in the new *mailo* land dispensation, only 70 sq. miles were allocated to some leading Banyoro (Molson, ENA, No.32343, 02/03/1962:11). Molson's observation about land allocation in Buyaga and Bugangaizi was supported by Mukiibi (O.I, 2010) who also points out that some Banyoro were allocated land in Buyaga and Bugangaizi during the 1900 land dispensation. During oral interviews, it was confirmed that the majority of the Banyoro local small scale farmers were living on the land that belonged to the Baganda absentee landlords.

Sir Harry Johnston imposed a free-hold land-tenure system in Buyaga and Bugangaizi counties of Bunyoro which were incorporated in Buganda during the 1900 Buganda Agreement. He was convinced that in order to establish a reliable ruling class in Buganda there was need to award the collaborating chiefs with land which would be privately owned (Lwanga-Lunyiigo, 2007:4). Ultimately this created a landed class of Baganda collaborative chiefs. Through this transfer, large masses of local small scale farmers who were living on that land were turned into rent paying tenants to the *mailo*

land owning landlords (Mamdani, 1996:141). Neo-patrimonialism was at work where the Baganda chiefs were allocated free land which made them become loyal to the British colonial masters.

However, it is argued here that, the land allocation to the chiefs alone as their reward for military assistance to the British against King Kabalega was unfair as many of the Baganda soldiers who participated in this war were left out. Lwanga-Lunyiigo (2007:24) observes that if land had been allocated in acres instead of square miles, over one million local small scale farmers would have got a share of the land. Instead the agreement turned them into tenants of both the chiefs and the colonial government.

However, it is worth noting that the colonial government was not interested in fragmented land which could not support large-scale farming and their titles could not be deposited in banks as securities for securing loans for purposes of cash crop production. Therefore, the colonial government's intention of making chiefs acquire huge chunks of free-hold estates was to make them become practical and active farmers. The colonialists' motive was to articulate the pre-capitalist mode of production with capitalist mode of production. Unfortunately, instead, they ended up turning into rent collecting farmers (Lwanga-Lunyiigo, 2007:25).

Suffice it to note here that Johnston had wanted to establish a fairly equitable land-tenure system based on a tripartite division of land between the Crown, the Kabaka with his chiefs and the local small scale farmers whose rent free rights to land were to be

regulated by a Board of Trustees. However, the above arrangements of land allocation were changed as a result of Bishop Tucker's influence who brushed aside the plans for proprietary rights for the local small-scale farmers. His argument was that equity in the distribution of land and establishment of a Board of Trustees would mean that the local small scale farmers would not be subjected to the immediate control of chiefs. The logic behind his view was that a class of independent local small scale farmers was traditionally unknown in Buganda Kingdom. He, therefore, wanted the local farmers to remain under the influence of the chiefs (Lwanga-Lunyiigo, 2007:23).

Bishop Tucker's arguments clearly indicate that some missionaries were in support of creating a class of landlords in both Buganda and in the "lost counties". Therefore, both Bishop Tucker and Archdeacon Walker represented the interests of the landlords and derailed the more equitable land settlement which Johnston had originally proposed. This meant that neo-patrimonialism theory was at work, where the local small scale farmers would utilize the landlords' land upon paying royalty to him /her and after fulfilling the obligation of payment of rent.

#### **3.4 Land Allocation during the Signing of the 1900 Buganda Agreement.**

One of the major aims of British colonialism was to get access to land and its products in her colonies as colonialism was essentially concerned with the acquisition of land by the colonizing power for the production of commodities for the benefit of the metropolitan economy. During the signing of the 1900 Buganda Agreement, Buganda's land, the six "lost counties" of Bunyoro to Buganda inclusive, was divided into two

major portions namely *Mailo* and Crown land. *Mailo* land was allocated to the Kabaka, the royal family and the chiefs while Crown land was allocated to the British government. It was shared as follows:

**Table II showing Land Allocated during the 1900 Buganda Agreement**

	Square Miles
Forests to be brought under the control of the Uganda administration	1,500
Waste and uncultivated land to be vested in Her Majesty's Government, and to be controlled by the Uganda administration	9,000
Plantations and other private property of His highness the Kabaka of Uganda	350
Plantations and other property of the Namasole. Note: If the Kabaka died and another Namasole was appointed, the existing one would be permitted to retain as her personal property 6 square miles, passing on 10 square miles as the endowment of every succeeding Namasole	16
Plantations and other private property of the Namasole, mother of kabaka Mwanga	10
To the Princes: Joseph, Augustine, Rarnazan, and Yusufu-Suna, 8 Square miles each	32
For the Princesses, sisters, and relatives of the Kabaka	90
To the Abamasaza (chiefs of counties), twenty in all, 8 square miles each (private property): 160 Official estates attached to the posts of the Abamasaza, 8 square miles each: 160	320
The three Regents will receive private property to the extent of 16 square miles each: 48 official property attached to their office, 16 square miles each, the said official property to be afterwards attached to the posts of the three native ministers: 48	96
Mbogo (the Muhammedan chief) will receive for himself and his adherents	24
Kamuswaga, chief of Kooki, will receive	20
One thousand chiefs and private landowners will receive the estates of which they are already in possession, and which are computed at an acreage of 8 square miles per individual, making a total of	8,000

There will be allotted land to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as	92
Land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka, etc.)	50
Total	19,600

**SOURCE: The 1900 Buganda Agreement Pg. 6 (Down loaded from Internet, 20/08/2012).**

Out of the above 19,600 Sq. miles of land which was allocated, 2,995 Sq. miles were in the two of the six “lost counties” of Buyaga and Bugangaizi that comprise the present-day Kibaale District (Molson, ENA, No. 32343, 02/03/1962: 11). The King of Buganda himself was allocated 8 Sq. miles of land in Buyaga and Bugangaizi counties (Miirima, O.I, 2013). In the 1900 Buganda Agreement, land in Buyaga and Bugangaizi was not only allocated to the Kabaka of Buganda, but also to a selection of Baganda royal officials and some Baganda chiefs, in square miles whereby the allocatees identified the land which they wished to acquire which in most cases would be heavily populated by the Banyoro and then it would be surveyed for them (Kasirivu and Kasaija, 2012:2). During the allocation of land, the rights to minerals were also defined but the question of forest use was deferred pending an accurate knowledge of their size and economic viability (Lwanga-Lunyiigo, 2007).

It should be noted here that since land demarcation was left in the hands of the Buganda *Lukiiko* to portion out the free-hold land allocated to them, (Buganda Agreement, ENA/10/03/1900:7), the chiefs curved out for themselves the most fertile land in

populous areas and the protectorate government ultimately found itself owning the most unproductive areas (Molson, ENA, No.32343, 02/03/1962:4). Most of the land allocatees preferred land that was already heavily populated because this meant more rent and tribute as well as free labour since in 1900, ground rent was already at two rupees per acre.

The Buganda *Lukiiko* mainly comprised local Baganda chiefs. These were the three regents, Nuhu Mbogo who was the representative of the Muslims, twenty county chiefs, three representatives from each county totaling to sixty and six nominees by the King (Buganda Agreement, ENA/10/03/1900:3). However, the six nominees were essentially nominated by the three regents since the *Kabaka* was still a minor of three years by the time of the signing of the 1900 Buganda Agreement. In this way, we can say that the Buganda *Lukiiko* became a “landowners club” which served the interests of its members at the expense of the local small scale farmers (Lwanga-Lunyiigo, 2007:29).

The Agreement was finally signed on 10<sup>th</sup> March 1900. It succeeded due to rewards given to some Baganda chiefs by the colonial government. On top of allocating the Baganda chiefs with free-hold land, cash payments were made to the *Kabaka*, the three regents and Nuhu Mbogo from the British ex-chequer (Karugire, 1980:103). The payments were as follows: *Kabaka* received 500 pounds, *Katikiro* 300 pounds while the other regents received 200 pounds each (The 1900 Buganda Agreement, clauses 6-10). This was a further inducement to them so that they could convince the lesser chiefs and the Baganda to accept the outcomes of the Agreement without staging any resistance.

However, the 1900 land settlement was received with mixed feelings by the Baganda chiefs. Lwanga-Lunyiigo (2007:24) observes that some chiefs were satisfied while others were dissatisfied with this land settlement. Those satisfied with what they got were represented by chief Nsubuga-Bakunga who wrote a letter to Johnston in which he summed up their sentiments thus:

“I must express my thanks for sharing of land between us. We shall now live in peace for the rest of the time to come as you have shown us what is just and right. We are quite satisfied with the share of the land given to us and in future we shall leave you to be our guiding star”.

While on the other hand, Joswa Kate who was the chief of Busiro County refused to sign the 1900 Buganda Agreement because he was not happy with the outcome of the Agreement which had reduced on the *Kabaka's* authority. He later on led a clan heads opposition in 1921 against the 1900 land settlement.

After signing the Agreement, the Buganda *Lukiiko* embarked on the official allocation of the land. The County chiefs were given the task of compiling the lists of the beneficiaries of the new land allocation. On 26<sup>th</sup> August 1902, a list of 3,945 beneficiaries which included those who later became absentee landlords in Kibaale District, was submitted to the *Lukiiko* which, however, contained some ghost names including the un-born. This list was later finalized where the beneficiaries including the absentee landlords in Kibaale District, were increased to 3,700 instead of the original 1,000 who were stipulated in the 1900 Agreement (Mamdani, 1999:20).

### **3.5 Evolution of New Land-Tenure System and the Rise of Absentee Landlords.**

The 1900 Buganda Agreement effected the principle of private land ownership in both Buganda and the six “lost counties” of Bunyoro Kingdom (Okoth, 2006:345). With the stroke of the pen that signed the Agreement, a new system of land-tenure was introduced, namely, individual free-hold where land was now privately owned (Mukiibi-Katende, 2003:17). This simply meant that, land had been turned into a commodity which could be bought and sold. The *mailo* land system promoted the commoditization of land where value was attached to it in monetary terms. This meant that, the capitalist mode of production had started articulating the pre-capitalist modes of production where the land resource had been privatized and could now be sold and bought at a market price.

The 1900 land settlement in Buganda was revolutionary. The colonialists were determined to replace the pre-colonial modes of production with the capitalist mode of production which would append Uganda’s colonial economy to the World capitalist economy as an agricultural economy specialized in cash crop production. The British intentions for the colonization of Uganda were majorly economic as the Marquis of Salisbury, in a debate in the British Parliament, clearly stated that the administration of the protectorate was not their main object but their interest was business (Nabudere, 1980:38). By business the Marquis meant the exploitation of Uganda’s economy through the growing of cash crops, mainly cotton, which was badly needed by the Lancashire cotton industry.

Van Zwanenberg and King (1975:58) observe that the 1900 Buganda Agreement not only defined the political relationships between the British colonial government and the Buganda Kingdom leadership but also outlined the process in which land was to be distributed in order to benefit Britain's principal allies who constituted of some Baganda collaborative chiefs. This land distribution in Buganda also applied to the two of the six "lost counties" of Buyaga and Bugangaizi that constitute present-day Kibaale District which were made part and parcel of the Buganda Kingdom during the signing of the 1900 Agreement.

This meant that the King of Bunyoro Kingdom together with his traditional chiefs had been deprived of their powers to distribute the land to their Banyoro subjects as this duty had now been placed under the colonial government and the Buganda *Lukiiko* who distributed the Kibaale land mainly amongst the Baganda chiefs and not the Banyoro chiefs. The Baganda chiefs became landlords, a sizeable number of whom, however, became absentee landlords, as Kibaale was located far away from Buganda Kingdom. Van Zwanenberg with King, state that some Baganda chiefs who were allocated land in Buyaga and Bugangaizi counties that form present-day Kibaale District were forced to become absentee landlords because of the long distance from the centre of Buganda Kingdom.

Thus, the signing of the 1900 Buganda Agreement marked the beginning of the existence of absentee landlords in Kibaale District. Most oral informants like Kamaina, (O.I, 201), Kahwa (O.I , 2010), Ssemawunge (O.I, 2010), Lule (O.I, 2010), Mutumbi

(O.I, 2010), Katongole (O.I,2011), Mukiibi (O.I, 2010) and Ssebuguzi (O.I, 2012) are all in agreement that absentee landlords emerged in Kibaale District in 1900 when the Kibaale land comprising part of the “lost counties” of Buyaga and Bugangaizi was given to the Baganda chiefs, and they became absentee landlords. They all concur that absentee landlords in Kibaale came into existence after the signing of the 1900 Buganda Agreement. In principle, the land re-distribution during the signing of this Agreement gave rise to a class of absentee landlords in Kibaale District that were divided into three categories, namely, those with unutilized chunks of land but without tenants, those with parcels of land having a small portion developed by tenants, and those who cultivated the land themselves on a part-time basis, and who were commonly referred to as “week-end farmers” (Kisamba-Mugerwa, 1989:31).

### **3.6 Landlord–Tenant Relations in Kibaale (District), 1900-1927.**

#### **3.6.1 Land Distribution and Ownership.**

In effect, the 1900 Agreement dispossessed the local small scale farmers of their land rights. The new landlords started enriching themselves through the extraction of tribute, ground rent and forced paid labour which was one month in a year to the chief which acted as a basis for extracting surplus value from the farmers. The collection of these payments cut across both the Baganda and the Banyoro in the two of the six “lost counties” of Buyaga and Bugangaizi who were turned into tenants of the Baganda absentee landlords by the stroke of the pen that signed the 1900 Buganda Agreement. The neo-patrimonialism theory was at work where there existed the landlord-tenant relationship where the tenant utilized the land of the landlord at a fee.

Mamdani (1999:121) observes that initially the landlords extracted only a land rent. However, with the increased cotton production by tenants, the Buganda *Lukiiko* passed a law in 1903 which stipulated that a certain percentage of tithes which was termed as *envujjo* on the quantity of cotton grown by each tenant also be paid to the landlord. This created double payment of rent by tenants to the landlords, and so discouraging local small scale farmers from increasing their acreage under cash crop production. The farmers began to reduce the cultivation of the cash crops, especially cotton. This affected the colonial economic expectations which had led to the commoditization of the land resource of Kibaale District and its annexation to the collaborating Buganda Kingdom where they expected to exploit the land resource through increased cash crop production. This is a testimony that the capitalist mode of production met difficulties in its endeavours to articulate the pre-capitalist mode of production.

Ssebuggwawo (O.I, 2010) observes that *envujjo* was a fraction of the season's harvest which the tenant gave to the landlord in terms of food stuffs, local beer, and local juice. For example, if a tenant harvested six sacks of groundnuts in a given season, he/she would give away part of it like two sacks to the landlord. If the tenant brewed local beer, he would give a big gourd of beer to the landlord commonly known as "*ekiita kyomwenge*". If the tenant squeezed the local juice (*omubiisi*), he would surrender to the landlord a very big gourd popularly known as the gourd of juice "*ekiita kyo mubiisi*".

He further observes that *envujjo* was also given to the landlord in form of wild meat. If the tenants went out hunting and happened to kill any animal, like an edible rat, “*musu*” or an antelope “*ngabi*”, they would automatically give ample amount of meat to the landlord simply because the edible rat or the antelope was found in his/her bush. This type of *envujjo* was referred to as the landlord’s share popularly known as “*ekibaganno kyo mutakka*”. This *envujjo* payment was exploitative to the tenants which created bitter relations between the tenants and the landlords, thereby impacting negatively on the land production relations which affected land use. Suffice it to note that the colonial government did not benefit from the payment of *envujjo* as it was purposely for the landlord.

Rwembaho (O.I, 2010) points out that throughout the colonial period he was in total, paying 8.50 shillings for both *Busulu and Nvujjo*. He explains further that the *Busulu* paid for each garden of cotton was 4.50 shillings. He, however, laments that the landlords were exploitative to the extent that whatever you produced on his land, one had to surrender part of it to the landlord. He further points out that the payment of *Busulu and Nvujjo* discouraged the local small scale farmers from growing cash crops to the extent that they reached a stage of uprooting the coffee seedlings they had planted. This, therefore, reduced the cash crops that were grown which in turn impacted on land use. In this way, from 1900 onwards the local small scale farmers who had hitherto lived and tilled their land with minimum interference started paying taxes to their landlords in different forms (Mwambusya, 1995:49)

The 1900 land settlement created a class of landlords and tenants with the high expectation of kick-starting an agricultural revolution by producing the badly needed cash crops. However, this was a misconception as they could not immediately become cash crop producers simply because they had acquired free-hold land. The local small scale farmers who had been turned into tenants were the tillers of land and not the chiefs that had been turned into absentee landlords. These new landlords were not land trustees in the traditional pre-colonial sense but were instead a landed class which was only interested in the collection of rent from the newly created tenants (Lwanga-Lunyiigo, 2007:5). This explains the struggle that the capitalist mode of production encountered during its articulation of the pre-capitalist modes of production.

The 1900 Agreement formally laid out the new system of land-tenure whereby freehold titles were granted to the Baganda chiefs who became the new landlords and absentee landlords in the case of Kibaale District. This arrangement was against the traditional land-tenure system which vested the rights over land in the clans. It also changed the system of land ownership and use in present-day Kibaale District which was officially declared part and parcel of Buganda Kingdom during the signing of this Agreement. The holding of land by clan heads and chiefs on behalf of the King of Bunyoro was no more. Instead the land was allocated to the new Baganda chiefs who now claimed absolute rights to the land they had acquired. New systems of land-tenure were introduced, namely the individual free-hold and *mailo* land according to which land was now privately owned (Mukiibi-Katende, 2003:17).

This loss of control over land in the two of the six “lost counties” of Buyaga and Bugangaizi was confirmed when the King of Bunyoro sent representatives to the Provincial Commissioner to request the colonial administrators to be granted permission to look after the burial grounds of the former Kings of Bunyoro (Knowles, ENA, No. 1313, 01/09/1909:1). During the pre-colonial period the burial grounds of the Kings were located in the counties of Buyaga and Bugangaizi on the land which was being controlled by the clan elders on behalf of the *Omukama*.

However, with the onset of colonialism and the introduction of the concept of landlordism, these burial grounds were now under the control of the absentee landlords to whom ground rent was to be paid for any future burial of Bunyoro Kings in these burial grounds. This created tension over land use between the absentee landlords and the Banyoro throughout the colonial period. This issue was later partially solved by the colonial administrators after convincing the regents of Buganda Kingdom to allow some pieces of land to be occupied by the care-takers of these burial grounds. This was evidenced by a letter which was written by Knowles who was the Provincial Commissioner of Kampala (ENA, No. 1313, 01/09/1909:6), to the District Commissioner of Bunyoro-Hoima and copied to the Chief Secretary in which he informed him that only five people would be allowed at each burial place rent-free, but any over that number would be charged rent by the landlords. This matter was forwarded to the Buganda *Lukiiko* by the Provincial Commissioner and after deliberations the *Lukiiko* agreed that the King of Bunyoro should take possession of five

acres at each burial place. These places were located in both Buyaga and Bugangaizi counties as follows:

**Table III: Showing Burial Grounds for former Kings Bunyoro Kingdom**

No	NAME OF KING	LOCALITY	COUNTY/SAZA
1.	Winyi	Kicunda	Buyaga
2.	Sense	Kiguhyo	Buyaga
3.	Kyebambe	Kibedi	Buyaga
4.	Nyabongo	Bukonda	Buyaga
5.	Kamuratsi	Busibika	Buyaga
6.	Nyamutukura	Bujogoro	Buyaga
7.	Mugenyi	Kitonezi	Buyaga
8.	Olimi	Buziba	Buyaga
9.	Duhaga	Iranga	Bugangaizi
10.	Ocaki	Iranga	Bugangaizi

SOURCE: Letter from the Lukiiko of the Kabaka-Mengo to the Provincial Commissioner of Buganda-Kampala of 12<sup>th</sup> February 1915: Entebbe National Archive. Pg. 8

However, the Buganda *Lukiiko* categorically stated that it should be the government surveyor, and not a *munyoro* representative, to demarcate this land as this would lead to land disputes. This was a clear manifestation that the Banyoro were denied a chance of even controlling the burial grounds in the two of the six “lost counties” of Buyaga and Bugangaizi, whose land was under the control of the absentee landlords. This was an indicator of change in land use in present-day Kibaale District. The relative-deprivation

theory was at work whereby the Banyoro were deprived control over their burial grounds.

When King Kabalega died in 1923, there was a proposal that Bunyoro be allocated a five-acre land for his burial. This became a contentious issue whereby Delmezes (ENA, No. 270, 17/04/1923:12), who was the Acting Provincial Commissioner of Buganda, had to advise the Assistant Secretary in-charge of Native Affairs thus:

“It is proposed to inter Kabalega at Busubika near his father Kamuratsi ... possibly this might suffice for both tombs-both Mwanga and Mutesa are buried together under one roof at Kasubi. If not, the land owner (Mugwanya) would have to be approached”.

SOURCE: Letter written by Ag. Provincial commissioner of Buganda to the Assistant secretary Native Affairs, Entebbe, No. 270

Suffice it to note that Mugwanya, who was the absentee landlord, was the Chief Judge in the Buganda Kingdom and a regent to the infant *Kabaka* Daudi Chwa II of Buganda (Mengo Lukiiko, ENA, No.7/15, 12/02/1915:8). This was a clear manifestation that with the creation of absentee landlords in Buyaga and Bugangaizi, land utilization in terms of use as “burial grounds” had been adversely affected. This observation was supported by Delmezes (ENA, No.270, 17/04/1923:12) in his letter to the Assistant secretary in-charge of Native Affairs where he wrote:

“In a way both those counties may be regarded as the burial grounds of the Banyoro *Bakama* in the same way Busiro is that of the Buganda *Bakabaka*. Undoubtedly to lose them to the Baganda was a peculiary severe blow to the “race”.

The new developments in land ownership commoditized the land resource that could now be sold and bought like any other commodity. The local small scale farmers of Kibaale who had enjoyed the pre-colonial land rights were now turned into landless tenants and squatters. This meant that practically they could no longer utilize freely the land resource as was the case during the pre-colonial period but were now to first seek consent from the new absentee landlords for its use after which they would pay rent and tithes to the landlord. This argument was supported by Molson (ENA, No. 32343, 02/03/1962:11) who noted:

“It is argued that the Banyoro who were the indigenous people were thus deprived of their traditional rights in land and became mere tenants compelled to pay feudal dues to Baganda landlords, or, alternatively, to purchase their own land from these landlords”.

Upon completion of the theoretical allocation of land, the Buganda *Lukiiko* agents embarked on the physical allocation, using a rope made out of banana fibres measuring a square of 1,760 yards that represented one square mile. Kasaija and Kasirivu (2012:2) note that the land which was identified by the allocatees for survey was not empty but was occupied by the Banyoro. They planted small boundary trees to separate the *mailo* land. They presented their plans to the three regents for endorsement after which the provisional certificates of claim were issued to the owners by the colonial government certifying title to the *mailo* land. On 2<sup>nd</sup> January 1909 the first final *mailo* land title deeds were issued by the Colonial Governor in person to 783 allottees (Lwanga-Lunyiigo, 2007:30).

However, there was a lot of fraud during the physical allocation of land that resulted from the 1900 land settlement. This forced the colonial government, in 1908, to enact two laws to fight against fraud in land allocation and ownership namely, the Land Titles Ordinance and the Buganda Land Law. While under the land Titles Ordinance, the British government recognized the person named in the title as the absolute owner of the *mailo* land in question, on the other hand the 1908 Buganda Land Law granted the *mailo* land owners liberty to do whatever they wanted with their land (Nsibambi, 1996:15). They now had the liberty to evict tenants and were free to sell it at will and to any body.

The 1908 Buganda Land law, therefore, became the “Land owners’ charter”. This law remained in place up to 1916 when the Secretary of State for Colonies put a stop on further alienation of free-hold land to aliens and changed to the lease system (Lwanga-Lunyiigo, 2007:33). By 1926, the registered land owners in Buganda had reached around ten thousand primarily as a result of either inheritance or sale (Mamdani, 1999:121).

The new system of land ownership which was put in place in the two of the six “lost counties” of Buyaga and Bugangaizi, gave rise to a class of absentee landlords who were allocated free land and who in turn appointed agents to collect ground rent and tribute on their behalf. Tushabe (O.I, 2010) observes that although the landlord was always absent, there was a representative in almost every village who was responsible for the collection of ground rent and other dues which were in turn handed over to the

landlord who would re-invest them outside the “lost counties”. This new land dispensation impacted on the colonial government, absentee landlords and the local small scale farmers of present-day Kibaale District. Land re-distribution led to the development of different class and property relations since landlords and tenants came into existence (Mwanzi, 1985:164). This laid the basis for the rise of conflict and hatred between the Banyoro and the British colonialists on one hand and between the Baganda and the Banyoro.

Doyle (2006:80) observes that Bunyoro Kingdom lost some of her richest, most heavily populated and historically significant territories of Buyaga and Bugangaizi which were considered to be the heartland of the Kingdom. She lost most of her fertile lands initially used for cattle grazing, banana production and above all the best suited land for the production of cash crops in the 20<sup>th</sup> Century. Green (2006) observes that much of the anger of the Banyoro against the British revolved around the fact that the British had introduced free-land holding in 1900 thereby granting Baganda absentee landlords much of the best lands in Buyaga and Bugangaizi that constitute present-day Kibaale District. The researcher observed that the counties of Buyaga and Bugangaizi were more fertile than the rest of the counties of Bunyoro Kingdom. This conclusion was informed by observations of both the cash and food crops in these two counties which were high yielding compared to those in various counties of Bunyoro Kingdom.

In 1907 the Banyoro staged the *Nyangire* Revolt whose immediate target was the removal of the Baganda chiefs both from remaining in Bunyoro, and from the “lost

counties” where they had been allocated land thereby becoming absentee landlords. The Banyoro detested Wilson’s political schemes of dominating Bunyoro area with Baganda chiefs as Doyle (2006:97) points out:

“After Johnston’s departure, Wilson was left in-charge of settling Bunyoro and was determined to destroy the Nyoro political system and replace it with Buganda’s political system. Wilson therefore gave James Miiti, his Muganda interpreter, the responsibility of appointing Bunyoro’s chiefs. Miiti became a county chief and allocated a number of leading chieftain ships to other protestant Baganda”.

This move forced the Banyoro chiefs who were mainly Catholics, with the support of the Catholic missionaries to mobilize fellow Banyoro to resist Wilson’s political schemes. Since they had just been defeated by the British during Kabalega’s resistance of 1894-1899, they decided to stage a passive resistance. In this respect, Jorgensen (1981:61) states that, a campaign of passive resistance in Bunyoro in 1907-1908, the *Nyangire* revolt, protested British imposition of Baganda chiefs. The relative-deprivation theory was at work whereby the Banyoro were deprived of their political rights by replacing the indigenous Banyoro chiefs with the Baganda chiefs.

Although, the British did not remove the Baganda chiefs from Bunyoro, they however, stopped any further posting of these non-Banyoro chiefs to Bunyoro (Miirima, O.I, 2013). With regard to the case of the “lost counties”, the *Nyangire* revolt targeted the Baganda chiefs who had been turned into absentee landlords and were mistreating their Banyoro tenants. Beattie (1972:84-5) states:

“The Banyoro in the lost counties were discriminated against by the Ganda overlords, Luganda and not Lunyoro was made the

official language, the Banyoro became serfs and were enslaved by their Baganda masters and were constantly oppressed and discriminated against by the Ganda chiefs who were the landlords”.

Kasaija and Kasirivu (2012:2), argue that alienation of land was part of the punishment that was meted out to the Banyoro for resisting the British. They further observe that the new landowners, who were now *mailo* land landlords, descended with vengeance on the Banyoro, herding them into nucleus villages so as to free the land. They further assert that the Banyoro were forced to abandon their ancestral land and move into these nucleus villages. Furthermore the Banyoro were prohibited from constructing permanent houses and planting perennial crops and instead the *mailo* land absentee landlords demanded *busulu* and *nvujjo*. Ultimately, this treatment was repulsive to the Banyoro and provoked them to organize themselves into a revolt, the *Nyangire* revolt of 1907. In effect most of the Baganda chiefs were chased away by the Banyoro from the two of the six “lost counties” of Buyaga and Bugangaizi and returned to Buganda, yet they remained the owners of the land whose end result was turning them into absentee landlords. It should be noted here that, the *Nyangire* revolt did not last long as it was quickly suppressed by the colonial government.

Mukiibi (O.I, 2010), points out that the Banyoro of Kibaale District resented the land rent and tribute like other tenants in the rest of Buganda, but since the land owners were mostly Baganda, this resentment took on an ethnic dimension against the Banyoro who were mistreated by the Baganda chiefs and colonial administrators. Jorgensen (1981:79) observes that the Baganda chiefs who were the main landlords derived their

income, among others, from the extraction of rent and tithe from their tenant subjects. This, therefore, created resentment among the local small scale farmers, reducing their morale in both food and cash crop production hence affecting the colonial economy. This was because as the tenants increased cash crop production the absentee landlords also increased the extraction of rent which forced the tenants to cut down production, hence affecting land use.

Doyle (2006:100), states that by April 1907 the Banyoro's resentment of the Baganda chiefs had degenerated into burning of huts and slashing of both cash and food crops. Kairu (O.I, 2012), points out that after the Banyoro had staged the revolt against the Baganda landlords, the landlords ran away. He, however, notes that some of them left behind their representatives to look after the land on their behalf and to collect the rent in form of money and even in form of materials from the harvest of the Banyoro tenant farmers who lived on their land. Kairu concludes by pointing out that this aggrieved the Banyoro tenants and ended up causing further Banyoro revolts against the remnant Baganda. The relative-deprivation theory applies here, whereby the Banyoro were deprived their freedom of land use as the absentee landlords continued to extort rent from them using their agents whom they left behind to take care of their *mailo* land

The 1900 land distribution laid a basis for the rise of land struggles in Kibaale District. Schelnberger (2005:23) observes that 984.3 square miles representing 68% of all land in the two of the six "lost counties" of Buyaga and Bugangaizi was allocated as *mailo* land and the rest was declared as crown land. This meant that, the Banyoro were deprived of

their traditional rights in land and were turned into mere tenants who were forced to pay rent to the Baganda absentee landlords. This created resentment that ended up in slashing of crops, arson and loss of lives of some Baganda chiefs.

Kasirivu and Kasaija (2012:2) observe that by depriving the Banyoro of their land and the use of the Baganda chiefs to suppress them, this caused bad blood between the two communities which led to the formation of the Mubende-Banyoro Committee in 1918 whose leadership was mainly influenced by the ex-servicemen who had just returned from World War I. The founders were Zakariya Lugambwa who became chairman, Benua Rubuto became its Secretary and Nyamutare served as treasurer (Katta-Musoke, O.I, 2013). They formed the committee with the following objectives namely to fight for the return of *Omukama* Kabalega from exile, to re-instate socio-cultural freedom to Bunyoro society, to resist non-Banyoro rule, end exploitation and other forms of subjugation, and above all to recover Bunyoro land from Buganda which was registered as *mailo*, crown and estates land. All these events impacted negatively on land use in the two of the six “lost counties” of Buyaga and Bugangaizi that form present-day Kibaale District.

Karugire (1980:206) observes that in a memorandum submitted by the Mubende-Banyoro committee to the Commission of Privy Councilors appointed to investigate the issue of Bunyoro’s “lost counties”, it was stated:

“After the British government annexed our counties to Buganda, the Baganda became the landlords with supreme powers in our country. We the Banyoro have been over-looked. Some of us have bought land from

the favoured Baganda who in most cases have refused us to buy the land where our grandfathers and fathers lived and even where we were born. This really hurts us beyond imagination for we have been ill-treated on our own soil which was given to foreigners without our knowledge and acceptance". (Refer to memorandum in appendix II, Pg 225).

The local small scale farmers of Kibaale District viewed the Baganda absentee landlords as land grabbers and they, therefore, detested the payment of rent and ended up creating land conflicts between the indigenous Banyoro and their new landlords who were mostly Baganda chiefs.

Kaggwa (1994:1) observes that although the *mailo* system of tenure was introduced by the British with certain colonial intentions, it ended up creating a new dimension to individual land ownership in the communal setting as an individual's right to land was no longer dependent on occupation or usage. An individual land owner was not compelled to give away excess and unused land for the benefit of the landless. Absence from a certain piece of land no longer affected one's rights to that land and an individual was free to own huge chunks of land without any special sanction of government. In addition, one could now grant other people usufruct rights on a temporary or long-term basis in return for a fee either in terms of *busulu* or *envujjo*. Kaggwa's observations were confirmed by this research. The researcher came across huge chunks of uncultivated land and was informed that most of that unutilized land belonged to the absentee landlords most of whom were Baganda.

Miirima (2000:64) observes that the land settlement of 1900 deprived the Banyoro of Kibaale District their land resource. He argues that the land-tenure system that was created benefited the land title owners who were majorly Baganda, who would access bank loans for development of Buganda and not Kibaale. His observations are supported by Bukulu (O.I, 2010) who observes that the *busulu* and *nvujjo* were exploitative to the tenants as they were paying to the absentee landlord one quarter of the season's harvest in terms of money which the landlord collected and re-invested elsewhere.

Kigula (1993:4) points out that absentee landlordism became the chief source of revenue for those Baganda who had been allocated land. The landlords could have developed their *mailo* estates into farms or plantations. Instead, they resorted to renting it out to the tenants. It became a common practice of landlords to encourage tenants to settle on their *mailo* land for purposes of economic gain and attainment of social status. Neo-patrimonialism theory was at work where the Baganda were the patrons and Banyoro tenants were the clients who were surviving at the mercy of the absentee landlord.

Apart from the Baganda absentee landlords, the missionaries who were also allocated land in Bunyoro turned out to be landlords who also rented out the mission land to tenants as Bashton-wane (ENA, No.365/A, L27, 17/09/1929:2) wrote to the Chief Secretary that:

“The Rural Dean admits the desirability of consolidating plots... He further stated however, that it was impossible to achieve this object because of his need of the *obusulu* which the tenants on his plots pay to him and without which source of income, his work would be severely handicapped”.

This letter which was written by the Acting Provincial Commissioner to the Chief Secretary was a testimony that the Baganda were not the only landlords but even the missionaries turned out to be landlords with tenants on their pieces of land.

Lwanga-Lunyiigo (2007:21), observes that Johnston had proposed the setting up of a Board of Trustees whose main assignment would be the regulation of the payment of rent by tenants and to protect their free rights on the land they occupied. However, this proposal was not effected. This ended up turning the local small scale farmers into tenants and at the mercy of the chiefs who became their new landlords, demanding rent and tribute from them and evicting them from their land holdings as they wished.

All this validates the premises of this study, namely, that the 1900 Buganda Agreement dispossessed the people of their land, thereby, transforming them into tenants and squatters. This implied that the Banyoro lacked freedom of mortgaging land titles for their pieces of land in financial institutions which could have given them a lee-way to expand on the acreage under both cash and food crop production. In short, it impoverished them.

The justification advanced by the colonialists for the commoditization of land and change of land-tenure from communal to *mailo* tenure system was that it would

encourage agricultural production as an individual landlord would be encouraged to invest in the land because he was assured of its ownership (Nabudere, 1980:201). However, this justification was proved wrong as most of the food and cash crop production was carried out by the tenant farmers who were landless and depended on rented pieces of land from the landlords in Buganda and absentee landlords in the case of Kibaale District. The colonial government had argued that it would encourage individual farmers to access loans from financial institutions which could be used to increase cash crop production. The individual farmer would also have freedom to transfer the land by selling it in case he failed to pay back the loan. Suffice it to note that most of these land title owners who accessed bank loans diverted it to other business ventures and did not invest it in cash crop production (Katta-Musoke, O.I, 2013).

### **3.6.2 Cash Crop Growing as a New Type of Land Use in Kibaale District.**

After the signing of the 1900 Agreement the colonial masters embarked on the growing of cash crops. Cotton which was badly needed by the British manufacturers was first introduced in Buganda (Buyaga and Bugangaizi “lost counties” inclusive), Bunyoro and Busoga region (Nabudere, 1980:40). In 1902, The British Cotton Growers Association (BCGA) was established by the Lancashire Chamber of Commerce and Liverpool merchants with the intention of establishing new areas in the British colonies which were suitable for cotton growing so that they could reduce their dependency on the United States of America for cotton supply (Jorgensen, 1981:53).

The first attempts at cash crop production was in 1903 when Kenneth Borup who was in-charge of the Church Missionary Societies Industrial Missions was supplied with cotton seeds which he distributed through the Uganda Company to the Baganda chiefs who were in turn ordered by the colonial government to ensure that they were supplied and planted by the local small scale farmers under their supervision (Karugire, 1980:129). Within two initial years of distribution, some seed cotton was being exported from the Periphery (Uganda) to the Metropolis (Britain). It should, however, be noted that the cotton crop was already in existence in pre-colonial Uganda although no economic importance was attached to it as it was reported by Sir Hesketh Bell (ENA, No.62, 14/09/1909:2) who was the colonial Governor of Uganda who stated:

“Though the plant grows wild in many parts of Uganda and has been known to the natives for centuries, the product does not seem to have ever been utilized by them and they do not, until recently, appear to have had any idea of its potential value”.

Sir Hesketh Bell’s observation that the Baganda were not utilizing the wild cotton by making cloth, was supported by Nsereko who pointed out that, that time, the Baganda put on bark cloth made out of ficus (*mutuba*) tree (Nsereko, O.I, 2014).

In April 1904 the colonial administration imported a variety of cotton seeds namely *abassi*, *affifi* and *ashmouni* which were distributed to the local farmers in Buganda through the local chiefs (Hesketh Bell, ENA, No.62, 14/09/1909:2). Cotton growing was mainly taken up with vigour by Baganda chiefs who were the landlords to the extent that in the year 1905/1906, 43 tons of ginned cotton were exported valued at

£1,089. In 1906/1907 the exports of ginned cotton rose to 175 tons, valued at £6, 292, while in the year 1907/1908, 645 tons of ginned cotton and 213 tons of un-ginned cotton were exported valued at £49,690 (Hesketh Bell, ENA, No.62, 14/09/1909:4). The introduction of cash crop growing led to the articulation of pre-capitalist mode of production by capitalist mode of production.

The chiefs, as the new landlords, distributed cotton seeds to the local small scale farmers on their newly acquired *mailo* land and extracted a surplus product which was much above what was officially supposed to be paid to them as rent at the expense of the colonial government which reaped less from the growing of cash crops which were being grown on rented plots (Nabudere, 1980:46). By early 1920s the local farmers were growing a lot of cotton and the landlords were enjoying an unrestricted levy on it. As much as one-third of the cotton grown by the local farmers ended up as direct cash donations to their landlords (Lwanga-Lunyiigo, 2007:72).

The growing of cotton by local farmers in Buganda, present-day Kibaale District inclusive, initially became a success and this disapproved the colonial thinking that agricultural development would not be possible without European supervision of the growing of the cash crops. The local farmers performed well in cash crop growing to the extent that the Grants-in-Aid from the British treasury to Uganda was stopped in the financial year 1915/1916 (Karugire, 1980:130). The local farmers had proved to the British colonial government that they were the backbone of the economy. Karugire's observation was supported by Mugwanya (ENA, No.376/1907, 26/02/1907:1) who in

his report of Uganda for 1907, which he wrote to George Wilson, reiterated that in the year 1906 the local small scale farmers including those of Kibaale District, had done all they could to cultivate cotton. Mugwanya further reported that the sub-chiefs were cultivating cotton to get a profit and had attracted other chiefs to do the same. This was a clear manifestation that, despite the existence of absentee landlords, the local farmers continued to grow cotton on their rented plots of land. However, although the local farmers, including those of Buyaga and Bugangaizi, were producing the needed cash crops, they also needed enough land on which to grow them.

In the case of the of the two of the six “lost counties” of Buyaga and Bugangaizi, the growing of cash crops remained a low ebb activity due to the fact that most of the fertile lands were in the hands of absentee landlords who were mainly Baganda chiefs and were most of the times at logger-heads with their Banyoro tenants. Jackson (ENA, No.A46/420, 28/04/1911:3), who was the Assistant District Commissioner of Mubende which included present-day Kibaale District, observes that all the Principal Chiefs and the majority of the minor chiefs in Buyaga and Bugangaizi were Baganda who were the land holding class. Jackson further comments that there was distinct lack of sympathy between them and the Banyoro whom they regarded with contempt. Consequently, chiefs made little effort to encourage ideas of progress in Bunyoro, which in turn affected land use, ending up making the territory remain backward.

Jackson further observes that, the counties of Buyaga and Bugangaizi were very fertile and well watered facilitating cotton, coffee, mangoes, oranges, limes and other fruits to

thrive well. He, however, noted that the Banyoro had not yet thoroughly realized the advantages of cotton cultivation and the chiefs were still exerting their influence to induce them to plant cotton. Jackson further points out that by 1911 there were about 1,200 acres under cotton cultivation which was divided into some 1,000 plots (Jackson, ENA, No.A46/420, 28/04/1911:8). His observations indicate that the Banyoro were not on good terms with the Baganda chiefs who were at the same time either the landlords themselves or agents of the absentee landlords who collected ground rent and tribute on their behalf. The relative-deprivation theory was at work whereby the Banyoro tenants were not on good terms with the Baganda absentee landlords who possessed the fertile lands of the Banyoro.

In response, the local small scale farmers in Kibaale District used several strategies to fight against this oppression. Kawadwa (O.I, 2011), argues that the ownership of land in the two of the six “lost counties” of Buyaga and Bugangaizi and more specifically, Bwanswa Sub-county, affected land use as the local farmers were paying *busulu* and *nvujjo* to the Baganda absentee landlords depending on the harvests. In order to reap enough *busulu* and *nvujjo*, the Baganda chiefs distributed coffee plants and forced the local small scale farmers to plant them. However, after leaving the gardens the local farmers could go back and uproot them. Therefore, the payment of *busulu* and *nvujjo* discouraged cash crop production which also affected land use in present-day Kibaale District during the colonial period.

Mutumbi (O.I, 2011), observes that the existence of absentee landlords in the two of the six “lost counties” of Buyaga and Bugangaizi, more specifically, in Kimena Parish, in Bwanswa Sub-county in Bugangaizi West, affected cash crop production because the Banyoro used to first fry the cotton seeds before planting them. Mutumbi further observes that they would plant coffee seedlings using boiled hot water which would result into poor yields, if at all. This begs the question on how the Banyoro would fry the cotton seeds before planting and even use hot water to plant cotton seedlings when there were agricultural extension officers, some of whom were whites. This research established that these agricultural extension officers were few in number, and therefore, could not effectively monitor all the local small scale farmers who were scattered in all the two of the six “lost counties” of Buyaga and Bugangaizi. This justifies Ley’s observation that the articulation of the pre-capitalist modes of production by the capitalist mode of production was through a struggle.

It should be noted that, whereas the Ugandan African local farmers played a leading role in cash crop production during the colonial period, on the other hand, the Asians played a major role in the processing and marketing of cash crops. The ginning of cotton was mainly in the hands of the Asians who owned the ginneries. Jorgensen (1981:57) points out that Narandas Rajaran and Company which was a textile firm from Bombay established its first ginnery in Uganda in 1916, and by 1923, Indian firms owned 59 out of the 101 ginneries in Uganda. However, ginneries were nonexistent in Buyaga and Bugangaizi and this impacted negatively on the growing of cotton in the

region. This observation is supported by Jackson (ENA, No.46/420, 28/04/1911:9), in his report on the province of Buganda for the financial year 1910/1911 where he states:

“The District (Mubende) is capable of producing cotton of excellent quality but the growers are handicapped at present by the absence of facilities for disposing of their produce”.

He further observes that the Banyoro were involved in the production of indigenous crops like bananas, potatoes, beans, millet, sim sim and groundnuts but owing to the distance from markets, little trade was being carried out in native produce. He goes on to point out that the distance from markets was the chief difficulty hindering progress of the district. On coffee production, Jackson (ENA, No.46/420, 28/04/1911:10) reports:

“In addition to the plantation of the government and of the missions, two of the *saza* (county) chiefs and a number of minor chiefs have small plantations. The larger part of coffee produced in most of the chiefs’ plantations is consumed locally by the Baganda amongst whom it is a very popular beverage”.

This is an indicator that the growing of coffee in the two of the six “lost counties” of Buyaga and Bugangaizi was a preserve of the colonial government, Christian missions and chiefs, and that the majority of the local farmers who were Banyoro did not participate vigorously in the activity. Jackson, however, points out that the *saza* chief of Buwekula County which was one of the “lost counties” was selling a fair quantity of his coffee in Kampala, the capital city. Clearly, the European and Asian businessmen did not construct coffee processing plants in the “lost counties” to ease the processing and marketing of coffee.

Jackson (ENA, No.46/420, 28/04/1911:15) concluded that the condition of Mubende District which comprised three of the six “lost counties” of Buyaga, Bugangaizi and Buwekula was as a whole backward due to the distance from suitable markets for produce and lack of adequate transport. In support of Jackson’s observation about transport, Sir Hesketh Bell (ENA, No.62, 14/09/1909:12) reported to the colonial office that:

“The native of Uganda is very willing to grow cotton, or, indeed, any other product which fetches a reasonable price, but he detests having to carry his crop to market, on his head, over a long distance”.

Sir Hesketh Bell (ENA/14/091909:12-13) further observed that cotton in cultivated plots belonging to the local small scale farmers was beginning to rot. This prompted him to recommend to the colonial office that it was imperative to construct good roads that could either be used for cattle transport or motor-carriage in all the best cotton growing areas of the protectorate. This was a clear manifestation that lack of adequate transport affected land use since it discouraged continuous cash/food production.

Suffice it to note here that the Asians exploited the African cotton growers through monopoly. They dominated both the processing and marketing of cash crops. Kiwanuka (1974:321) points out how the Ugandan African farmers were exploited by the Asians who alongside colonial government fixed the prices. He states:

“Price-fixing was usually the result of the influence upon government of Indian and European traders. Thus the price of cotton paid to the African farmer was so low that the African lost interest and the acreage decreased considerably”.

Marsh and North (1972:122) explain how the Asians exploited Ugandan African cash crop growers. They point out that the cotton economy in Uganda relied upon the Indian and European communities who ran the ginneries. They argue that the rewards from cotton growing were unfairly distributed between the cash crop growers and Asians who processed and marketed the cash crops. They state that:

“By 1918, the total export revenue mainly from cotton had reached 1.200.000 pounds whereby less than half went into the pockets of the Africans who produced over 80% of the crop”.

On top of cash crops, the Ugandan farmers grew food crops mainly for home consumption. Karugire (1980:131-2) states:

“Over the various patches of land cultivated by the Africans, there was raised enough food for their families ... each family could cultivate its own patch of the cash crop which was sufficient to meet the demands for cash”.

The surplus food crops could be sold in the local markets which were designated places that operated ranging from once a week to once a month (Ssali, O.I, 2014).

Apart from cash and food crop growing, land in the two of the six “lost counties” of Buyaga and Bugangaizi was used for grazing animals, especially cattle.

Lugambwa (O.I, 2011) observes that the Banyoro were great cattle keepers and the animals were grazed on communally owned land. This is collaborated by Doyle (2006:115) who argues that during Kabalega’s reign the plains of Bunyoro were full of cattle but they were decimated in the war of the 1890’s and the area was almost entirely empty of cattle until 1903 when re-stocking begun. However due to the bushes which

had grown as a result of abandoning land use during the war, disease transmission vectors bred in these bushes and killed most of the herds of cattle.

Kasirivu and Kasaija (2012:2) observe that around 1915 the British vaccinated cattle purportedly against rinderpest at Mpongo River and over 300,000 heads of cattle belonging to the Banyoro perished as a result of this vaccination. Though, there were other factors like looting of cattle by the Baganda during the war and their slaughter for provision of beef, this vaccination played a major role in the depletion of cattle in Bunyoro (Mukibi, O.I, 2010). Therefore, throughout the colonial period, there were very few herds of cattle remaining in Bunyoro which also impacted on land use in present-day Kibaale District.

Doyle (2006:113), points out that the Banyoro reared sheep and goats alongside cattle. He, however, argues that rinderpest, British conquest, and environmental change led to the decline of Bunyoro's livestock economy. This also applied to the two of the six "lost counties" of Buyaga and Bugangaizi that constitute present-day Kibaale District hence impacting on land use. Miriima (O.I, 2013), observes that the introduction of *mailo* land and individual ownership of land, reduced on cash crop production due to the exorbitant rent that was being extracted from the tenants, who were the principal cash-crop producers, by the absentee landlords who were not physically involved in cash crop production.

Mamdani (1999:129) observes that the Provincial Commissioners of colonial Uganda, in a conference they held in 1922, resolved:

“The Provincial Commissioners consider that it is a matter for deep regret that the idea of “Free-hold” and “Landlordism” should have been introduced in the protectorate by the Uganda (Buganda), Ankole and Toro Agreements and would urge that this disastrous mistake should not be perpetuated in districts where government has not committed itself by such unfortunate contracts”.

The British colonial masters signed similar agreements as the Buganda Agreement with Ankole and Toro Kingdoms which established political relations with the British, similar to those in the Buganda Agreement. Yet, apart from allocating some estates to the ruling families, the colonial masters took care not to apply the same system of land-tenure that they had instituted in Buganda. This decision had been arrived at after realizing that the colonial government, apart from gaining royalty from Buganda, had not gained any significant income as earlier anticipated from the allocation of free-hold land to the Baganda chiefs with the hope of increasing cash crop production.

Instead the system had created a class of landlords in case of Buganda, and absentee landlords in case of Kibaale District, who were mainly interested in collecting rent from their tenants for their enrichment at the expense of production of the badly needed cash crops by the colonial administration. In this study, it was noted that although the colonial masters still gained from the few cash crops that were still being grown by the tenants on their small rented plots due to unequal exchange relations whereby the farmers were being paid very low prices compared to World prices, still they did not

exploit to the maximum the land resource through cash crop production due to the under utilization of land which was owned by absentee landlords in present-day Kibaale District.

The Provincial Commissioners, recommended for a land reform policy in other parts of Uganda which neither advocated for free-hold nor landlordism but one where the local small scale farmers were set free on their land holdings and could only pay tribute to the colonial government (Mamdani, 1999:129). This was a clear manifestation of the fact that the commoditization of the land resource through the introduction of free-hold titles for purposes of economic exploitation did not achieve the anticipated results. Rather than increasing, it instead reduced cash crop production. This was evidence that capitalist mode of production could not easily articulate the pre-capitalist modes of production.

In 1924, Sir Phillip Euen Mitchell, who was the then Colonial Governor of Uganda, set up a Commission of inquiry into land issues in colonial Uganda. The commission ended up recommending to the colonial government, *inter-alia*, to create uniformity in the levying of the *busulu* and *nvujjo* by the landlords in Buganda and in the two of the six “lost counties” of Buyaga and Bugangaizi. The end result was the enactment of the *busulu* and *nvujjo* law of 1927 (Mamdani, 1996).

### 3.7 Justification for the Enactment of the Busulu and Nvujjo Law of 1927

The *Busulu* and *Nvujjo* law of 1927 was a land reform law which was promulgated by the Buganda *Lukiiko* at the request of the British colonial government that limited the ground rent and tithe collected by the landlords from tenants. At the same time, the law also aimed at giving tenants security of tenure including the right of inheritance. Scoto, etal, (ENA/25/09/1925:7) in their report to the Governor on the importance of the *busulu* and *nvujjo* law noted that:

“The object to be aimed at is to defend the tenant by limiting the amount of rent which he may be called upon to pay, and at the same time to defend the landlord by limiting the amount of land which the tenant may cultivate in return for the paid rent”.

This was in reaction to the drafted law by the Buganda *Lukiiko* which was awaiting the *Kabaka's* signature to legalize the levying of dues on economic crops as follows: 1 pound of cotton on every yard of cotton cultivated, 2 pounds of coffee on every 10 pounds produced by the tenant and 1 pound on every 10 pounds of other valuable produce (Scoto, etal, ENA/25/09/1925:4-5). The colonial government viewed these proposals as monstrous hence the need for a law to protect the tenants from such exploitation.

The Baganda chiefs, who were supplying the cotton seeds and supervising the sowing of these seeds, were at the same time the new landlords who were expecting to receive part of the cotton harvests from the local small scale farmers as rent. These landlords were performing no economic function in return for the share of the cotton produce which they were receiving as part of rent payment or the cash payment they extracted

from the local cash crop growers who were forced to pay since they never possessed any guaranteed security of tenure (Beattie, 1971:172). This, therefore, forced the colonial masters to come up with the above law. The colonial government's justification for passing this law was that the landlords were oppressive to the local small scale farmers, extorted rent from them, controlled the land resource and yet made little direct contribution to the colonial economy.

Bamulinde (O.I, 2010), laments that his father was paying 90 shillings as *busulu*, and that he could also give the landlord other payments in kind for whatever he produced like beans, groundnuts and potatoes among others. Accordingly, the landlord could bring a basket which the tenant would fill and take back to him. He further points out that, once you slaughtered an animal, the landlord was expected to eat its back or take one part of the hind limb. He concludes by pointing out that, the production relations were not good because the tenant was not allowed to carry out any activity on the absentee landlords land without informing him, which in most cases negatively affected land use. This is a clear manifestation of how absentee landlords were over exploiting their tenants in Kibaale District.

Tusabe (O.I, 2012) concurs with other informants on this matter. He observes that the tenants were exploited by their absentee landlords through the payment of *busulu* and *nvujjo*. In addition, for every brewing of local beer (*tonto*), the tenant would surrender a gourd of beer to the landlord or else he would force the tenant to uproot the bananas from his land. Tusabe further observes that, although the landlord was always absent, he

left behind a representative, in most cases a *munyoro* who would collect the *busulu* and *nvujjo* on his behalf. According to Tusabe, this exploitation by the landlords discouraged the tenants from fully utilizing their *bibanja* tenanted pieces of land. Most of the other informants confirmed this.

Okuku (2006:9) notes that, as the small scale local farmers increased the growing of cash crops on their rented pieces of land, the landlords also increased their demands for cash and commodity rents which affected production. Nabudere (1980:48) observes that during the early years of cash crop growing, the chiefs who were the landlords had been regarded by the colonial government as potential agents in the promotion of colonial economic exploitation. However, the colonial masters came to realize that the latter were instead enriching themselves at the expense of the colonial government.

This, therefore, forced the colonial government to come up with a new revolutionary policy of 1927 that aimed at transferring limited land rights from the new landowners to the masses of the people. This new policy was aimed at setting free the local farmers who were carrying the burden of cash crop production from the exploitation by the landlords. They hoped that this would increase their cash crop productivity for direct benefit of the colonial government with limited interference in the production process of cash crops by the landlords. The colonial masters deemed it fit that they should instead deal directly with the local farmers who were the cash crop producers and not the absentee landlords. The colonial masters wanted to exploit the land resource through

cash crop production to the maximum which would fulfill the principle of capitalism of “minimum expenses, maximum profits”.

Mamdani (1999:124) observes that this law was aimed at solving the local small scale farmers’ grievances over the exorbitant rent and tribute, and also to ensure their security of tenure. Therefore, the colonial government responded by enacting the *Busulu* and *Envujjo* law of 1927 which put a limit on the amount of rent that the landlord would levy, while guaranteeing the tenant the security of tenure so long as he/she continued with effective cultivation of his/her piece of land.

Van Zwanenberg and King (1975:65) observe that the security of tenants who were utilizing the *mailo* land was limited. The local farmers were not stable as the landlords removed their tenancy from their land if they so wished. The colonial government had come to the conclusion that the small cash crop producer, rather than the large landowners, was the essential unit of economic production. They argued that the landlords were oppressive to the tenants because they were extorting rent and at the same time controlling the land, yet they were making little direct contribution to the economy. They realized that there was need for the colonial government to maintain a stable economy. They, therefore, used this as a justification for the passing of the *Busulu* and *Nvujjo* law of 1927.

### 3.8 The Impact of the Busulu and Nvujjo Law on Land Use in Kibaale (District), 1928-1939

Jorgensen (1981:85) notes that the law became operational with effect from 1<sup>st</sup> January 1928 limiting the amount of *busulu* and *envujjo* that *mailo* owner would extract from the tenant of a *kibanja* holding whereby *busulu* was fixed at Shs 10 per annum for the entire *kibanja* and *envujjo* was restricted to Shs 4 per acre per annum for the first three acres planted in cotton or coffee. The amounts of money to be paid by tenants in various counties were as follows:

**Table IV: showing the new fixed rates that were put in place in Buganda Kingdom after the passing of the Busulu and Nvujjo Law of 1927**

District	County	<i>Busulu</i> (Rent)	Cash commutation for <i>Nvujjo</i>	
			Plot not exceeding 1 acre 1 <sup>st</sup> payment	Plot exceeding 1 acre not exceeding 3 acres. Additional payment
Mengo	All counties	10/=	4/=	4/=
Entebbe	All counties	10/=	4/=	4/=
Masaka	Buddu and Koki	10/=	4/=	4/=
Masaka	Kabula and Mawogola	10/=	4/=	4/=
Mubende	Singo	10/=	4/=	4/=
Mubende	Other counties	10/=	2/=	2/=

**SOURCE:** Uganda Protectorate: Secretariat minute paper no. C 880 II “Busulu and Nvujjo Law of 1927”, Pg 7.

According to the above table showing the new rates, the tenants in the “lost counties” of Buyaga and Bugangaizi were to pay rent of 10/= and tithe of 2/= per plot not exceeding one acre of land. This law was passed by the colonial government in order to ensure the continuity and increased production of the badly needed cash crops especially cotton, by the Metropolitan industries. This law was widely hailed by the tenants. For the first time the powers of the landlords had been tamed in Buganda, Kibaale District inclusive (Lwanga-Lunyiigo, 2007:5). Van Zwanenberg with King (1975:66) observe that before passing the law, in the period 1900-1927, *Busulu* was an annual tribute of about 5 shillings which was being paid to the landlord and *Nvujjo* was a tithe on tenant’s production also paid to the landlord. However, after the law, from 1928-1939, they were converted into cash payments of 10 and 4 shillings respectively for each acre under cotton, and 2 shillings per brew of beer. In return for these payments a tenant could not be removed from his plot by his/her landlord.

Nabudere (1980:52) points out that from 1928 onwards *envujjo* was restricted to 4 shillings per annum for each acre grown on cash crops. *Busulu* was also fixed at 10 shillings per acre out of which 8.50 shillings went to the landlord while 1.50 shillings went to the colonial government as opposed to the 30-40 pounds of cotton which were formerly being collected by landlords regardless of the size of the land which was being cultivated by the tenant. Nabudere further points out that the intentions of this *busulu* and *nvujjo* law which were to create and preserve a class of small landholders, embrace *bibanja* owners on both official and private *mailo* land, and to provide security of tenure which would encourage the small landholders to plant coffee which was highly priced

though slow maturing were achieved by the colonial government. The landlords were left with the duty of supervising the growing of cotton, and no longer played the role of land ownership through landlord domination.

Marquardt and Zziwa (1998:177) observe that the *busulu* and *envujjo* law formalized the landlord-tenant relationship and guaranteed security of tenure to the tenants in respect to occupancy, inheritance and protection against eviction as long as one paid the *busulu* and *nvujjo*. On the whole, the law therefore, was aimed at encouraging the tenants to resume increased production of cash crops which was partially achieved.

Lwanga-Lunyiigo (2007:5) states that this law freed the tenants from the exorbitant rent and labour demands from the landlords. It converted the labour demands into a cash payment and also limited the amount of money that was to be paid in form of rent and tribute. He asserts that it also assured the tenants of undisturbed tenure on the *bibanja* as long as they paid their dues in time. This *busulu* and *nvujjo* law for the first time, therefore, subjected the landlords to the colonial state. They were left without effective control over the land they purported to own. This move was aimed at encouraging the tenants to increase cash crop growing on the *bibanja* holdings. This meant that the patron-client relationships were shifting from that between the chiefs and colonial masters to that of local small scale farmer-colonial master relationship. This was neo-patrimonialism at work where the tenants started utilizing land at the mercy of the colonial master.

Okuku (2006:9) points out that as a result of passing this law the colonial government achieved three goals namely: the material basis of the landlords and chiefs' powers were limited, the tenants were given security of tenure provided they grew cash crops for export, and they were protected against arbitrary eviction by the landlords. The chiefs could no longer plunder the tenants' produce. As a result, the tenant found himself in a more secure position than before 1928. Okuku, however, rightly states that this law did not end the exploitation of the tenants by the landlords but only checked it. According to him, this law, to some extent, led to increased production of cash crops which were badly needed by the British industries. This meant that the articulation of the modes of production theory was at work where the tenant was now set to change from producing for home consumption to producing raw materials for Metropolitan industries.

However, some informants like Bujerwa (2013), Byabazaire (2010), Katongore (2012) Kairu (2012) and Lugambwa (2011), were of a different view as to why they had to increase on cash crop production. They argued that, despite the passing of the *busulu* and *nvujjo* law on top of the mistreatment they were facing from their absentee landlords, they had to produce more cash crops in order to meet the cash demands like paying graduated tax, school fees, buying essential commodities, to name but a few. They, however, concluded that they were not maximally utilizing the available land due to the increased demands from their absentee landlords. The researcher concurs with them, that some absentee landlords secretly demanded for more from their tenants in form of tithe beyond the fixed rate by the colonial government.

Although Nabudere (1980:54) had observed that the outcome of the 1927 *busulu* and *nvujjo* law had put in place small tenant holders of land which paid off more to the colonial government through economic exploitation through cash crop growing as compared to the chiefs who were mere landlords, he rightly noted that the law had created a stalemate as far as development was concerned. There was no constructive move which could be made by either the landlord or the tenant because the landlord owned the land without any inducement to invest. Similarly the tenant lacked powers to make any progressive developments on the same piece of land.

Nabudere's observation is in concurrence with Kasenge (O.I, 2012) who argues that after the passing of the *busulu* and *nvujjo* law of 1927, the owners of the land who were physically present could not develop their land since they had no powers to lease or mortgage it to financial institutions so as to access loans and to develop their *mailo* land. This undermined land use as neither the absentee landlords nor the tenants could develop it. Southwold (1954:203) notes that the landlord was legally prevented from raising rent and could not evict the sitting tenants in order to farm it himself. Therefore, the progressive capitalist farmer could not inject in capital and make improvements on his piece of land.

Despite the above law, the landlord-tenant relations made it difficult for the tenants to be innovative and to expand on the production of cash crops. The local small scale farmer was discouraged from erecting permanent structures, neither could he grow perennial crops like coffee. This observation, was supported by some absentee landlord

informants like Nantume and Nanyonga (O.I, 2010) who categorically stated that they did not allow their tenants to grow perennial crops and construct permanent structures on their (*bibanja*) tenanted pieces of land for fear that their relatives would use them to claim the ownership of land in the courts of law after the death of the tenant. This fear by the absentee landlords made them to discourage their tenants from carrying out meaningful development, hence undermining land use in Kibaale District. Bigabwa (O.I, 2012) points out that although the tenants in the two of the six “lost counties” of Buyaga and Bugangaizi were allowed to grow cash crops during the colonial period, they were, however, discouraged by their absentee landlords from growing perennial cash crops for fear that they would in future use them to claim ownership of land.

This law made the tenants to effectively possess the land they cultivated, as long as they honoured their *busulu* and *envujjo* obligations to the landlord. Yet it did not give them powers, especially the middle class tenants who owned farms on the pieces of land that belonged to the absentee landlords, to mortgage it with banks in order to access loans to increase on the acreage of cash crop production. The tenants did not legally own the land as they did not possess the land titles, without which they were unable to access bank loans so that they could carry out some substantial developments on their land holdings. Neither the tenants nor the absentee landlords were in a position to make radical changes in production (Nsibambi, 1996:16). The landlords could not easily remove their sitting tenants in order to turn their land into a single large estate.

According to Van Zwanenberg and King (1975:66), from 1928 onwards the tenants started to effectively possess the land which they cultivated, while the landlords remained with very limited powers of control over the land. Their role was virtually reduced to that of rent-collectors. They could no longer easily remove their sitting tenants in order to develop their *mailo* land. However, although the tenants were owners of their land holdings in a sense that they could not be removed from it and that their land was heritable, they did not possess absolute powers of utilizing it in any way they wanted.

It should be noted here that, after the passing of the *busulu* and *envujjo* law of 1927, which gave the tenants security of the land they occupied, they did not quickly enjoy the utilization of their pieces of land because of the World Economic Depression which broke out in 1929 and persisted up to 1938. This led to drastic drop of prices for cash crops on the world market which in turn reduced on the prices that were offered to the Ugandan local small scale farmers who were growing cash crops. Van Zwanenberg with King (1975:69) point out that between 1929 and 1933 the price of cotton dropped by over 50% and that by 1937 it was three-quarters of what it had been in 1928. This also impacted on land use in the two of the six “lost counties” of Buyaga and Bugangaizi that form present-day Kibaale District as tenants were compelled to double cash crop production in order to sustain their income from selling of the cash crops.

### **3.9 Conclusion**

This chapter has analyzed how the British colonial administration in Uganda signed the 1900 Buganda Agreement with the intentions of changing the system of land-tenure from communal to private ownership. The aim was to commoditize the land resource which could in turn be bought and sold at a market place. This was in order to generate a class of capitalist farmers, namely the landlords whom they thought would invest in cash crop production. This meant replacing the pre-capitalist modes of production with the capitalist mode of production.

In Kibaale's case, the 1900 Buganda Agreement led to the rise of absentee landlords who were primarily interested in the extraction of rent and tithe from their new tenants. This extortion of high rent from the tenants created bitter relations which affected land use in Kibaale District. The relative-deprivation theory was at work where the absentee Baganda landlords were exploiting their Banyoro tenants through payment of high rent. The demand for high rent forced some tenants to always shift to a less extracting landlord which in itself affected both food and cash crop production. This shows that it was through a struggle for the capitalist mode of production to articulate the pre-capitalist mode of production. The new land-tenure system which was introduced by British colonialists during the signing of the 1900 Buganda Agreement was discriminatory as it introduced a class of absentee landlords and that of tenants in Kibaale District. This, therefore, leads us to the next chapter which discusses absentee landlords and land use in Kibaale District, 1939-1962.

## CHAPTER FOUR

### **4.0 ABSENTEE LANDLORDS AND LAND USE IN KIBAALE (DISTRICT), 1939-1962**

#### **4.1 Introduction**

This chapter analyzes how World War II, which started in 1939, affected land use in Kibaale District. As result of the involvement of the Africans in this war, labour force for both food and cash crop production was reduced. The chapter further analyzes how it impacted on the production of cash crops in the Uganda colony due to transportation problems which forced the colonial masters to change policy on cash crop production.

The chapter also describes how the return of the ex-service men affected the land relations between the Baganda absentee landlords and the Banyoro tenants. It also interrogates different land legislations and how they affected land use in Kibaale District in the period 1939 up to 1962. It also analyses how the Banyoro in the two of the six “lost counties” of Buyaga and Bugangaizi resorted to arson and violence in the 1950’s as a result of deprivation of their land.

Finally, it analyzes the relations that existed between the absentee landlords and their Banyoro tenants as well as the political events that took place in Uganda on the eve of her independence. Both the articulation of modes of production and the relative-deprivation theories are used in this chapter to show how the colonial masters came up with policies which were aimed at introducing modern and commercialized cash crop

production by using modern methods of farming like using tractors to replace the traditional hoe and how it ended up affecting land use in Kibaale District.

#### **4.2 Relations between the Absentee Landlords and Tenants 1939-1958.**

During World War II, there was recruitment of indigenous Ugandans into the rank and file of the Kings African Rifles (KAR), which was from both Bunyoro and Buganda Kingdoms including the “lost counties”. Kihumuro (1994:88) states:

“In May 1939, when the Second World War broke out, *Omukama* of Bunyoro-Kitara volunteered for military service and made a formal offer of his men for the defence of the British Empire. His men fought in Kenya, Abyssinia, Somaliland, Egypt, Palestine, Ceylon, Burma, Madagascar and other areas”.

This recruitment, in a way, initially affected both cash and food crop production because those recruited were able-bodied men who were actively involved in farming (Musana, O.I, 2013). However, Miirima (O.I, 2013), clarifies that the problem of labour shortage created by enlisting the Baganda and Banyoro in the colonial army was solved by recruiting the migrant labourers mainly from neighbouring Rwanda and Burundi who continued to grow cash crops in Buganda including the “lost counties”. Van Zwanenberg with King (1975:70) point out that, cotton production had been curtailed during the war and output never regained its pre-war levels of 1928 to 1938 despite the rise in prices between 1938 and 1945.

In the meantime, the Banyoro had not forgotten the issue of the absentee landlords and the “lost counties”. They had formed the Mubende-Banyoro Committee to air out their

grievances to the colonial government. The committee had campaigned for the return of the “lost counties” to Bunyoro (Katta-Musoke, O.I, 2013). However, the colonial government had re-emphasized its stand that these “lost counties” were never to be returned to Bunyoro Kingdom.

Molson (ENA, No.32343, 02/03/1962:5) observes that the King of Bunyoro petitioned the Colonial Secretary over the issue of Baganda absentee landlords and the issue of the six “lost counties” in 1943, 1945, 1948, 1949 and 1954. The Mubende-Banyoro Committee did the same in 1951, 1953 and 1955. The response to these petitions was that the Secretary of State could not alter the decision, and the boundaries laid down in the 1900 Buganda Agreement in favour of Bunyoro (Karugire, 1980:174). This meant that, after the end of World War II, the Banyoro in the “lost counties” continued paying the *busulu* and *envujjo* to the Baganda absentee landlords hence affecting land use in Kibaale District.

After 1945, with the support of the Banyoro ex-service men from World War II, the Banyoro-Mubende Committee entered a new phase, and launched armed guerilla warfare, against the Baganda who were still living in the two of the six “lost counties” of Buyaga and Bugangaizi (Kasirivu and Kasaija, 2012:3). Kihumuro (1994:93) points out that:

“The Banyoro who had from time to time tried to persuade the colonial government to reconsider their status in the lost counties, lost patience and took action against the Baganda. They slashed crops and burnt buildings belonging to Baganda because the Baganda had continuously treated them with disdain”.

The ex-service men played a big role in chasing away the Baganda from the “lost counties” as they actively participated in the launching of armed guerilla warfare from 1949 onwards (Kasirivu and Kasaija, 2012:3). However, the conditions that arose out of World War II, especially the increased demand for raw materials by the metropolitan industries, prompted the colonial administrators in Uganda to come up with policies which were aimed at increasing output per farmer and per acreage.

Van Zwanenberg and King (1975:70) points out that during the period between 1945 and 1962 the colonial government came up with policies which were geared towards increased agricultural production and transformation of the existing patterns of production. These policies were aimed at expanding the production of existing cash crops, diversifying production by introducing other crops, stimulating the more efficient local small scale farmers to greater efforts, making tractor services available, instituting land registration and encouraging large-scale farming. In practice, the capitalist mode of production was to articulate the pre-capitalist modes of production, though, through a struggle. However, most of the Banyoro in the two of the six “lost counties” of Buyaga and Bugangaizi did not benefit much from these post-war policies as they did not legally own land on which to carry out these agricultural changes (Katabazi,O.I, 2013). The land in Kibaale District was still under the control of Baganda absentee landlords which affected land use in the period 1945-1962.

Nabudere (1980:68) observes that in 1950, the Uganda Credit and Savings Bank (UCSB) was established by the colonial government with the aim of advancing loans to farmers using land as bank security. Accordingly, the end result was that all the loans on land were given to the rich capitalist farmers who had *mailo* titles in Buganda, including in the “lost counties”. This meant that, the tenants in Kibaale District who were renting land from the Baganda absentee landlords could not access the loans from the bank since they did not possess land titles. Here the articulation of the modes of production theory was clearly at work, as it was the capitalist farmer who was earmarked to modernize agriculture that benefited from such agricultural loans. This meant that the capitalist mode of production was to articulate the pre-capitalist modes of production.

In 1953, Joseph Kazairwe, Yakobo Mukasa and Andereya Lubega who were both members of the Mubende-Banyoro Committee were elected to represent Buyaga County in the Buganda Lukiiko. The Bunyoro Kingdom leadership capitalized on them to convincingly tell the British government how the Banyoro in the “lost counties” were being tortured and marginalized by the Baganda chiefs and Baganda absentee landlords in terms of land use (Miirima, 2002:16).

In 1955, an Agreement was signed between the British and Bunyoro Kingdom. According to this agreement, the *Rukurato* was to carry on the responsibilities of the government of the Kingdom of Bunyoro for, and on behalf of the *omukama*, elect the *Katukiro* who would be appointed by the *omukama*, subject to the approval of the

Governor (Kihumuro, 1994:93). Kasaija (O.I, 2011), observes that, at the signing of the Agreement, the British did not re-visit the issue of the Baganda absentee landlords and the “lost counties”.

Karugire (1980:216) points out that in January 1955, while discussing the Bunyoro Agreement, the issue of the return of the six “lost counties” was raised with Governor Sir Andrew Cohen, and on 5<sup>th</sup> October 1955, a Bunyoro delegation led by Muganwa, who was the chief judge of Bunyoro Kingdom, met the governor at Entebbe to discuss the issue. The governor stated that the matter could not be re-opened. This made the Banyoro lose patience and took action against the Baganda who were residing in these “lost counties”. The theory of relative-deprivation was clearly at work as the Banyoro continued to be deprived of their land resource in the “lost counties”.

In 1956, the three representatives of Buyaga, in a bid to show the British that the Banyoro still cherished and were determined to preserve their local Runyoro language, adamantly refused to debate in Luganda while in the Buganda *Lukiiko*. They argued that, since they were directly elected by the Banyoro, they had to speak the language of the people who elected them (Lwanga, O.I, 2013). They were indirectly informing the colonial master that the Banyoro were tired of being under the political leadership of the Baganda colonial agents and that at the same time were demanding for the return of their ancestral land which was still legally being owned by the Baganda absentee landlords. The Mengo government expelled them from the Buganda *Lukiiko*. They responded by suing the Buganda government in the High Court of Uganda which ruled

in their favour and were re-instated and allowed to continue debating in Runyoro in the Buganda *Lukiiko* (Miirima, 2002:17).

In 1958, the colonial government came up with a new policy of land registration which was aimed at stimulating local small scale farming. There was registration of land holdings and granting of land title deeds to individual farmers (Kaheru, O.I, 2011). The justification was that registration would provide absolute security of tenure to the land holders and also enable them to consolidate the fragmented holdings into single tracts. These were considered to be the pre-requisites for modern cash crop growing (Van Zwanenberg and King, 1975:74). Unfortunately, this land registration did not benefit the Banyoro of Kibaale District since the land they occupied belonged to the absentee landlords who were already in possession of land titles. Therefore, without a title to his land, the local farmer was unable to ask for bank loans to finance its development. Neither the Banyoro tenants nor the absentee landlords were in a position to make radical changes in the techniques of cash/ food crop production.

Despite the above policy, the landlord-tenant relations made it difficult for the local small scale farmers to be innovative and expand on the production of cash crops. The tenant in Kibaale District was discouraged from erecting permanent structures and growing perennial crops like coffee which also affected cash crop production (Jorgensen, 1981:97).

### **4.3 The Relations between Buganda and Bunyoro on the eve of Uganda's Independence 1958-1962.**

The bitter relations over land between the Banyoro and the Baganda absentee landlords continued to be unresolved. In 1958 the King of Bunyoro, after receiving legal advice from Sir Kenneth Robert Wray, who was Colonial office legal advisor, submitted a formal petition to Her Majesty the Queen of England requesting that Bunyoro's claims over the issue of absentee landlords and the "lost counties" be judged by the Judicial Committee of the Privy Council. On 27<sup>th</sup> November 1958, the petition was received by Her Majesty the Queen at Buckingham Palace (Karugire, 1980:217). The *omukama* was advised to instead present his case to the Relations Commission which was being chaired by the Earl of Munster.

According to Musheshe (1998:18), the Banyoro resistance against the Baganda administration took a violent turn which prompted the colonial administration to include the issue of the absentee landlords and the "lost counties" on the agenda of the 1961 Lancaster House Constitutional Conference. With the approach of independence, the dispute became more pronounced and incidences of violence and counter-violence increased in these "lost counties".

Bujerwa (O.I, 2013) reports that when the Banyoro were going to give evidence to the Molson Committee in Mubende, they killed, and carried a dead body of Kalibala who was a Muganda Parish chief of Kakumiro and laid it in front of the Committee. In his report, Molson (ENA, No.32343, 02/03/1962:9) points out that Police reports from 1<sup>st</sup>

October 1960 up to 24<sup>th</sup> January 1962, indicated that 214 offences had been committed by the Banyoro against the Baganda of which 106 were crop slashing, 67 were arson of buildings, 13 were threatening violence and 7 were cases of physical violence. This made the question of absentee landlords and the “lost counties” one of the greatest issues of contention during the Constitutional Conference debates prior to independence in 1962.

This forced the British to set up the Uganda Relationship Committee led by Lord Munster to study and make recommendations on how to solve the issue of the “lost counties”. In 1961 a three-man Bunyoro delegation was invited to give evidence before the Lord Munster’s Relationship Committee. After gathering peoples’ views from both Baganda and Banyoro and from other stakeholders, the Committee recommended that a referendum be held in May 1962 in Buyaga and Bugangaizi counties, and in one other county of Bunyoro’s choice, and that any area that opted for re-union with Bunyoro should be handed over at the time of independence (Molson, ENA, No.32343, 02/03/1962:5). This prompted the Colonial office to summon a Constitutional Conference to deliberate on the recommendations in the Munster report on the way forward on the future of an independent Uganda. It was opened at Lancaster House on 1<sup>st</sup> September 1961 under the chairmanship of Iain Macleod. Among the issues discussed in this conference, was how to handle the internal land disputes especially between Buganda and Bunyoro Kingdoms over the issue of the six “lost counties” of Bunyoro to Buganda during the signing of the 1900 Buganda Agreement. It was

observed during the 1961 Constitutional Conference (Colonial Office, No.1523, 09/10/1961:28) that:

“Bunyoro claims that historically a wide area in the western part of Buganda comprising of six counties, formed part of Bunyoro, that a large proportion of the population of the area are Banyoro, and that under Buganda’s rule this section of the population has suffered discrimination”.

It was observed that the area in question formed part of the territory of Buganda under the terms of the 1900 Buganda Agreement.

The Munster Commission had observed that there would be danger if other parts of Uganda became involved in this long-standing land dispute and even foresaw that it might lead to a civil war (Colonial Office, No. 1523, 09/10/1961:28). The Commission, therefore, proposed that a referendum should be held in three of the six disputed counties (Molson, ENA, No.32343, 02/03/1962:5). The rationale behind this recommendation was that it was these three counties which were found out by the Munster Commission to be predominantly occupied by the Banyoro. This, however, became a contentious issue as this recommendation was rejected by both Buganda and Bunyoro. Buganda rejected it because it was not ready to surrender any single territory to Bunyoro. Likewise, the representatives of Bunyoro were unable to accept the proposal of recovering only three counties and suggested that a referendum should be held in all the six counties claimed by Bunyoro (Colonial Office, No. 1523, 09/10/1961:28).

It was after these disagreements over the recommendations by the Munster Commission to hold a referendum in only three out of the six “lost counties” that another Commission was proposed to further discuss with the parties involved in the dispute. On 20<sup>th</sup> December 1961, another committee under Lord Molson was constituted by the Constitutional Conference in London to investigate the dispute (Molson, ENA/02/03/1962:5). It recommended that the counties of Buyaga and Bugangaizi whose land was majorly owned by Baganda absentee landlords be returned to Bunyoro simultaneously with granting of independence and that the other territories should remain in Buganda apart from Mubende Township which was to be administered by the Central government.

However, this Committee did not endorse the referendum which the Relationship Commission had recommended for fear that it would result into intimidation and violence (Kihumuro, 1994:93). Both the Munster and Molson Commissions based their decisions on the 1959 National Population Census to recommend for the return of Buyaga and Bugangaizi counties to Bunyoro. In Bugangaizi, the Banyoro were 16,675 compared to 4,230 Baganda while in Buyaga, the Banyoro were 32,991 compared to 2,340 Baganda (Molson, ENA, No.32343, 02/03/1962:7).

According to the 1959 population census in Uganda, each of the “lost counties” had population as shown in the table below:

**Table V: Showing the Population in the “Lost Counties” as Per 1959 Census.**

County/Saza	Buganda Population	Banyoro Population	Other Communities	Total
Buyaga	2,340	32,991	5,704	41,035
Bugangaizi	4,230	16,675	1,165	22,070
Buwekula	21,730	4,716	9,518	35,964
Singo(Total for five Gombololas claimed)	29,812	2,522	16,896	49,230
Bulemezi(one Gombolola)	1,423	45	2,446	3,914
Bugerere	30,433	407	56,805	87,645
Buruli	13,972	531	8,737	23,240

**Source:** Report of a commission of privy counselors on a dispute between Buganda and Bunyoro (Molson, ENA/02/03/1962:7).

From the above population table, it is clearly indicated that in both Buyaga and Bugangaizi counties the majority of the inhabitants were overwhelmingly Banyoro.

From 1961 when the discussions were taking place at the Lancaster Conference up to 9<sup>th</sup> October 1962, when Uganda attained her independence, there was some calm down. However, the armed campaign resumed in 1963 and went on till a referendum was held in 1964 (Kasirivu and Kasaija, 2012:3). In the meantime, the recommendations of the two commissions for the settlement of the issue of the absentee landlords and the “lost counties” before independence were rejected by Ian Macleod, the British Prime

Minister. The rationale was that, he feared that it would affect the KY-UPC alliance which aimed at ousting D.P led by Benedicto Kiwanuka, who was a Catholic, from political power. Therefore, the problem of the Baganda absentee landlords and the “lost counties” was left to be settled by the leaders of an independent Uganda.

#### **4.4 Impact of Absentee Landlords on Land Use in Kibaale District.**

Absentee landlords impacted negatively on land use in the two of the six “lost counties” of Buyaga and Bugangaizi that form present-day Kibaale District. In terms of education, apart from some schools which were being run by the missionaries, both the Colonial and Buganda governments did not fully promote education in these counties. This was mainly as a result of difficulties in accessing land which was already owned by absentee landlords. This was evidenced by the complaints that were submitted by the Mubende-Banyoro Committee to the Commission of the Privy Councilors in which they argued that:

“We have received less than our fair share of primary and junior secondary schools and are discriminated against in the matter of places and bursaries at senior secondary schools and at institutions of higher education inside and outside East Africa” (Molson ENA/02/03/1962:12).

Kasirivu and Kasaija (2012:2) point out that there was no educational institution that was constructed in the two of the six “lost counties” of Buyaga and Bugangaizi by the colonial government and that the Banyoro were denied school bursaries from Buganda government. Any *Munyoro* who wanted a scholarship to study in a secondary school or higher institution of learning would first adopt a *Kiganda* name before accessing the

bursary. This was a clear manifestation that during the colonial period little was done in terms of putting up infrastructural developments like construction of schools because they did not want to educate Banyoro who would demand for the removal of Baganda chiefs and also agitate for return of their ancestral land which was in the hands of Baganda absentee landlords, hence impacting negatively on land use in the “lost counties” especially those of Buyaga and Bugangaizi.

However, credit should be given to the Christian missionaries who used part of their allocated land by constructing mission schools like Bujuni and Mugalike primary schools, to name but a few. In terms of medical services, the two of the six “lost counties” of Buyaga and Bugangaizi still lagged behind as there were not enough infrastructure for the provision of health services which were set up during the colonial period. This was as a result lack of accessibility to free land as most of the land was owned by absentee landlords. This was evidenced by the complaints that were raised by the Mubende-Banyoro Committee in their memorandum to the Privy Councilors where they pointed out that there was only one hospital in all the six “lost counties” (Karugire, 1980:206).

This was a proper indication that land in the “lost counties” was under-utilized as far as the construction of infrastructure for the provision of social services to the Banyoro was concerned. Although the Molson report (ENA/02/03/1962:14) pointed out that they had been furnished with information by the ministries of the Uganda government that:

“Medical services measured in terms of hospital beds in relation to population are more extensive in Mubende District (Buyaga, Bugangaizi and Buhekula counties) than in either Bunyoro or Buganda as a whole”.

This was a clear manifestation that during Kabalega’s resistance towards the imposition of colonial rule in Bunyoro there were loss of lives and migrations which depopulated the three counties hence the justification that the hospital beds were enough for the population. In terms of medical services, still, credit goes to the Christian missionaries who provided these services by setting up mission clinics, dispensaries and hospitals on the land that was allocated to them during the signing of the 1900 Buganda Agreement.

In terms of construction of churches, very few permanent churches were constructed in the “lost counties”. Catholic churches like *Bujuni*, *Buseesa*, *Mugalike*, *Kahunde*, *Kakumiro*, *Kakindu*, *Kagadi* and *Muhorro* were constructed throughout the two of the six “lost counties” of Buyaga and Bugangaizi, the majority of which were semi-permanent. Suffice it to note that, the Protestant missions were very few and managed to put up only one church at *Naigana* in Buyaga County (Miirima, 2000:197). However, these mission stations utilized their allocated land by constructing churches. These deserve credit for having profitably utilized the land resource that was allocated to them during the 1900 land dispensation in the two of the six “lost counties” of Buyaga and Bugangaizi that form present-day Kibaale District.

#### **4.5 Political Parties and the Kibaale Land Question 1952-1962**

After the end of World War II in 1945, following the formation of the United Nations Organization (UNO), with a clause in its Charter which advocated for self-determination for communities all over the world, modern nationalism gained ground in Uganda. It led to the formation of a multiplicity of political parties in the 1950s and early 1960s. These included: The Uganda National Congress (UNC) in 1952, Democratic Party (DP) in 1954, Progressive Party (PP) in 1955, United Congress Party (UCP) in 1957, Uganda Peoples' Union (UPU) in 1958, Uganda National Movement (UNM) in 1959, Uganda Peoples' Congress (UPC) in 1960 and Kabaka Yekka (KY) in 1962 (Mujaju, 1996:65-68).

Political parties in Uganda were formed along religious, ethnic and ideological lines. After the end of the religious wars of 1892 in Buganda most of the political offices both in Buganda and the Protectorate government, were given to the Protestants at the expense of the Catholics. It was this political arrangement that laid ground for religion to play a crucial role in the future politics of Uganda (Mujaju, 1996:65). This argument is supported by the fact that, apart from Idi Amin and Yusuf Lule, the rest of the Presidents of post-independence Uganda namely, Mutesa II, Apollo Milton Obote, Godfrey Binaisa, Paul Muwanga, Tito Okello Lutwa and Yoweri Kaguta Museveni are all Protestants.

In 1952, there was the formation of the UNC which was the first political party to be formed in Uganda. It was founded by Ignatius Kangave Musazi which had Abu

Mayanja as its Secretary-General (Mujaju, 1996:67). The basic demand and slogan of UNC was “self-government now” (Nabudere, 1980:156). Karugire (1980:148) points out that the UNC, in its initial stages, its leadership and the most active supporters were Baganda. Given the fact that its leadership and membership was basically Baganda, it did not gain support both in Bunyoro and in the “lost counties”. Okwir (1993:80), states:

Bunyoro’s support for UNC was limited, although Bunyoro was a cotton production zone which would have made it give support to UNC because of the grievances of economic exploitation, the Banyoro were reluctant to join the UNC because it appeared to be dominated by the Baganda and the Banyoro could not easily accept anything that seemed to emanate from Buganda.

This was due to the grievances between Buganda and Bunyoro over the issue of absentee landlords and the “lost counties” which had now gained momentum in the politics of Uganda. Although Majugo managed to establish the first UNC branch in Bunyoro, however, UNC did not take much root in Bunyoro Kingdom. For instance, George Magezi had to avoid the UNC labels in his campaigns for the Legislative Council elections of 1958 in order to retain a seat he had held as a nominated member since 1953 (Okwir, 1993:80). The Banyoro did not form political parties after World War II to advance their grievances especially over the issue of the absentee landlords and the “lost counties”.

The second major political party to emerge was the Democratic Party. It was founded on 6<sup>th</sup> October 1954. Its first president-General was Joseph Kasolo. Other founder members were Louis Tyaba, Sebastian Kibuuka, Abbey Selubili, Paul Nsubuga, Kiddu,

Alphonse Ntale and Kasule who became its first General- Secretary (Nsubuga, O.I, 2013). It was mainly Catholic dominated in both membership and leadership. Its major objective was to fight for the political rights of the Catholics as most of the high profile political posts were occupied by Protestants. Kiwanuka (O.I, 2013) argues that D P was founded by Catholics who objected to the Protestant domination of appointed offices and at the same time viewed the UNC as yet another vehicle of Protestant hegemony. The Democratic Party, therefore, became a rallying point for Catholics in Buganda and later Uganda. Being a Baganda dominated party it remained silent about the issue of the absentee landlords and the “lost counties” (Miirima, O.I, 2013).

The Progressive Party was formed in 1955. It was founded by Mulira (Nabudere, 1980:157). Its major objective was to demand for the return of Kabaka Mutesa II from Britain where he had been exiled by the British after political disagreements with Sir Andrew Cohen, the then Colonial Governor of Uganda. The party, therefore, did not involve itself on the issue of the absentee landlords and the “lost counties”.

In 1957, the UNC split into two parties. The original faction remained under the leadership of Musazi while a new faction formed itself into UCP led by Lubongo who became its President-General and Binaisa as its Secretary-General (Mujaju, 1996:67). This party also remained silent about the issue of the absentee landlords and the “lost counties”. The political parties that were formed in Uganda up to 1957 were Buganda-based parties. They, therefore, did not fight for the interests of the non-Baganda like that of the Banyoro in the “lost counties”.

The UPU was formed in 1958 by a coalition of seven non-Baganda Legislative Council members in a move of no confidence in the Buganda-based parties. Rwetsiba became its President-General, George Magezi became its Secretary-General while Babiha became its Publicity-Secretary (Mujaju, 1996:67). Its major objective was to ensure that the demands of the Baganda from the colonial government especially that of Buganda becoming a separate independent state were not granted by the colonial government (Jorgensen, 1981:197).

The Uganda National Movement was formed in 1959. Its founder was Augustine Kamyia (Karugire, 1980:167). Its major objective was to fight against colonial economic exploitation and bring trade into the hands of the Africans (Nabudere, 1980:157). It, therefore, called for the boycott of all foreign goods which were being sold in the European and Asian shops.

In 1960, UPC was formed led by Apollo Milton Obote as its President-General (Mujaju, 1996:68). It was a merger of a splinter group from the Uganda National Congress led by Milton Obote with the Uganda Peoples' Union (Karugire, 1980:167). Its leadership and membership was largely from outside Buganda. John Babiha became its chairman, Obwangor was the National treasurer while George Magezi was its General Secretary and Felex Onama was Deputy Secretary-General (Mujaju, 1996:68). What Obote's UNC and UPU had in common was a frustration with the leadership of

Buganda-based parties. It was this party that provided the leadership for independent Uganda.

In 1961, elections were held to elect African members of the Legislative Assembly who were to prepare Uganda for attainment of her independence. Mujaju (1996:68), points out that in the 1961 election to the National Assembly, it was very clear that DP led by a Catholic, was a Catholic Party while UPC led by a Protestant, was a Protestant Party. Mujaju, further points out that pressure was exerted on Catholics to leave UPC with the major aim of denying it victory. When Babiha, a Catholic, refused to leave UPC and join DP, he was regarded as an outcast. The Buganda government called for a boycott of these elections to press its claim for special constitutional status for Buganda. Some Baganda Catholics who were supporters of DP ignored the boycott and proceeded with the elections.

In a Buganda turnout of less than 2% eligible voters, the DP won 20 of the 21 seats to the Legislative Council in Buganda. Outside Buganda, DP which was supported by non-Baganda Catholics won 23 seats making a total of 43 seats out of 82 seats nationally (Jorgensen, 1981:200). Hence, Benedicto Kiwanuka who was the leader of DP was called on to form the government and became the first Chief Minister and later Prime Minister. Milton Obote, who was the leader of UPC which had support from Protestants outside Buganda, became the leader of opposition in the Legislative Assembly.

However, Benedicto Kiwanuka was hated by the Buganda government both for ignoring the boycott of elections and being a Catholic commoner, for daring to place himself in a position superior to the Kabaka of Buganda (Jorgensen, 1981:200). Muwambi (O.I, 2013), explains that in order to oust DP from power, the Buganda government changed its heart and joined party politics in collaboration with the UPC party which was dominated by the Protestants from outside Buganda.

The Kabaka Yekka Party was founded in 1962. It was formed by leaders of the Buganda Kingdom led by Masembe-Kabali (Nsubuga, O.I, 2013). This was after Buganda's failure to obtain political separation from the rest of Uganda in 1960 and having been outmaneuvered by the DP in the 1961 elections. From the outset, KY allied with Obote's UPC to form what popularly came to be known as the 'UPC-KY alliance'. This was after UPC had agreed to support Buganda's demands at the Constitutional Conference negotiations in London in 1961 and 1962 namely the demand for Buganda to become a federal state, holding key cabinet portfolios in independent Uganda by the Baganda, designating Kabaka Mutesa II as the head of state and the postponement of the settlement of the "lost counties" dispute between Bunyoro and Buganda (Jorgensen, 1981:201-2).

In return, Buganda Kingdom leadership agreed to block DP in Buganda during the forthcoming elections and to support UPC in leading the independent Uganda government. In the 1962 elections, KY won the majority seats to the Legislative Council totaling to 21 while DP won only 3 seats in Buganda. Outside Buganda UPC

won 37 while DP won 24 seats. Hence the UPC-KY alliance won control of state power at independence (Karugire, 1980:188).

It should be noted here that, the issue of the absentee landlords and the “lost counties” had an influence in the formation of political parties especially in Bunyoro Kingdom. Karugire (1980:175) points out that, political parties were afraid of taking any stand on the issue of the “lost counties” as they found it safe to say that it was solely a problem between the British government, Buganda and Bunyoro Kingdoms.

From 1952, when the first national political party (UNC) was formed up to 1962 when Uganda attained her independence, political parties were in a political dilemma over the issue of the absentee landlords and the “lost counties”. For a party to support Bunyoro’s demands for their return, would alienate itself from Buganda, and also supporting Buganda, would alienate the party from Bunyoro (Okwir, 1993:30). Likewise, the churches were silent about the issue of the lost territories of Bunyoro to Buganda. Over the issue of the “lost counties”, there could be no middle-of-the road policy, and this was the dilemma that Obote’s UPC government faced immediately after attainment of independence.

#### **4.6 Conclusion**

During World War II period, cash crop production in the two of the six “lost counties” of Buyaga and Bugangaizi was curtailed by the war as some of able-bodied men were recruited in the King African Rifles which impacted negatively on land use. Throughout

the 1950's there was political instability mainly in the two of the six "lost counties" of Buyaga and Bugangaizi. This was increased by the persistent demand by the Banyoro led by the elite Banyoro for the return of these counties to Bunyoro. In 1951, the Mubende-Banyoro Committee was formed whose main assignment was to demand from the colonial government the return of all the six "lost counties" to Bunyoro before granting of independence.

These political disturbances necessitated the deployment of a large police force to patrol these disturbed areas in the "lost counties" which also created economic instability as the Banyoro could not fully carry out their agricultural work hence impacting negatively on land use in Kibaale District. This forced the colonial government to include a clause in the Uganda independence constitution that the issue of the two of the six "lost counties" of Buyaga and Bugangaizi would be settled through holding a referendum two years after attainment of independence.

The conflict between the Banyoro and the Baganda absentee landlords in the two of the six "lost counties" of Buyaga and Bugangaizi that form present-day Kibaale District was also not solved by the colonial masters which continued impacting negatively on land use. This, therefore, brings us to the next chapter which discusses the post-colonial state and land use in Kibaale District, 1962 – 1995.

## CHAPTER FIVE

### 5.0 THE POST-INDEPENDENT STATE AND LAND USE IN KIBAALE DISTRICT, 1962-1995

#### 5.1 Introduction

This chapter covers the relations between the Banyoro tenants in Kibaale District and the Baganda absentee landlords. It analyses the events that led to the 1964 referendum in which the two of the six “lost counties” of Buyaga and Bugangaizi were officially returned to Bunyoro and examines how the state handled the contradictions and conflicts that arose as a result of the commoditization of land and the rise of a class of absentee landlords in Kibaale District.

The chapter employs the neo-patrimonialism theory in which the various regimes of independent Uganda namely Obote I government (1962-1971), Amin’s regime (1971-1979), short-lived regimes of Yusuf Lule and Godfrey Binaisa (1979-1980), Obote II regime (1980-1986) and Museveni government (1986-1995) created personal rule networks based on the patron-client relationships in which the leader at the centre reward people who pay loyalty to him. Immediately after attainment of Uganda’s independence in 1962, Obote, who became the Prime minister, planned to regain the loyalty of the Banyoro which the colonial government had lost as a result of the way it handled the issue of the Baganda absentee landlords and the “lost counties”. He, therefore, arranged for a referendum in only two of the six “lost counties” of Buyaga and Bugangaizi whereby the Banyoro overwhelmingly voted for their return to

Bunyoro. This created a shift of patron-client patronage from the Baganda to the Banyoro by Obote's government.

When Idi Amin came to power, he created patron-client relationship with both the Baganda and Banyoro tenants who were paying rent to the landlords and absentee landlords respectively when he advocated for a total take-over of land by the state thereby abolishing the payment of ground rent and tribute to the landlords.

When Museveni rose to power he maintained the patron-client relationship with both the Baganda absentee landlords and the Banyoro tenants by lobbying for the writing of the 1995 Uganda Constitution in which was recommended for the creation of a land fund to compensate the Baganda absentee landlords who held the land titles so as to distribute the land to the Banyoro tenants and the landless in Kibaale district.

The chapter analyzes the relations between the Banyoro in the two counties of Buyaga and Bugangaizi who won their political but not economic independence from Buganda as a result of the 1964 referendum, and the Baganda absentee landlords who legally remained the *bona fide* owners of the land resource in Kibaale District. It examines how they related to each other and how this relationship impacted on land use. Relations between the Banyoro and Baganda absentee landlords in the period from 1965 to 1975 are also interrogated. The chapter also analyzes the 1975 Land Reform Decree and its impact on land use up to 1995. The chapter examines the 1995 Uganda Constitution and

analyses the mechanisms it put in place with a view to solving the issue of absentee landlords and land use in Kibaale District.

## **5.2 The Obote I Regime and Land Use in Kibaale District, 1962-1971**

After the publication of the Molson report in 1962 on the dispute between Buganda and Bunyoro over the issue of the “lost counties” (Molson, ENA, No.32343, 02/03/1962: iii), the Kabaka of Buganda sent telegrams to the Secretary of State for colonies rejecting the report. Faced with Buganda’s failure to compromise on the issue of the absentee landlords and the lost counties, the Colonial government passed on the problem to future leaders of an independent Uganda. Thus, the British who caused the problem left it unsolved.

It was the Uganda Independence Order-in-Council of 1962 (Obwangor, ENA, 28/08/1964:2799), which provided that a referendum should be held in the two of the six “lost counties” Buyaga and Bugangaizi before 9<sup>th</sup> October 1964. This stand, however, was not acceptable to the Banyoro who believed that if a referendum did not take place before the British left, it would never take place in a Baganda dominated Uganda (Miirima, O.I, 2013). This created a political stalemate. For one to gain the support of the Banyoro, it would mean supporting the referendum, thereby losing Buganda’s support. The reverse was true because for one to be supported by the Baganda, he would show that he was anti-referendum (Nsaho, O.I 2013). Thus, by giving away Bunyoro’s core territories of Buyaga and Bugangaizi to Buganda, the

British had set a precedent which made national unity a thorny problem in Uganda during the colonial and post-independence periods.

The issue of Baganda absentee landlords and the “lost counties” stood as a symbol, to the Banyoro, of all the injustices of colonial rule. In the post-independence period, it took the form of socio-economic and political exclusion of the Banyoro from the mainstream of development. Obote, who was the leader of the UPC party which was being supported by the colonial masters to lead Uganda towards attainment of independence, now was in a dilemma since he wanted the support of both the Banyoro and the Baganda. He, therefore, had to play the politics of “divide and rule” where on the one hand he convinced the Baganda that he would not allow the referendum to take place and on the other hand convinced the Banyoro that a referendum would be held as stipulated in the Independence Constitution of 1962 (Katta-Musoke, O.I, 2013). This made him gain support from both the Banyoro and the Baganda to accept the independence constitution which led to Uganda’s attainment of her independence on 9<sup>th</sup> October 1962 having Obote as its Prime minister.

The ruling UPC party had made it clear that the issue of the absentee landlords and the “lost counties” would be settled through a democratic process. On the other hand the Buganda government had assumed that Obote would not conduct a referendum over the matter because of the support Buganda had accorded to him (Mutesa, 1967:170). Even the Baganda leaders always assured their Baganda audience that the only way the “lost counties” could be transferred to Bunyoro was when a flood (*mukooka*) physically

carried them to Bunyoro (Okwir, 1993:122). However, the independence Constitution had stipulated that a referendum should be held not later than two years after independence.

Upon attainment of independence, therefore, there were no more cards to play and a referendum had to be held whether Buganda liked it or not. Balinda (ENA/28/08/1964:2802) who was a Member of Parliament, in a debate on the issue of the two of the six “lost counties” of Buyaga and Bugangaizi informed the house that section 26 of the Order-in-Council in the Constitution of Uganda stated clearly about a referendum in Buyaga and Bugangaizi. In the 1962 Uganda Independence Constitution, it was clearly stated that a referendum shall be carried out in order to ascertain the wishes of the inhabitants of Buyaga and Bugangaizi counties in which territory they wished to belong to in an independent Uganda (ENA, 27/06/1962: II).

Babumba (ENA/28/08/1964:2805) who was also a legislator while making his submissions to Parliament on the report of the Uganda Independence Conference of 1962, observed that the issue of the six “lost counties” was one of the items on the agenda concerning the recommendations of the Molson Commission to the effect that the counties of Buyaga and Bugangaizi be given straight away to Bunyoro.

Babumba further points out that the Colonial Secretary had made some recommendations on how to solve the issue of the “lost counties”, namely, that there would be no immediate transfer of territory. The administration of the two counties of

Buyaga and Bugangaizi would be transferred to the Central Government and that after at least two years from the date of transfer, the National Assembly of Uganda would decide upon the date for a referendum in these two counties. The electorate would then express their preference between remaining as part of Buganda with the administration of the area reverting to the Kabaka's government, or choosing to be part of Bunyoro with the administration of the area passing on to the government of Bunyoro.

The third alternative was to be a new district remaining under the administration of the Central Government (The Uganda Order-in-Council, (ENA, 27/06/1962:12). The Colonial Secretary concluded that the future of the two counties would then finally be determined on the basis of the views expressed in the referendum. These recommendations, however, were silent on the issue of Baganda absentee landlords who still legally owned land in present-day Kibaale District.

Although the two of the six "lost counties" of Buyaga and Bugangaizi were administered by the Central Government, nevertheless, the administrator had powers which were vaguely defined which left the Buganda government still in effective control of these lost counties (Kihumuro, 1994:95). The Baganda absentee landlords also still legally possessed land titles and collected rent from their Banyoro tenants. Violence, therefore, continued especially in Buyaga County, where a number of people were killed including the nine people who were shot by *Kabaka's* men at a market place at Karuguza (Miirima, O.I, 2013). Kasirivu and Kasaija, (2012:3) point out that Kabaka Mutesa II of Buganda Kingdom was himself involved in the shedding of blood when in

1963 while at Karuguza he shot and killed Ntogota who was one of the leaders of the Mubende-Banyoro Committee.

When it became clear that the Obote government was determined to carry out a referendum with or without Buganda's approval, the Mengo government embarked on what became known as the "Ndaiga Development Scheme" which was aimed at settling a substantial number of Baganda in Kibaale District so as to influence the outcome of the referendum (Okwir, 1993:23). Therefore, in 1963, the Kabaka of Buganda launched the scheme in Buyaga County which was headed by Muwazi who was then the Minister for Works and Health in Buganda government and whose proclaimed objective was to raise the standards of living of the people in this remote corner of Buganda. This move was a further confirmation by the Kabaka himself that the counties of Buyaga and Bugangaizi had been left behind in terms of development throughout the colonial period (Mutesa II, 1967:168).

However, the actual motive behind this scheme was to settle some people, especially some Baganda ex-servicemen, who would withstand the hostilities in Buyaga, so that they could participate in the voting of the 1964 referendum in order to ensure that these two "lost counties" of Buyaga and Bugangaizi also remained part and parcel of Buganda. The Kabaka of Buganda personally went and camped in the disputed area for some time. Kabaka Mutesa II (1967:169) points out that:

"Soon after we pitched camp, the rain came down and no car could travel to or from Ndaiga except a Landrover ... scattered

around the area there were up to 8,000 men, mostly ex-servicemen, but not necessarily Baganda”.

This was a clear testimony that the Kabaka of Buganda was physically in Kibaale District to encourage both the Baganda and some Banyoro to vote during the referendum for the stay of Buyaga and Bugagaizi in Buganda Kingdom.

Kasirivu and Kasaija (2012:3) observes that between 1962 and 1964 Mengo government was involved in a series of campaigns which included the ferrying of thousands of people from Buganda to Buyaga and Bugangaizi to register as voters so that they could out-number the Banyoro during the referendum. Between March 1963 and November 1964 when the referendum was held, some 8,000 ex-servicemen had been settled there for purposes of voting in the referendum (Katta-Musoke, O.I, 2013). However, they were barred from voting as it had been clearly stated in section 26 of the Independence-Order-in-Council that those qualified to vote in that referendum were only those who had voted at independence time in the same counties of Buyaga and Bugangaizi (Lwanga-Lunyiigo, 2007:106).

In addition to physical settlement, Buganda Kingdom committed a lot of money into the two of the six “lost counties” of Buyaga and Bugangaizi under the guise of promoting economic development in the area, but the scheme essentially aimed at winning the sympathy of the people in the area for Buganda. Balinda (ENA/28/08/1964:2802) observes that a lot of public funds were wasted to develop “*Ndaiga*”, whose aim was to

interfere with the referendum which was embodied in the Ugandan independence Constitution. The whole scheme cost over two million Uganda shillings.

From 1963 up to the referendum, there continued to be land conflicts between the Banyoro, the absentee landlords and the Baganda ex-service men who had been settled in the area by Kabaka Mutesa II. This resulted into loss of lives, destruction of property, arson and unwarranted brutal imprisonment of the Banyoro. Mutesa II (1967:170) admits that:

“There were a few clashes. A village which only opened its market on Saturdays decided to open on a Sunday in order to whip up feeling against me. I thought a firm, dramatic move was needed to show that I was earnest, I had it burnt down, first asking the permission of the owner of the market, who was delighted, as no one had paid him rent for years”.

Although both sides lost lives, it is not possible to state the exact number as there were no official records kept during that time of conflict. Miirima (2000:144) points out that the notable leaders of the Mubende-Banyoro Committee who lost their lives were Yozefu Mugenyi, a resident of Kakidamu and Gakanya, a resident of Kagadi who were both killed by the Baganda ex-service men in 1963 in Karuguza near present-day Kibaale District Headquarters. This confirmed Lord Molson’s fears in 1962, that there would be bloodshed if the two of the six “lost counties” of Buyaga and Bugangaizi were to be returned to Bunyoro through a referendum (Molson, No.32343, 02/03/1962:20).

These conflicts adversely affected land use as people abandoned their gardens in fear of being killed by the Baganda ex-service men. On the other hand, most of the Baganda

who were living in Buyaga and Bugangaizi had to flee for safety of their lives, thereby abandoning their plots of land which they had hitherto used for purposes of producing both cash and food crops, and so affecting land use in the two counties of Buyaga and Bugangaizi that constitute present-day Kibaale District. Although some Baganda chiefs remained in these two counties, nevertheless, they had been made redundant as the Banyoro refused to pay any more taxes to Buganda Kingdom and at the same time declined to pay ground rent and tribute to the Baganda agents who collected it on behalf of the absentee landlords (Katta-Musoke, O.I, 2013).

The political and economic instability in the two counties of Buyaga and Bugangaizi was worsened towards the end of 1962 when the Central Government officially declared that there was a state of insecurity, and advised those visiting to first be cleared by the political leadership. A curfew was also declared and nobody was allowed to be seen walking in the area between 6.00 p.m. and 7.00.a.m. This curfew was effected for a period of over one year which discouraged outsiders from visiting the area for purposes of trade and other activities (Miirima, O.I, 2013). This further undermined land use in the period after attainment of independence up to the referendum in 1964.

### **5.2.1 The 1964 Referendum and the Return of Buyaga and Bugangaizi to Bunyoro Kingdom.**

The 1964 referendum, was whereby, residents of Buyaga and Bugangaizi counties voted to determine whether they wanted to return to Bunyoro, remain in Buganda, or form themselves into an independent district. The referendum was held in line with the

Colonial Secretary's recommendations that up to not less than two years, the National Assembly of Uganda would decide upon a date for a referendum in the counties of Buyaga and Bugangaizi in which the electorate would be asked to express their preference (Babumba, ENA/28/08/1964:2806). Obwangor (ENA/28/08/1964:2799) who was a Member of Parliament observes that Parliament had passed a resolution that the referendum be held on 4<sup>th</sup> November 1964.

In this referendum, the overwhelming majority of the Banyoro voted for their return to Bunyoro. In Buyaga 8,327 out of 9,616 voted for the return to Bunyoro while 1,289 voted for retention in Buganda. In Bugangaizi 5,275 out of 7,640 were in favour for returning to Bunyoro while 2,253 voted to remain in Buganda and only 112 voted for a separate district (Kihumuro, 1994:97). After declaration of these results, they were endorsed by Apollo Milton Obote who was the Prime Minister and officially announced their transfer to Bunyoro Kingdom.

After the official transfer of these two counties, the Baganda chiefs were replaced with the indigenous Banyoro who were mostly the members of the Mubende-Banyoro Committee which had been formed to fight for the return of all the six "lost counties" of Bunyoro from Buganda. To that effect, Yozefu Karazarwe (Chairperson of the Committee) was appointed County Chief of Bugangaizi with headquarters at Kakumiro, while Erisa Kaliisa (Secretary of the Committee) was appointed County Chief of Buyaga with headquarters at Kibaale (Katta-Musoke, O.I, 2013).

Ayena-Odongo (2004:5) points out that by a statutory instrument issued under the Constitution of Uganda (third amendment) Act 1964 which came into force on 1<sup>st</sup> January 1965, the counties of Buyaga and Bugangaizi were formerly transferred to Bunyoro Kingdom. The Banyoro's understanding was that the administration regulation of the land in the two counties and other economic resources was part and parcel of the transfer to Bunyoro Kingdom. However, the Baganda were reluctant to move away from these two counties. This prompted Katuramu who was the then Prime Minister of Bunyoro Kingdom to officially request the Kabaka and his Baganda settlers to leave Bunyoro. This request was implemented through forceful means by the members of the Mubende-Bunyoro Committee who started slashing crops, maiming livestock and killing people especially those who were suspected to have voted against the return of the two counties to Bunyoro. Schelnberger (2005:26) states:

“Although the Banyoro started expelling the Baganda landlords in 1907, marked violence was witnessed after the 1964 referendum when the Banyoro headed by the Mubende-Bunyoro Committee chased away the Baganda with spears and machetes”.

Lwanga-Lunyiigo (2007:110), points out that Kalanda, who was one of the ex-service men who had settled in Ndaiga gave his testimony thus:

“The Baganda especially ex-servicemen are being terrorized. Houses are being burnt down, many people are disappearing and a few days ago their camps at Bujogolo had been attacked and they were severely beaten”.

This testimony was an indicator that although the referendum had officially politically returned the two counties of Buyaga and Bugangaizi to Bunyoro, it had not solved the land issue between the Banyoro and Baganda absentee landlords who still possessed the

land titles. Rather, it instead deepened the issue of absentee landlords as some Baganda agents of these landlords fled back to Buganda. Kugonza (O.I, 2012) affirmed that although the Baganda landlords had been chased away from the counties of Buyaga and Bugangaizi after the referendum, nevertheless, they remained the *bona fide* owners of the land since they were the ones still holding the land titles.

State (2007:31) observes that although the outcome of the referendum was a political success for the Banyoro, the land-tenure system and ownership issues were left intact. This made the Banyoro to remain indentured tenants to the Baganda absentee landlords. Senkubuge (O.I, 2013) points out that, the Banyoro in Kibaale District were given political independence and not economic independence. He summed it up thus: “the referendum gave the Banyoro the Crown but kept the Jewels”. Therefore, the majority of the Banyoro population remained dispossessed in terms of land. This was a clear testimony that the relative-deprivation theory was at work since the Banyoro had been deprived of their land by the Baganda absentee landlords.

Espeland (2004:4), Musheshe (1998:18), Mirimo (O.I, 2012) and Miirima (O.I, 2013), state that after the 1964 referendum, where the majority of the Banyoro voted for the return to Bunyoro, it was political and administrative powers that were transferred from Buganda to Bunyoro authorities but not powers over land as all the land arrangements in the returned counties remained unchanged which left most of the arable land in the legal possession of Baganda absentee landlords. Logically, land would officially have been transferred to Bunyoro Land Board the very day they handed over the counties to

Bunyoro Kingdom administration and then the Central government would compensate those Baganda who had developments on the transferred land.

The referendum, therefore, never addressed land ownership rights which were held by absentee Baganda landlords in *mailo* tenure. Although the Molson Commission (Molson, ENA, No.32343 02/03/1962:18) had emphasized the importance of maintaining individual rights to land still the Banyoro did not possess land titles. However, after the referendum, most of the representatives of the Baganda absentee landlords were forced to leave the area and the landlords were now left with few possibilities of collecting ground rent or controlling settlements on their land.

### **5.2.2 Relations between the Banyoro and Baganda Absentee landlords 1965-1971.**

During the interaction with the informants, it was observed that the outcome of the 1964 referendum worsened relations between the Banyoro tenants and their Baganda absentee landlords. It increased the number of absentee landlords who became difficult to be traced by the Banyoro who needed to be allowed officially to utilize the land. Asimwe (O.I, 2012) points out that the 1964 referendum increased the number of absentee landlords in Kibaale District as the few Baganda who had remained in Kibaale mainly as chiefs had to be chased away from the two counties of Buyaga and Bugangaizi after they had officially been declared legally belonging to Bunyoro Kingdom.

According to Kitembo (O.I, 2012), before the 1964 referendum some Baganda landlords physically stayed on their land, collecting *busulu* and *nvujjo*. This made it easy for the tenants to approach them and seek permission to utilize their land. However, after the referendum they were chased away, hence increasing the number of absentee landlords which left most of the land in Kibaale District unutilized. This view, was supported by Byakutara (O.I, 2010) and Basaija (O.I, 2010), who point out that since the inception of landlordism way back in 1900, some landlords were physically living on their *mailo* land. Others had their families living on the land from which they collected *busulu* and *nvujjo*.

However, after the 1964 referendum those Baganda who were living physically on the *mailo* land together with their families were chased away in 1965. This impacted negatively on land use as most of the land remained unutilized and turned bushy thereby, harbouring vectors which killed cattle, and wild animals which destroyed both cash and food crops (Isingoma, O.I, 2013).

Wasswa (O.I, 2010) observes that after the 1964 referendum, the Banyoro did not carry out meaningful development on the land owned by absentee landlords. This was due to the fear of losing these developments to the *bona fide* land owners who officially owned the land titles. He concludes by stating that these fears affected land use in the former lost counties of Buyaga and Bugangaizi that form present-day Kibaale District. The researcher observed that Kibaale District was full of idle land which lay uncultivated. Even in trading centres where there existed some well-to-do residents who were capable

of building permanent and even storeyed structures, most of the buildings were semi-permanent. Upon inquiry, one was informed that most of the land where the trading centres were established belonged to absentee landlords and the indigenous people erected buildings without their consent. Miirima (O.I, 2013) observed that all the post-independence governments shied away from solving the problem of land ownership in Kibaale District because of the fear of losing Buganda's political support which left the Banyoro in fear that at one time the absentee landlords will go back and claim legal ownership of Kibaale's land.

Obote I government could not easily intervene by stopping the Banyoro from chasing away the Baganda absentee landlords since it was his government that had sanctioned the referendum and he himself had endorsed the results. The issue of the "lost counties" was a delicate one as Kabaka Mutesa II (1967:170) admits that:

"The lost counties were a difficult issue and I do not blame Obote for not giving me his complete and immediate support. It must be made clear, however, that this was not the cause of a split between us. The quarrel was well known when we gave him our support, and he began to move against us long before it came to a head".

### **5.3 Amin's Regime and Land use in Kibaale District, 1971-1979.**

Amin overthrew Obote I government on 25<sup>th</sup> January 1971 and announced 18 points to justify his takeover of power from Obote (Karugire, 1980:238-40). Among them, there were economic reasons such as fall in cash crop prices, which the common man was getting from the sale of his/her cash crops namely cotton and coffee (Karugire, 1980:239). Amin, therefore, in his 18 points promised security, the rule of law,

elections, lower prices for essential commodities, lower taxes, increased prices for cash crops, increased salaries and general economic progress (Mamdani, 1983:37). Therefore, most Ugandans hoped for better times ahead.

After the *coup d'état* of 25<sup>th</sup> January 1971 there was increased demands by the Baganda bureaucrats and Ugandan African traders for more rapid Africanization of trade. Prominent among the exponents of Africanization of trade was Joseph Mubiru, Governor Bank of Uganda who using the infant industry argument, pointed out that:

“Mere provision of credit to African traders would not help them in competition with more experienced non-African traders and that the African trader needed state protection in order to survive and compete” (Jorgensen, 1981:285).

In August 1972, Amin declared what he termed as the “Economic war” which meant attainment of economic independence. It involved the expulsion of Asians and redistribution of their businesses and properties to the Ugandan Africans under the guise of Africanizing the Ugandan economy. Mamdani (1983:39) states that, Amin while addressing Makerere University students, informed them that the “economic war” was a solution to the country’s ills as it would create ‘black millionaires’ which meant enriching Ugandans.

Therefore, there was a strong belief that most Ugandans would become rich after the launch of the “economic war”. However, the long-term significance of the expulsion of Asians was economic decline of the Ugandan economy as there was a breakdown in

manufacturing, processing and transport (Jorgensen, 1981:295). Nabudere (1980:295) points out that:

“The effect of this abrupt decision on the economy as a whole was total chaos, in both the short term and in the medium run. The exodus forced out all the management manpower in industry and commerce as well as the professions, a move that was bound to have repercussions on the economy as a whole”.

The people in the counties of Buyaga and Bugangaizi also fell victims of the economic war. The decline in the processing and marketing of cash crops as a result of the expulsion of Asians forced the local small scale farmers in the two counties to shift from cash crop to food crop production (Katta-Musoke, O.I, 2013). The economic war, therefore, also impacted negatively on land use in Kibaale District. Katta-Musoke’s assertion was supported by Jorgensen (1981:296) who pointed out that:

“While cotton growers in the more oppressed and more remote areas retreated into subsistence agriculture, growers near the towns switched from cotton to marketable foodstuffs, whose retail prices multiplied under the Amin regime”.

### **5.3.1 The 1975 Land Reform Decree and its Impact on Land use in Kibaale District.**

In 1975, the Land Reform Decree was proclaimed by President Idi Amin which was aimed at streamlining land-tenure systems that existed in Uganda with the hope of minimizing land conflicts while at the same time maximizing its use. This land reform abolished the rent and tithes which were being collected by landlords from their tenants thereby repealing the *Busulu* and *Nvujjo* law of 1927 (Amin Dada, 1976:68). Mamdani (1983:50) asserts that the land reform decree of June 1975 put all land under the control

of the state. He observes that both absolute ownership of land and the powers of the customary tenant to stand in the way of development were abolished and all land was henceforth to be held on a 99-year lease.

This meant that, where the system of landlordism existed as was the case in Kibaale District, the tenant became a sub-lessee and the landlord a lessee to the state. Even the customary tenant now became a tenant-at-will of the state. The decree further empowered the Uganda Land Commission to terminate any lease on any undeveloped land and re-lease it to a potential developer who was free to evict any tenant occupying any part of the lease-hold granted to enable him develop the land (Bibangambah, 1977). Kisamba-Mugerwa (1991:315) points out that now the tenants could be evicted on payment of compensation for improvement on the land. This meant that the security of tenure which had been granted to the tenants by the *Busulu* and *Nvujjo* Law of 1927 was no more.

Museveni (2001:70) observes that the 1975 Land Decree abolished *mailo* land and replaced it with lease hold. It also abolished the payment of rent to landlords. However, during this research, it was observed that this decree led to the creation of more absentee landlords as the new allocatees of the land were not capitalist farmers who were capable of developing the land but were instead absentee landlords whose relationship to the economy was parasitic whereby instead of utilizing the land themselves, they sub-leased it to the local small scale farmers.

Nyangabyaki-Bazaara (1994:18) observes that the 1975 Land Reform Decree was aimed at replacing customary land-tenure with the individualized type of tenure. In this decree, it was categorically stated that the powers of the customary tenants which formerly allowed them to stand in the way of development were abolished and such tenants were to be removed from the land in order to allow developments to be carried out on such land. It, therefore, rejuvenated the evolution of individual land-tenure that the land laws of 1920's and 1930's sought to prevent.

Thus, whereas on paper the decree aimed at creating individual capitalist tenure, in practice those who leased the land from the state were those who were politically well connected to the state and ended up sub-leasing it to the local small scale farmers which led to the promotion of a new form of landlordism. However, this conversion of customary tenure to landlordism was characterized by conflicts and increased insecurity of tenure among the majority of the producers whose survival depended on customary land-tenure. This ended up increasing the number of tenants. Here the relative-deprivation theory was at work whereby the landlords were deprived of their land by the state.

The Amin's regime was therefore, in a dilemma and faced a contradiction. On the one hand it wished to see progress by dispossessing the poor farmers, who operated mainly at subsistence production, to encourage production for the market. On the other hand, it could only operate profitably depending on the basis of small farmers' production. This dilemma had been caused by the landlords who had an intention of evicting the poor

farmers and then turn themselves into the rural rich farmers. The landlords, therefore, voiced it out that the barrier to the country's economic progress was the existing land-tenure system which promoted the *Kibanja* tenancy system. However, the government did not buy their argument. This forced the landlords to encourage hired land tenancy which enabled them to reap larger rents either in money or in terms of share-cropping (Nabudere, 1980:203).

The *Bupangisa* was a short-term arrangement in the range of a week up to a year where the landlord obtained up to 25% of the crop in rent which was higher than that fixed by the *busulu* and *nvujjo* law of 1927. This arrangement left the landlord freer with the *kibanja* tenant than that one that would have paid the *busulu* and *nvujjo* which had a fixed amount under the law. However, this arrangement worsened the land use relations as the landlord again exploited the tenant as had been the case in the past, before the passing of the *busulu* and *nvujjo* law of 1927 (Nabudere, 1980:203). This further reduced on cash crop production as the local small scale farmers felt that they were being exploited by the landlords, thereby affecting land use in the counties of Buyaga and Bugangaizi that constitute present-day Kibaale District. Here, the theory of neo-patrimonialism was in operation whereby the tenant, who was a sub-lessee, was to pay crop in rent to the landlord who was the lessee.

The majority of the informants were unanimously in agreement that although the 1975 Land Reform Decree had abolished the payment of rent by the tenants to the absentee landlords, it nevertheless, still existed illegally. This ended up causing landlord-tenant

conflicts. During fieldwork, it was observed that although this land reform decree advocated for a total take-over of land by the state, it instead promoted further social injustice by promoting land grabbing and its concentration in the hands of a few, hence maintaining a class of tenants and the landless, the majority of whom were Banyoro.

It should be noted here that, although Amin passed the 1975 land reform decree, he did not antagonize the Baganda absentee landlords by taking away the land titles of Kibaale land. He instead promoted the patron-client relationship with the Baganda who had welcomed his regime as noted by Mamdani (1983:37) that, the *coup d'état* was received most enthusiastically by the petty bourgeoisie, mainly urban traders and teachers, in particular among the Baganda. Here, neo-patrimonialism theory was operationalised whereby the Baganda absentee landlords in Kibaale District retained their land titles as a result of their royalty to the state. Therefore, although Amin had abolished the payment of *busulu* and *nvujjo* by tenants to their landlords, he did not resolve the standoff between the Banyoro and Baganda absentee landlords over legal ownership of the land in Kibaale District.

#### **5.4 Land Use in Kibaale District, 1979-1995.**

In the period from 1979 up to 1995, the status quo in matters of land use in Kibaale District remained. The Amin's land decree of 1975 remained in place, although, it was not implemented effectively (Ntimba, O.I, 2013). During this period, there was a lot of political instability whereby there was overthrow of various governments namely Lule administration (1979), Binasisa government (1979-1980), Muwanga Military

Commission (1980), Obote II regime (1980-1985) and Tito Okello Lutwa regime (1985-1986). It was the Museveni administration (1986- Present) which tried to address the Kibaale land question by promulgating the 1995 Uganda Constitution which aimed at solving land issues in Uganda in general.

#### **5.4.1 From Amin to Museveni and the Kibaale Land Question, 1979-1985**

Amin's regime was overthrown on 11<sup>th</sup> April 1979 and the Uganda National Liberation Front (UNLF) which was the military wing, announced its new government which was to be headed by Yusuf Kironde Lule, former Principal of Makerere University who was sworn in on 13<sup>th</sup> April 1979 (Okwir, 1993:162). During the Moshi Conference, the delegates selected a thirty-member UNLF National Consultative Council (NCC) to serve as the political wing which was chaired by Edward Rugumayo (Jorgensen, 1981:332). One of its cardinal duties was to vet those who were to be appointed as Cabinet Ministers. Lule committed a mistake by attempting to make cabinet appointments without consulting the NCC. This sparked off a controversy which led to the ousting of Lule merely after 68 days in power (Okwir, 1993: 164). Due to its short-lived period, Lule's government did not get ample time to address the issue of absentee landlords and land use in Kibaale District (Miirima, O.I, 2013).

Lule was replaced by Godfrey Lukongwa Binaisa as the President of Uganda. His interests were geared towards consolidating himself in power (Jorgensen, 1981:334). He, therefore, aimed at putting a roadblock on the resurrection of multi-party politics by advocating for politics in support of the UNLF whereby elections were to be contested

under this umbrella. This was rejected by a majority of the UNLF members and also contested by UPC and DP (Nabudere, 1980:342). Binaisa also made a blunder by announcing on 10<sup>th</sup> May 1980, the dismissal of Brigadier Oyite Ojok who was the army chief of staff. The military leaders intervened by stripping Binaisa all the powers and replaced him with the Military Commission chaired by Paulo Muwanga, with Yoweri Kaguta Museveni as the Vice Chairman (Jorgensen, 1981:336). It was this military commission that organized the Presidential and Parliamentary elections that were held on 10<sup>th</sup> December 1980 which was won by UPC led by Obote hence ushering in Obote II government that run from 1980 up 1985. Binaisa's government was also a short-lived one and therefore did not address the Kibaale land question (Katta-Musoke, O.I, 2013).

The Obote II government came to power after being declared the winner of the December 1980 controversial elections. The election results were as follows: UPC led by Apollo Milton Obote won with 72 Parliamentary seats, DP led by Paulo Kawanga Ssemogerere won 51, Uganda Patriotic Movement led by Yoweri Kaguta Museveni got 1 seat which was won by Chrispus Kiyonga. Two seats were yet to be declared (Okwir, 1993:168). The outcome of the election became a point of controversy as the defeated parties rejected the results. They argued that there had been cases of irregularities and intimidation of voters. They went ahead to claim that elections were rigged by UPC. The most aggrieved party was the Uganda Patriotic Movement (UPM). Museveni, who was the UPM leader, claimed that the election was massively rigged and decided to wage a guerilla war against Obote II administration.

This war bedeviled the Obote II government (Okwir, 1993:170), which was overthrown in a military *coup d'état* in July 1985 by his military commanders namely Basilio Okello and Tito Okello Lutwa. Obote II administration concentrated on fighting the Museveni guerilla war which was a national issue and did not pay attention to the Kibaale land conflicts between the Banyoro and Baganda absentee landlords which was a minor issue (Miirima, O.I, 2013). Therefore, throughout the 1979-1985 periods, Uganda was characterized by political instability and economic uncertainty and no government of that period had time to focus on solving the issue of absentee landlords and land use in Kibaale District.

#### **5.4.2 Museveni's NRM government and Land use in Kibaale District, 1986-1995.**

During Museveni's bush war, the Banyoro supported Museveni with the hope of solving the issue of absentee landlords in Kibaale District (Katta-Musoke, O.I, 2013). His government came with a programme termed as "The Ten-Point Programme", aimed at addressing the political and socio-economic problems that had been ushered in by the previous regimes since attainment of independence in 1962. Of the ten points, point eight was concerned with "redressing errors that had resulted in the dislocation of some sections of the population" (Movement Secretariat, 2000:51). The Kibaale land problem was viewed as one of the errors which had been committed by the British colonial masters, and which needed redress. It became a contentious issue in the Constituent Assembly of 1993-1995 which debated the 1995 new Constitution of Uganda (Nsibambi, 1996:26). Miirima (O.I, 2013) points out that Museveni went ahead and

appointed Baguma-Isoke, who hails from Kibaale, as Minister for Lands with the hope that he would handle the thorny land issue of Kibaale District.

#### **5.4.3 The 1995 Uganda Constitution and Land Ownership in Kibaale District.**

Between attainment of political independence in 1962 and 1995, Uganda witnessed four written Constitutions. The first was the Independence Constitution which was promulgated in Lancaster House in London where a few Ugandans participated in its drafting and promulgation. This was followed by the 1966 “Pigeon Hall” Constitution which was drafted by Obote who was the Prime minister (1962-1966), together with Godfrey Binasisa who was the Attorney General. It was named “Pigeon Hall” Constitution because copies were put in “Pigeon Hall” boxes where Members of Parliaments’ messages were placed (Nsubuga, O.I, 2013).

There was also the Republican Constitution of 1967 which was also debated and promulgated by Parliament without seeking views from the stakeholders who were the Ugandan population. Lastly, was the 1995 Constitution which was debated by a Constituent Assembly and promulgated by Parliament having collected and discussed views of the majority Ugandans. Its preamble reads:

“We the people of Uganda, recalling our history which has been characterized by political and constitutional instability; recognizing our struggle against the forces of tyranny, oppression and exploitation; committed to building a better future by establishing a socio-economic and political order through a popular and durable national constitution based on the principles of unity, peace, equality, democracy, freedom, social justice and progress; ... do hereby, in and through this Constituent Assembly solemnly adopt, enact and give to ourselves and our posterity,

this constitution of the Republic of Uganda, this 22<sup>nd</sup> day of September, in the year 1995”. (Uganda Constitution of 1995, pg. cxlv).

The 1995 Uganda Constitution (Article 237:1, cclxxxix) states that “Land in Uganda belongs to the citizens of Uganda”. This Constitution put in place four types of land tenure in Uganda, Kibaale District inclusive. It stipulates that land in Uganda shall be owned in accordance with the following land-tenure systems namely: customary, freehold, *mailo* and lease-hold (Article 237:3). This in practice meant that the 1975 Idi Amin’s Land Decree had been repealed.

The 1995 Uganda Constitution also recommended the putting in place laws that would protect tenants against unlawful evictions. Article (237:8-9) states:

“Upon the coming into force of this constitution and until Parliament enacts an appropriate law... the lawful or bona fide occupants of mailo land, freehold or leasehold land shall enjoy security of occupancy on land. Within two years after the first sitting, Parliament shall enact a law regulating the relationship between the lawful or bona fide occupants of land and the registered owners of that land”.

This meant that, the government was given powers by this Constitution to address the issue of the landlord-tenant relations in Uganda in general and the issue of absentee landlords in Kibaale District in particular.

This study, has established that most of the better and fertile lands in Kibaale District are still being owned by absentee landlords. The majority of the Banyoro in Kibaale District are *bibanja* holders who have no rights of occupancy granted to them by

absentee landlords. Kasirivu and Kasaija (2012:3) point out that 70% of the land in Kibaale is *mailo* land being owned by the absentee *mailo* land owners while the remaining 30% constitute the former crown land, forest reserves, swamps and rivers.

Some of the *Bibanja* owners who were interviewed pointed out that they have never physically met the legal owners of the land which they cultivate and reside on, although they know the owners by name. They complained that most of the land owners or their heirs lived in Kampala, the capital city of Uganda, and other parts of Buganda, thereby, making it difficult to access them. Yet, the Banyoro fear to use the idle land because of ownership constraints whereby, in matters of rights and obligations, the tenant needs authorization of the owner, for him/her to carry out any development on the land.

Some tenants/households have, therefore, avoided using land which they know belongs to an absentee landlord, while those who decide to use the land have avoided planting permanent crops like coffee. This is as a result of the past history of the relationship between the absentee landlords and their tenants where the latter was not permitted to plant permanent crops such as coffee and trees with the effect of negative impact on land use in Kibaale District.

There was another scenario whereby some households bought land from the *mailo* land owners but were neither given the land titles nor have the land been officially transferred to their names. Part of the problem has been that the land sellers themselves have no land titles (Miirima, O.I, 2013). Mutambuzadembe (O.I, 2010) points out that

there are some Banyoro who have managed to buy land from the Baganda absentee landlords and signed sale agreements but have not been officially given the land titles. This in a way has hampered land use since they cannot heavily invest on a piece of land which they do not fully possess.

Musheshe (1998:19) observes that a survey has shown that about 600 certificates of title for land in Kibaale District are lying uncollected in the Fort Portal Regional Land Registrar's Office due to mainly difficulties in transport. Therefore, the owners of *mailo* land who do not have the land titles in their custody have found it difficult to heavily invest in land which they are not sure of the real ownership. Those Banyoro who claim the ownership of the land where they live, have however, very much aware that they do not possess land titles which they could use as collateral to access credit from financial institutions (Katta-Musoke, O.I, 2013). The relative-deprivation theory fits here whereby the Banyoro are deprived of their freedom to utilize their ancestral land.

Those informants who were *Bibanja* holders pointed out that they were no longer paying *busulu* because they had nobody to pay to since the land owners hardly visited their land. This has made the Banyoro tenants to settle permanently on their *bibanja*. However, despite the fact that absentee landlords in Kibaale District hardly charge their tenants land user fees, the system of land ownership does not give them confidence to invest in improving the land (Lugumba, O.I, 2010). Most of the landlords remain unknown to the tenants and consequently there is no way of improving the relationship between absentee landlords and tenants through dialogue (Miirima, O.I, 2013). Unlike

other parts of Uganda and Africa in general, where land is owned by indigenous inhabitants, Kibaale's land question is a unique one where the land resource is not legally owned by indigenous inhabitants who are Banyoro, but owned by Baganda who are physically absent.

Dixon (2008), observes that the problem of absentee landlords was, and still is, difficult to identify who is the actual ultimate owner of the land. This in turn leads to problems of squatting as well as making the land economically stagnant, hence impacting negatively on land use. This view was affirmed by Katongole (O.I, 2012) who argues that most of the land in Kibaale District remained unutilized as most of the care-takers are difficult to trace. At the same time the heirs of the land do not know where the land is located. Likewise, the tenants do not know the rightful heirs of the original absentee landlords. Hence, this has rendered most of the land to remain unutilized by the Banyoro tenants.

Bibangambah (1997:126-7), argues that, the 1995 Uganda Constitution reversed the land nationalization that had been established by the 1975 Land Reform Decree. The assertion in this Constitution that "all land belongs to the people of Uganda" does not turn *mailo* land tenancies into free-holdings, nor does it restore to customary owners their land which had been alienated through fraudulent leaseholds. Consequently, it can be argued that, lack of security of tenure has been one of the factors in determining the way *bona fide* occupants use land as there is the psychological factor which make people live in fear of eviction at a moment's notice. In the course of time, access to land

and credit became the main constraints to increasing agricultural production in Kibaale District. Lack of adequate quality land has always made it difficult for the local small scale farmers from planting large quantities of both cash crops like coffee and also food crops (Katta-Musoke, O.I, 2013).

Another important aspect is the question of gender. Customary land ownership in Kibaale District is gender insensitive as women are not allowed to inherit land.

Asiimwe and Nolan (2001:23) state:

“In Uganda, most customary inheritance laws try to ensure that land stay within the control of the clan lineage. Inheritance is, therefore, patrilineal and women, once they are married, become part of their husband’s family”.

Nsibambi (1996:23), states:

That, land holding in Uganda, which is primarily under customary tenure, sidelined women and continues to do so...the heir of the deceased, almost invariably a male member of the family inherits the land.

In Uganda, therefore, Kibaale inclusive, customary practices which do not allow women to inherit land, have continued to influence women’s control over and access to land, thus creating gender imbalance in land ownership and use. The 1995 Constitution has not addressed the question.

## **5.5 Conclusion**

The Lord Molson's Committee of 1962, had in its report, recommended that the land titles which were held by the Baganda absentee landlords in Buyaga and Bugangaizi counties, be reverted to the Bunyoro Land Board. However, during the Uganda Constitutional Conference which was held in London in the same year, the recommendation was sidelined. Instead what was upheld was the holding of a referendum two years after the attainment of independence. This was a deliberate move that was negotiated between the British, the Baganda and Obote who was to become the first African Prime Minister of independent Uganda. The Banyoro considered this as a dis-service done by Obote and the British to them, since land was the only economic asset that an individual would possess for his/her basic survival as well as development.

The outcome of the 1964 referendum on the counties of Buyaga and Bugangaizi returned territorial and administrative responsibility to Bunyoro Kingdom. Despite the fact that, the counties of Buyaga and Bugangaizi had officially been transferred to Bunyoro after the referendum, this was in theory since in reality land still belonged to the Baganda absentee landlords who were legally still in possession of land titles, thereby dictating the nature of its use

It is hereby argued that, although the counties of Buyaga and Bugangaizi had been officially returned to Bunyoro kingdom, the Banyoro had been only politically, and not economically, emancipated from Buganda Kingdom. This was because the Baganda absentee landlords were still in possession of the land titles and were, therefore, still the

*bona fide* land owners in Kibaale District. The landlord-tenant relationships continued to be uncordial due to continued absence of the landlord. This in turn, together with the insecurity of tenure, impacted negatively on land use.

Post-independence governments' attempts to settle the land question through the land decree of 1975 and the 1995 Uganda Constitution failed to deal with historical complexities and fundamental issues that were concerned with absentee landlords and land use in Kibaale district in particular, and Uganda as a whole. This, therefore, leads us to the next chapter which covers summary, conclusion and recommendations.

## **CHAPTER SIX**

### **6.0 SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **6.1 Summary**

This research focused on absentee landlords and land utilization in Uganda, taking a case of Kibaale District, 1894-1995. It has analyzed the types of land-tenure system that existed in pre-colonial Bunyoro Kingdom and how they were changed after the signing of the 1900 Buganda Agreement. It has also examined how the rise of absentee landlords affected land use in Kibaale District and how the various regimes of the post-independence state have failed to address the issue of land between the Banyoro and the Baganda absentee landlords in Kibaale District.

#### **6.2 Conclusion**

The advent of colonialism set in motion a process that led to the evolution of new types of land-tenure systems in Kibaale District. Formerly, in pre-colonial Bunyoro, Kibaale inclusive, land belonged to the King and was being controlled by the chiefs and clan heads on his behalf. With the onset of colonialism, land ownership and control over its use in Kibaale, changed from the King, chiefs and clan heads to individual Baganda absentee landlords and the colonial state.

The 1900 Buganda Agreement changed the rights of access to land. The local small scale farmers who were formerly free to access land now became tenants on their land, and its use was conditional to payment of rent to the landlords in form of cash, labour, beer and produce. The change in land-tenure system affected land use in Kibaale

district. It created a class of absentee landlords and tenants whose relationship made it difficult for the tenants to be innovative and increase both cash and food crop production. The absentee landlords denied the tenants an opportunity to grow perennial crops and construct permanent structures on their rented pieces of land.

Historically, the land in Kibaale District has been contested mainly between the indigenous Banyoro and Baganda absentee landlords. The latter, received *mailo* title for much of the land in Kibaale from the British colonial masters in return for their assistance in expanding colonial power in Bunyoro Kingdom. The people in Kibaale lived and still live and farm land that had been occupied by their families for generations but which was, and still is legally owned by Baganda absentee landlords. The indigenous Banyoro thus occupied the land as tenants to absentee landlords living in other parts of the country. The post-independent state did not address appropriately the land question in Kibaale District due to vested interests. Therefore, it is essential that, the government should put in place mechanisms to conclusively resolve the Kibaale land question.

### **6.3 Recommendations.**

These recommendations have been made based on the fact that to-date the issue of absentee landlords in Kibaale District has not been adequately solved by government. Most of the land in Kibaale is still owned by Baganda absentee landlords under the *mailo* land-tenure system which restrains both the landlord and the tenant, as none of the two has unrestricted freedom to develop or invest in that particular piece of land.

The tenants do not have any form of land titles, and therefore, have no collateral against which to borrow money from financial institutions for investment on the land. Landlords also enjoy a limited degree of security for his *mailo* land because of the law which requires the landlord to pay compensation for, structures, crops, trees and any other developments that the tenants have on the land in question in the event the landlord wants to have sole control.

The Uganda Land Act of 1998 also stipulates that the first priority should be given to the tenants to buy the pieces of land they are dwelling on, yet very few tenants can afford to buy such land. There is, therefore, urgent need to “unlock” the land in Kibaale District so that it can be utilized by the indigenous Banyoro. The government should operationalize the land fund which it put in place to compensate the care-takers of the absentee landlords by giving soft loans to the sitting tenants so that they can be able to buy the pieces of land they are temporarily occupying, and become *bona fide* land owners. Policy makers and legislators should enact a law that provides security and protection not only to the people of Kibaale District but to all Ugandans who derive their livelihoods from land.

Land ownership in Kibaale District fall into four categories of people, namely those people who were given free *mailo* land during the 1900 land dispensation, those people who either bought land from *bibanja* holders inherited from their parents or acquired land as gifts from their parents or local chiefs, those who bought land from the *mailo* land owners, got sale agreements, but never got land titles either due to the reluctance

of the *mailo* owners to effect transfers or due to the bureaucratic problems involved in processing transfers, the unnecessary lengthy process of registering or the high costs of transfer of titles or have never seen the registered proprietors. The last category are those people who bought land from the *mailo* land owners and have acquired titles from the original owners and have consequently acquired titles in their names. These happen to be the minority. The government should, therefore, streamline the land office so that people can easily access its services and be able to transfer their land titles at an affordable cost which is not high and prohibitive.

The land allocation in Kibaale District by the colonial masters was different from the land alienated and re-allocated by the colonial governments in other districts because the allocation of the Kibaale land to the Baganda was done as a punishment to the Banyoro for resisting the imperialists. In other parts of the country the allocations were either a reward to the collaborators like in Buganda Kingdom or to buy the loyalty of the local chiefs like in Ankole Kingdom. The Banyoro argue that they have a historical right to claim the ownership of land in what were formerly the “lost counties” and that they can prove this by identifying the royal burial grounds of their Kings and ancestors. Therefore, the people of Kibaale District have expressed wish for policy makers to treat their plight as a unique one and to look into the issue of compensating the care-takers of the absentee *mailo* land owners and then allocate it to the current sitting tenants. This is a logical and justifiable request which could prove a good strategy to solve the land question in Kibaale District.

According to the 1995 Constitution of the Republic of Uganda, there are four land-tenure systems namely: customary, free-hold, *mailo* and leasehold. Unfortunately, the majority of the people of Kibaale District do not fall within any of the four tenure systems provided for in the 1995 constitution. The 1998 Land Act defines a *bona fide* occupant as that person who entered the land with the consent of the registered owner and includes a purchaser. Most of the people of Kibaale District fall outside this definition. Therefore, there is urgent need by the government to make a legislation that will make the people of Kibaale District also become bonafide occupants of their land. People should be allowed to access land in order to promote peace, harmony and proper land use. This will also ensure equitable distribution of income that will in the long-run lead to the unlocking of the economic growth of Kibaale District.

Since the land issue between the Banyoro and Baganda absentee landlords has not been successfully handled, there is need for further research so that more suggestions and recommendations are made on how to bring to an end the issue of absentee landlords in Kibaale District.

## REFERENCES

- Adekunle.J.O, (2003) "Ethnic conflicts and African politics" in Falola.T. (Ed), *Contemporary Africa*, Africa Volume 5 North Carolina: Carolina academic press pp 219-239.
- Ake, Claude (1981) *A political economy of Africa*, New York, Longman Inc. Ltd.
- Amin-Dada. I. (1976), *The Shaping of Modern Uganda*, Entebbe: Government Printers.
- Bates.H.R. (1981) "The New Political Economy as macro-level political economy" in Leys. C. (1996) *The Rise & Fall of Development Theory*, Bloomington: Indiana University Press.
- Beattie.J. (1971), *The Nyoro State*, Oxford: Clarendon Press.
- Bennett.N.R (1975), "The Arab Impact" in Ogot. B.A. (Eds), *Zamani: A survey of East African history*, Nairobi: Longman Kenya Ltd.
- Berman.B and Lonsdale.J. (2002)*Un happy valley, conflict in Kenya and Africa, Book Two: Violence and ethnicity*, Nairobi: East African educational publishers.
- Bibangambah (1997) "Main strands in the debate about land ownership in Uganda" an article in *The Uganda Journal: The journal of the Uganda society* Vol. 44, December.
- Bikaako. W. (1994) *Land to tillers or tillers to land: The existing forms of land tenure systems in Mpigi district*, CBR publications, working paper No. 44, Sept. pp. 1-61
- Boahen.A.A (1985)" Colonialism in Africa: its impact and significance" in Boahen.Adu.A(Ed), *General history of Africa*, V11.
- Brown.C.H. (1981) *Understanding sociology: An introduction to sociological theory*, Hong Kong: Wing King Tong Co. ltd.
- Cornwell.R.D. (1980) *World history in the twentieth century* (New edition), England: Longman group Ltd.
- Denoon.D and Nyeko.B. (1987), *Southern Africa since 1800*, England: Longman group UK Ltd.
- Ddungu. E. (1994) *The other side of land in Buganda: Pastoral crisis and the squatter movement in Sembabule sub- district*, CBR publications, working paper No. 43, July. pp. 1-43.

Doyle.S. (2006) *Crisis & Decline in Bunyoro: Population and Environment in Western Uganda 1860-1955*, Kampala: Fountain Publishers.

Ekeh.P.P. (1975), "Colonialism and the two publics in Africa: A *theoretical statement*" *comparative studies in society and history*, Vol.17 No.1 January, pp 91-112.

Espeland.R.H. (2006) "*The lost- counties: Politics of land rights and Belonging to Uganda*" Norway: University of Bergen and Chr. Michelsen institute, Pp.1-13.

Freud. (1984), *The making of contemporary Africa: The development of African societies since 1800*, London: Mac millan press Ltd.

Furedi.F. (1991), *The Mau-Mau war in perspective*, Nairobi: Heinemann, Kenya.

Green.E.D. (2006) "*Demography, diversity and nativism in contemporary Africa: Evidence from Uganda*" A paper presented at the ASEN conference on political demography, London school of economics and political science, September, 2006.

Gunder, A.F, (1967) *Capitalism and Under-development in Latin America*, New York: Monthly Review Press.

Gurr.T. (1970) *Why men Rebel*, Princeton, NJ: Princeton University press.

Gutkind.P.C.W. (1963), *The Royal Capital of Buganda: The study of internal conflict and external ambiguity*, The Hague: Mouton and company.

Hemphil.M.K. (1963), "The British sphere 1884-94" in Roland.O. and Gervase.M. (Eds), *History of East Africa*, London: Oxford University press.

Johnson and Bernstein (1982), *Third world lives of struggle*, London: Heinemann educational publishers.

Jorgensen.J.J (1981), *Uganda: A modern history*, London: Croomhelm Ltd.

Kabwegyere.T.B. (1995), *The politics of state formation and destruction in Uganda*, Kampala: Fountain publishers.

Kaggwa.J.B. (1994) *Land tenure and land use in Kampala district*: working paper No. 45, CBR publications, Sept. pp. 1-61.

Kaniki.Y.K (1992), "The colonial economy: The former British zones" in *General history of Africa VII*, A bridged edition.

Kanogo.T. (1987), *Squatters and the roots of the Mau-Mau*, Nairobi: Heinemann.

- Karugire.S.R. (1980) *A Political History of Uganda*, Nairobi: Heinemann Educational Books.
- Kay.G (1975) *Development and Underdevelopment: A Marxist Analysis*, London: the Macmillan Press Ltd.
- Kershaw. (1997), *Mau-Mau from below*, Athens: Ohio University press.
- Kibwana.K. (1990) "Land Tenure in Kenya" in Ochieng.W.R (Ed), *Themes in Kenyan history*, Nairobi: General printers Ltd.
- Kigula.J (1993) "*Land disputes in Uganda: An overview of the types of land disputes and the dispute fora*" Research paper No 3, Makerere Institute of Social Research and the Land Tenure Centre, March, PP. 4-6.
- Kihumuro.A. (1994) *A thousand years of Bunyoro-Kitara Kingdom: The people and the Rulers*, Kampala: Fountain Publishers Ltd.
- Kisamba-Mugerwa, Eds (1989) *Land Tenure and Agricultural Development in Uganda*, Makerere Institute of Social Research, Makerere University- Uganda & Land-Tenure Center, University of Wisconsin-Madison, U.S.A. June. Pg. 31.
- Kisamba-Mugerwa.W. (1991) "Problems of landholding: Institutional dimensions of Land Reform" in Hansen.B.H and Twaddle.M. (Eds), *Changing Uganda*, Kampala: Fountain Publishers Ltd,
- Kiwanuka.M.S.M (1974), "Uganda under the British" In Ogot.B.A (Ed) *Zamani: A Survey of East African History*, Nairobi: EAPH Ltd (New edition).
- Kombo.D.K. and Tromp.D.L.A (2006), *Proposal and thesis writing: An introduction*, Nairobi: Pauline's publications Africa.
- Laclau.E. (1971) *Feudalism and Capitalism in Latin America*: New Left Review, 67, Pp 19-38.
- Leys.C. (1975), *Under-development in Kenya: The political economy of Neo-colonialism*, Nairobi: Heinemann educational books Ltd.
- (1996), *The Rise and fall of Development Theory*, Oxford: James Curry Ltd.
- Low.D. & Platt.R C. (1970) *Buganda and the British Over-rule: Two studies 1900-1955*, Nairobi: Oxford University Press.

Lwanga-Lunyiigo.S. (2007) *The struggle for land in Buganda 1888-2005*, Kampala: Wavah Books ltd.

Mamdani.M. (1996), *Citizen and subject: Contemporary Africa and the legacy of the Late colonialism*, Kampala: Fountain publishers Ltd.

----- (1999), *Politics and class formation in Uganda*, Kampala: Fountain publishers Ltd. New edition.

----- (1983), *Imperialism and Facism in Uganda*, Kampala: Fountain Publishers Ltd.

Marquardt.M.A and Zziwa.A.S. (1998), "Land Reform in the making" in Hansen.H.B. and Twaddle.M. (Eds), *Developing Uganda*, Kampala: Fountain publishers Ltd.

Marsh and Kings North (1972), *A History of East Africa*, London: Cambridge University Press.

Mihanjo.E.(2001), "*From villagisation to commercialization: A history of changing land and agricultural policies in Tanzania, 1961-2001*", a paper presented at OSSREA, Addis Ababa, Ethiopia, October, 29-31.pp 2-9.

Miirima.H.F (2000) *Ebyafayo bya Kibaale District*, Kampala: Fountain publishers.

Mlahagwa.J.R and Temu.A J (1991) "The decline of the landlords 1873-1963" in Sheriff.A. and Ferguson.E.D (Eds), *Zanzibar under colonial rule*, London: Villers publications.

Moyo. S. (2003) "*The land question and the peasantry in Southern Africa*"

Moyo.S. and Yeros.P. (2007), "*The Radicalized State: Zimbabwe's interrupted Revolution*", Review of African political economy, No.111, pp 103-121, ROAPE publications Ltd.

Mugisha. R. (1992) *Emergent changes and trends in land tenure and land use in Kabale and Kisoro districts*, working paper, No. 26, CBR publications, June. pp. 1-70

Muhereza.F.E. (1998) *Mailo land tenure system, customary land rights and claims in Buganda: A case study of Nakasongola*. Working paper No. 51, CBR publications, Sept. pp. 1-84

Mujaju.A.B. (1996) "Reflections on Church and Politics in Uganda" in *The Uganda Journal: the journal of the Uganda society*, vol. 43, December, Kampala: Uganda society, Pp 61-73.

Mukiibi-Katende.M.W. (2003) "A comparative analysis of the Pre and Post-colonial land tenure systems in Buganda" in *The Uganda Journal: The Journal of the Uganda Society* Vol. 49, December. pp. 15-19

Museveni Y.K. (2001) "*Consolidating the achievements of the movement*" election manifesto, January

Mutesa, F, (1967) *The Desecration of my Kingdom*, London: Constable & Co. Ltd

Mwambusya-Ndebesa (1995) "Kingship and Political Developments in Uganda 1900-1994" in Okoth.P.G, Muranga.E. and Okello-Ogwang.E. (Eds) *Uganda: A Century of Existence*, Kampala: Fountain Publishers.

Mwanzi.H.A. "African initiatives and resistance in East Africa 1880-1914" in *General history of Africa VII*.

Nabudere.D. (1977) *The political economy of imperialism: Its theoretical and polemical treatment from mercantilist to multilateral imperialism*, London: Zed Press Ltd.

----- (1980) *Imperialism and Revolution in Uganda*, London: Onyx Press Ltd.

North. D. (1981) "Douglass North's General theory of Development" in Leys.C. (1996) *The Rise & Fall of Development Theory*, Bloomington: Indiana University Press.

Nsibambi.A. (1989), "The land question and conflict" in Rupesinghe.K. (Eds), *Conflict Resolution in Uganda*.

----- (1996) "Land-tenure relations in Uganda, 1900-1995" in Gingyera-Pinyewa A.G.G (Eds) *The Uganda Journal, The journal of the Uganda society*, Kampala: Uganda society, Vol. 43, pp 12-33.

Nyakatura.J.W, (1999) *Abakama (kings) of Bunyoro-Kitara: Abatembuzi, Abachwezi, Ababiito*, Kisubi: Marianum Press Ltd.(translated by Muganwa. T).

Nyangabyaki-Bazaara (1994) "Land policy and the evolving forms of land-tenure in Masindi district" in Mamdani.M. and Oloka-Onyango.J. (Eds), *Uganda: Studies in living conditions, popular movements and constitutionalism*, JEP & CBR publications, Kampala.PP 17-60.

Nyeko.B. (2003) "Land ownership and Swazi agriculture: The impact of the concessions re-visited" in Zewde.B (Eds) *Land, Gender and the periphery*.

- Ogot.B.A and Ochieng.W.R. (Eds) *Decolonization and independence in Kenya 1940-1993*, East African Educational Publishers, Nairobi.
- Okoth A. (2006), *A history of Africa 1800-1914, Vol. I*, Nairobi: East African Educational Publishers Ltd.
- Okuku.J.A. (2006), “*The Land Act (1998) and land tenure reform in Uganda*”. CODESRIA, Africa Development, Vol.XXX1, No.1, pg. 1-26.
- Opyen.E.J. (1993) *Recent trends in the Lango land tenure system*, working paper No. 36, CBR publications, Sept.
- Otim.P.O. (1993) *Aspects of the land question in Mbale district*, working paper No. 35, CBR publications, Sept.
- Pulford.C. (1999) *Eating Uganda: From Christianity to conquest*, Bambury: Ituri publications.
- Roberts.A.D. (1962), “*The Lost counties of Bunyoro*” in *The Uganda Journal, The Journal of The Uganda Society*, Vol.26 No. 2, September, P 194-198.
- Robinson and Smith.D (1999) *Sources of the African past: Case studies of five nineteenth- century African societies*, London: Heinemann.
- Rodney.W. (1980) “The political economy of Tanganyika 1890-1930” in Kaniki.M.Y.K{Ed} *Tanzania under colonial rule*, London: Longman group ltd.
- Roland.O. and Atmore. A. (1981) *Africa since 1800*, London: Cambridge University press.
- Sachikonye.L. (2005), “*The land is the economy: Revisiting the land economy*”, African security review, pp 31-44.
- Schraeder.P.J (2000) *African politics and society: A mosaic in transformation*, New York: Bedford/ St. Martin’s.
- Shilaro.P.M (2002) “Colonial land policies: The Kenya land Commission and the Kakamega gold rush 1932- 1934” in Ochieng.W.R. (Ed) *Historical studies and social change in western Kenya: Essays in memory of Prof. Gideon.S.Were*, Nairobi: East African Educational Publishers ltd.
- Sholto.C. (2002) “*A comparative study of land tenure reform in four countries: Uganda, Tanzania, Malawi and Kenya, issues arising from land tenure reform*” Ladder working paper No. 31, December, 2006.

Southwold (1954) *Review of Mukwaya's book on "Land tenure in Buganda: Present day tendencies*, in *Uganda Journal, Journal of the Uganda Society*, Vol. 18 No.2, September, Pp. 202-204.

State.E.A (2007) "Livelihood patterns and strategies in the shadows of colonialism and colonial resistance in Kibaale District, Uganda" in *Uganda Journal*, Vol. 51, November.

Temu.A.J (1980) "Tanzanian societies and colonial invasion 1875-1907" in Kaniki.M.H.Y(Ed) *Tanzania under colonial rule*, London: Longman group ltd.

Thompson.D. (1996) *Europe since Napoleon*, London: Penguin group.

Throup.D.W (1988) *Economic and social origins of Mau-Mau*, Nairobi: Heinemann.

Walker. I. and Smith.H.J. (2001) *Relative deprivation: Specification, development and intergration*, Cambridge University press.

Wills.J.A (1995) *An introduction to the history of central Africa: Zambia, Malawi and Zimbabwe*, New York: Oxford University press.

Were.G.S and Wilson.D.A (1984) *East Africa through a thousand years: A history of the years A.D 1000- to the present*, London: Evans Brothers ltd.

Zarka.H. (2007) "Karl Marx and Max Weber: Fathers of sociological theories" June, 05.

Marsh, Z. and Kings North.G.W (1972) *A history of East Africa: An introductory survey*, New York: Cambridge University press.

Zwanenberg Van R.M.A. and King Anne, (1975) *An economic history of Kenya and Uganda 1800-1970*, London: the Macmillan Press Ltd.

### **Unpublished Articles/Dissertations**

Asiimwe.W. and Nolan.P. (2001) "Land reform and sustainable livelihoods in Kibaale District": A research study conducted jointly by the Department of food business and development University College cork and Makerere institute of social Research, Makerere University, Kampala, Pp. 1-72.

Ayena-Odongo (2004) *The Republic of Uganda: In the High Court of Uganda at Kampala, Civil Suit No. 595 of 2004-10-06, amended Plaint*. Pp. 1-15.

Christensen. J. and Jensen S.T. (2011) “The tragedy of private forestry: understanding deforestation of private natural forests in Kibaale district, Uganda” M.Sc. degree Thesis, Aalborg university, Denmark.

Kasirivu.A and Kasaija.M. (2012) “Bakiga influx: a reminder of Kibaale under Buganda”, Pp. 1-5.

Miirima, F. (2003) “The heroic life history of Joseph Mujoobe Kazairwe, 1918-2002, pp. 1-106

----- (2000) “The life history of Omukama Kabalega, 1850-1923”. Pp. 1-44.

----- (2008) “Buyanja/Bunyoro-Kitara: What is the way forward? A review why Banyoro of Buyanja County or Bunyoro-Kitara as a whole lost the confidence to think for themselves and get out of the biting poverty” Pp. 1-33.

Movement Secretariat (2000) “Why Uganda still needs the Movement System of governance” Kampala, June, Pp. 1-87.

The Republic of Uganda; Ministry of lands, housing and urban development (2011) “The Uganda National Land Policy” (Final draft), March.

Musheshe J.R. (1998), “ENDA/FAO consultation on land-tenure in Africa: Report of the consultancy on Land-tenure in Uganda” March, unpublished.

Okwir D.H. (1993), “A history of the Uganda Peoples’ Congress: The dilemma of a political party in a neo-colonial state, 1960-1985” M.A Dissertation, Makerere University.

Schelnberg.A.K. (2005) “Decentralization as a means of conflict management: A case study of Kibaale District, Uganda” IEE working papers, Ruhr University Bochum, Vol. 181, pp. 1-84.

*The 1995 Republic of Uganda Constitution.*

**Internet**

“Landlord absentee” (International Encyclopedia of Social Sciences) retrieved August  
06-2012 from [Encyclopedia.com:http://www.Encyclopedia.com/doc/IGZ  
3045301299.html](http://www.Encyclopedia.com/doc/IGZ3045301299.html)

### Oral informants

No.	Name	Village/LCI	Sub-county	County	Occupation	Age	Date of interview
1	Asimwe Peninnah	Kinubi	Buhanika	Bugahya	Teacher	38	10-04-2012
2	Akuguzimana Deo	Kiryabicholi	Matale	Buyanja	Carpenter	42	20-08-2010
3	Bamulinde Leo	Ndebwe	Bwanswa	Bugangaizi	Retired Teacher	69	03-08-2010
4	Bagonza.G.	Sazike	Nkooko	Bugangaizi	Farmer	55	10-06-2010
5	Bigabwa Ibrahim	Kasingo	Busiisi	Bugangaizi	Civil Servant	50	07-04-2012
6	Byakutara Mbabali John	Kirinda	Nkooko	Bugangaizi	Retired Teacher	72	01-06-2010
7	Basaija Charles	Kihumuro	Bwanswa	Bugangaizi	Farmer	68	01-08-2010
8	Bibiyana	Mbuye	Butayunja	Busujju	Farmer	69	12-08-2013
9	Bujerwa.S	Nyamiti	Muhorro	Buyaga	Farmer	69	01-06-2010
10	Bujerwa Samuel	Kibanda	Bujenje	Bugahya	Retired Teacher	69	01-10-2013
11	Bukulu Joseph	Kirundi	Kasambya	Bugangaizi	Retired Teacher	63	28-05-2010
12	Byabazaire.M	Khandesi	Masindi Trading Centre	Buruli	Farmer	65	25-08-2010
13	Isingoma. F	Bulima	Bwijanga	Bujenje	Teacher	50	20-10-2013
14	Kabanda. C	Jingo	Busimbi	Singo	Retired Teacher	84	10-08-2013
15	Kasaija. D	Lwangire	Bwanswa	Bugangaizi	Teacher	60	03-08-2010
16	Kasaija. J	Kimena	Bwanswa	Bugangaizi	Farmer	60	17-01-2011
17	Kasaija. E	Kaisobakara	Matale	Buyanja	Farmer	65	01-07-2013
18	Kasibante	Mbuye	Butayunja	Busujju	Farmer	75	12-08-2013
19	Kamaina. F	Kanoga	Matale	Buyanja	Farmer	56	20-08-2010
20	Rev.Katongole.	Buseesa "A"	Matale	Buyanja	Para-legal	62	02-06-2012
21	Katongole. R	Bwanswa	Bwanswa	Bugangaizi	Farmer	59	17-06-2011
22	Katta-Musoke	Kibaale	Kibaale Trading Centre	Buyanja	Chairperson Mubende-	70	10-08-2013

					Banyoro Committee		
23	Katebe. C	Kirinda	Nkooko	Bugangaizi	Technician	54	10-06-2010
24	Kaheru Paul	Kihumuro	Bwanswa	Bugangaizi	Retired Teacher	72	17-06-2011
25	Kahwa. F	Nsonga	Matale	Buyanja	Traditional Herbalist	68	20-08-2010
26	Kairu Aloysius	Buseesa "B"	Matale	Buyanja	Head teacher	63	02-06-2012
27	Kamunyi. V	Mbuye	Butayunja	Busujju	Farmer	61	15-08-2013
28	Katabazi Daniel	Nsonga	Matale	Buyanja	Farmer	70	01-07-2013
29	Katono Deo	Makerere	Central Division	Kampala	Lecturer	56	01-06-2013
30	Kyahurwa Emmanuel	Kyamusuki	Kasambya	Bugangaizi	Builder	53	05-05-2012
31	Kasenge Junior	Kijungu	Kahooru Division	Hoima Municipal Council	Teacher	35	07-04-2012
32	Kaheru. Y	Kitegwa	Kagadi	Buyanja	Farmer	60	30-08-2010
33	Kawadwa Desiderus	Kihumuro	Bwanswa	Bugangaizi	Farmer	65	17-06-2011
34	Kakuru Javier	Kigomba	Kasambya	Bugangaizi	Teacher	30	15-08-2012
35	Kiyimba. D	Mbuye	Butayunja	Busujju	Farmer	70	01-07-2013
36	Kiwanuka Joseph	Najja	Sabagabo	Busiro	Insurer	75	20-08-2013
37	Kirabira	Nguse	Matale	Buyanja	Teacher	29	20-08-2010
38	Kisembo John	Kigaaza	Bwamira mira	Buyanja	Teacher	41	18-04-2012
39	Kugonza Fred	Kitoma	Busiisi	Hoima Municipal Council	Teacher	42	07-04-2012
40	Lugambwa Andrew	Bwanswa	Bwanswa	Bugangaizi	Farmer	65	17-06-2011
41	Lugumba John	Kihumuro	Bwanswa	Bugangaizi	Farmer	75	01-08-2010
42	Lule Kaamu Akiiki	Kirinda	Nkooko	Bugangaizi	Farmer	68	01-06-2010
43	Luyombya. J	Jingo	Busimbi	Singo	Builder	83	10-08-2013
44	Lwanga Charles	Bukumi	Kakumiro	Bugangaizi	Book Keeper	64	27-05-2010
45	Magara. S	Nakasumbi	Butayunja	Busujju	Trader	68	01-07-2013
46	Makumbi. D	Kinene	Busimbi	Singo	Farmer	58	10-08-2013
47	Mbabazi Fred	Nyangahya	Central Division	Masindi Municipal	Teacher	34	20-10-2013

				Council			
48	Meresi	Mbuye	Butayunja	Busujju	Farmer	55	12-08-2013
49	Mirimo Edward	Semuti	Kasambya	Bugangaizi	Farmer	46	05-05-2012
50	Mukiibi Joseph	Kakindu	Kakindu	Bugangaizi	Professor	70	05-04-2010
51	Nagadya Jane	Kaisowaka	Matale	Buyanja	Farmer	50	20-08-2010
52	Mutumbi Edward	Kimena	Bwanswa	Bugangaizi	Farmer	37	15-06-2011
53	Mutambuza Dembe Joseph	Kitakura	Bwanswa	Bugangaizi	Farmer	80	02-08-2010
54	Mutumbi						2010
55	Mumira Emmanuel	Nsambya	Sabagabo	Busiro	Insurer	70	20-08-2013
56	Miirima Henry Ford	Kibingo	Bwamira mira	Buyanja	Press Secretary to the King of Bunyoro	74	18-09-2013
57	Musana Peter	Kajuma	Matale	Buyanja	Farmer	69	01-07-2013
58	Muwambi Jeremiah	Seguku	Sabagabo	Busiro	Accountant	72	21-08-2013
59	Nakiwala. M	Mbale	Busimbi	Singo	Farmer	64	10-08-2013
60	Namagembe. M	Mbale	Busimbi	Singo	Farmer	70	10-08-2013
61	Mukwaya. F	Mbale	Busimbi	Singo	Farmer	60	10-08-2013
62	Namubiru. F	Jingo	Busimbi	Singo	Farmer	69	10-08-2013
63	Namwandu. L	Mbuye	Butayunja	Busujju	Farmer	60	12-08-2013
64	Nantume Sylvia	Nkondo	Bwanswa	Bugangaizi	Retired Nurse	60	03-08-2010
65	Nanyonga Rosemary	Nyabiiso	Bwanswa	Bugangaizi	Retired Teacher	60	03-08-2010
66	Nkolo. L	Jingo	Busimbi	Singo	Farmer	85	10-08-2013
67	Nsamba	Ibambara	Bwanswa	Bugangaizi	Teacher	62	01-08-2010
68	Nsaho Musa	Kiryangobe	Kasambya	Bugangaizi	Retired Chief	73	02-07-2013
69	Ntambi Charles	Nguse	Matale	Buyanja	Teacher	50	02-06-2012
70	Ntimba John	Nabunya	Rubaga South	Rubaga Division	Retired Civil Servant	78	01-08-2013
71	Nsubuga Mathias	Kiwangala	Bukoto South	Bukoto	Secretary-General of Democratic Party	57	20-08-2013
72	Rwamulyambir e. S	Nyankoma	Muhorro	Buyaga	Farmer	55	26-08-2010
73	Rwembaho	Kasojo	Bwanswa	Bugangaizi	Farmer	92	01-08-2010

	Maliko						
<b>74</b>	Ssali. J	Mbuye	Butayunja	Busujju	Farmer	70	12-08-2013
<b>75</b>	Ssali John	Nankinga	Sabagabo	Busiro	Farmer	72	15-03-2014
<b>76</b>	Sekalega. A	Kibambula	Bwanswa	Bugangaizi	Farmer	89	02-08-2010
<b>77</b>	Ssebugwawo. J	Bwanswa	Bwanswa	Bugangaizi	Farmer	80	01-08-2010
<b>78</b>	Ssebowa. J	Kabuwambo	Busimbi	Singo	Retired Teacher	97	12-08-2013
<b>79</b>	Ssebuguzi Anselm	Kikumbi	Sabagabo	Busiro	Teacher	38	10-08-2012
<b>80</b>	Ssekayombya John Bosco	Bwanswa	Bwanswa	Bugangaizi	Retired teacher	86	01-08-2010
<b>81</b>	Ssemawunge Francis	Kitanda	Bwanswa	Bugangaizi	Farmer	66	02-08-2010
<b>82</b>	Ssemambo. P	Mbuye	Butayunja	Busujju	Farmer	63	12-08-2013
<b>83</b>	Ssenkubuge Achileo	Nguse	Matale	Buyanja	Farmer	60	01-07-2013
<b>84</b>	Ssesanga. L	Mbuye	Butayunja	Busujju	Farmer	68	12-08-2013
<b>85</b>	Tusabe G	Kachululu	Bwanswa	Bugangaizi	Education Assistant	42	03-08-2010
<b>86</b>	Tusabe						2012
<b>87</b>	Wasswa Peter	Sazike	Nkooko	Bugangaizi	Teacher	60	10-06-2010

## Archives

Uganda Protectorate, Secretarial Minute Paper, No. L27. Land: Mission Estates, Bunyoro Policy, L23/2, Bunyoro land report: Mission plots.

**A45/245:** Uganda Protectorate, Secretariat Minute Paper No. 1313/1909. Burial place of the Bunyoro Kings: Bunyoro Burial Grounds.

**A45/245:** Letter written by Ag. Provincial Commissioner, Buganda to the Assistant Secretary Native Affairs, Entebbe, Confidential No. 270, 17<sup>th</sup> April 1923.

**A58:** Uganda Protectorate, Secretariat Minute Paper No. C 880, II: Busulu & Nvujjo Law, 1927.

**A58:** Uganda Protectorate, Secretariat Minute No. C880, I, Native Affairs: Report of a committee appointed by His Excellency the Governor to consider certain matters affecting tenure and rents of native land in the Buganda Province, 31<sup>st</sup> December 1925.

Colonial Reports (1909) A report by Sir Hesketh Bell who was governor of Uganda to the colonial office on the introduction and establishment of the cotton industry in the Uganda Protectorate which was presented to Parliament by command of His Majesty, September, 1909, No. 62.

“Stanislaus Mugwanya’s report of Uganda for 1907”, 26<sup>th</sup> February 1907.

**A46/420:** Report on the Province of Buganda for the financial year 1919-1920 Molson (1962) Colonial office, Uganda: Report of a commission of Privy Counsellors on a dispute between Buganda and Bunyoro presented to Parliament by the Secretary of state for colonies by the command of her Majesty, May, 1962.

The Uganda (Independence) order-in-council (1962) and the constitution of Uganda (excluding schedules 1-6) in force on 31<sup>st</sup> December 1963.

Balinda A. (1964) Parliamentary debates (Hansard), second series-Vol.33: National assembly official report, second session 1963-64.

Colonial Secretary (1961), colonial office, Uganda: Report of the Uganda Constitutional Conference, 1961 and text of the agreed Draft of a new Buganda Agreement initialed in London on 9<sup>th</sup> October, 1961, Presented to Parliament by the Secretary of State for the Colonies by command of her Majesty, London: Her Majesty’s stationery office, Cmnd 1523.

Obwangor, C.J, (1964), the Referendum (Buyaga and Bugangaizi) Bill 1964, Parliamentary Hansard, Second Reading, Vol. 33, 28<sup>th</sup> August 1964. Pg. 2799.

Babumba (1964), the Referendum (Buyaga and Bugangaizi) 1964 Bill. Pg. 2805.

## Appendix I

### **Salient Features of the Uganda (Buganda) Agreement of 1900**

We, the undersigned, to wit, Sir Henry Hamilton Johnston, K.C.B., Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General for the Uganda Protectorate and the adjoining Territories, on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, on the one part; and the under-mentioned Regents and chiefs of the Kingdom of Uganda on behalf of the Kabaka (King) of Uganda, and the chiefs and people of Uganda, on the other part: do hereby agree to the following Articles relative to the government and administration of the Kingdom of Uganda.

**4.** The revenue of the Kingdom of Uganda, collected by the Uganda Administration, will be merged in the general revenue of the Uganda Protectorate, as will that of the other provinces of this Protectorate.

The Kabaka of Uganda shall be guaranteed by Her Majesty's Government from out of the local revenue of the Uganda Protectorate a minimum yearly allowance of £500 a year. During the present Kabaka's minority, however, in lieu of the above-mentioned subvention, there will be paid to the master of his household, to meet his household expenditure, WO a year, and during his minority the three persons appointed to act as Regents will receive an annual salary of £400 a year. Kabakas of Uganda will be understood to have attained their majority when they have reached the age of 18 years.

**9.** For purposes of native administration the Kingdom of Uganda shall be divided into the following districts or administrative counties:

(1) Kiagwe	(6) Buyaga	(11) Butambala (Bweya)	(16) Sese
(2) Bugerere	(7) Bwekula	(12) Kiadondo	(17) Buddu
(3) Bulemezi	(8) Singo	(13) Busiro	(18) Koki
(4) Buruli	(9) Busuju	(14) Mawokoto	(19) Mawogola
(5) Bugangadzi	(10) Gomba (Butunzi)	(15) Buvuma	(20) Kabula

**12.** In order to contribute to a reasonable extent towards the general cost of the maintenance of the Uganda Protectorate, there shall be established the following taxation for Imperial purposes, that is to say, the proceeds of the collection of these taxes shall be handed over intact to Her Majesty's representative in Uganda as the contribution of the Uganda province towards the general revenue of the Protectorate.

The taxes agreed upon at present shall be the following:

**(a)** A hut tax of three rupees, or 4s. per annum, on any house, hut or habitation used as a dwelling-place.

**(b)** A gun tax of three rupees, or 4s. per annum, to be paid by any person who possesses or uses a gun, rifle or pistol.'

**15.** The land of the Kingdom of Uganda shall be dealt with in the following manner: Assuming the area of the Kingdom of Uganda, as comprised within the limits cited in this agreement, to amount to 19,600 square miles, it shall be divided in the following proportions:

	<i>Square miles</i>
Forests to be brought under control of the Uganda Administration	1,500
Waste and uncultivated land to be vested in Her Majesty's Government, and to be controlled by the Uganda Administration	9,000
Plantations and other private property of His Highness the Kabaka of Uganda	350
Plantations and other private property of the Namasole (Note.-If the present Kabaka died and another Namasole were appointed, the existing one would be permitted to retain as her personal property 6 square miles, passing on 10 square miles as the endowment of every succeeding Namasole.)	16
Plantations and other private property of the Namasole, Mother of Mwanga	10
To the Princes: Joseph, Augustine, Rarnazan, and Yusufu-Suna, 8 square miles each	32
For the Princesses, sisters, and relations of the Kabaka	90

To the Abamasaza (chiefs of counties), twenty in all 8 square miles each (private property): 160	320
Official estates attached to the posts of the Abamasaza, 8 square miles each: 160	
The three Regents will receive private property to the extent of 16 square miles each: 48	96
And official property attached to their office, 16 square miles each, the said official property to be afterwards attached to the posts of the three native ministers: 48	
Mbogo (the Muhammedan chief) will receive for himself and his adherents	24
Kamswaga, chief of Koki, will receive	20
One thousand chiefs and private landowners will receive the estates of which they are already in possession, and which are computed at an acreage of 8 square miles per individual, making a total of	8,000
There will be allotted to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as	92
Land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka, etc., etc.)	50
Total	19,600

After a careful survey of the Kingdom of Uganda has been made, if the total area should be found to be less than 19,600, then that portion of the country which is to be vested in Her Majesty's Government shall be reduced in extent by the deficiency found to exist in the estimated area. Should, however, the area of Uganda be established at more than 19,600 square miles, then the surplus shall be dealt with as follows:

It shall be divided into two parts, one-half shall be added to the amount of land which is vested in Her Majesty's Government, and the other half will be divided proportionately among the properties of the Kabaka, the three Regents or native ministers, and the Abamasaza, or chiefs of counties.

'The aforesaid 9,000 square miles of waste or cultivated, or uncultivated land, or land occupied without prior gift of the Kabaka or chiefs by bakopi or strangers, are hereby vested in Her Majesty the Queen of Great Britain and Ireland, Empress of India, and Protectress of Uganda, on the understanding that the revenue derived from such lands shall form part of the general revenue of the Uganda Protectorate.

'The forests, which will be reserved for Government control, will be, as a rule, those forests over which no private claim can be raised justifiably, and will be forests of some continuity, which should be maintained as woodland in the general interests of the country.

'As regards the allotment of the 8,000 square miles among the 1,000 private landowners, this will be a matter to be left to the decision of the Lukiko, with an appeal to the Kabaka. The Lukiko will be empowered to decide as to the validity of claims, the number of claimants and the extent of land granted, premising that the total amount of land thus allotted amongst the chiefs and accorded to native landowners of the country is not to exceed 8,000 square miles.

'Europeans and non-natives, who have acquired estates, and whose claims thereto have been admitted by the Uganda Administration, will receive title-deeds for such estates in such manner and with such limitations, as may be formulated by Her Majesty's representative. The official estates granted to the Regents, native ministers, or chiefs of counties are to pass with the office, and their use is only to be enjoyed by the holders of the office.

'Her Majesty's Government, however, reserves to itself the right to carry through or construct roads, railways, canals, telegraphs or other useful public works, or to build military forts or works of defence on any property, public or private, with the condition that not more than 10 per centum of the property in question shall be taken up for these purposes without compensation, and that compensation shall be given for the disturbance of growing crops or of buildings.'

**16.** Until Her Majesty's Government has seen fit to devise and promulgate forestry regulations, it is not possible in this Agreement to define such forests rights as may be given to the natives of Uganda; but it is agreed on behalf of Her Majesty's Government, that in arranging these forestry regulations, the claims of the Baganda. People to obtain timber for building purposes, firewood, and other products of the forests or uncultivated lands, shall be taken into account, and arrangements made by which under due safeguards against abuse these rights may be exercised gratis.

**17.** As regards mineral rights. The rights to all minerals found on private estates shall be considered to belong only to the owners of these estates, subject to a 10 per centum *ad valorem* duty, which shall be paid to the Uganda Administration when the minerals are worked. On the land outside private estates, the mineral rights shall belong to the Uganda Administration, which, however, in return for using or disposing of the same must compensate the occupier of the soil for the disturbance of growing crops or buildings, and will be held liable to allot to him from out of the spare lands in the Protectorate an equal area of soil to that from which he has been removed. On these waste and uncultivated lands of the Protectorate, the mineral rights shall be vested in Her Majesty's Government as represented by the Uganda Administration. In like manner the ownership of the forests, which are not included within the limits of private properties, shall be henceforth vested in Her Majesty's Government.

**18.** In return for the cession to Her Majesty's Government of the right of control over 10,550 square miles of waste, cultivated, uncultivated, or forest lands, there shall be paid by Her Majesty's Government in trust for the Kabaka (upon his attaining his majority) a sum of £500, and to the three Regents collectively, £600, namely, to the Katikiro £300, and the other two Regents £150 each.

**19.** Her Majesty's Government agrees to pay to the Mohammedan Uganda Chief, Mbogo, a pension for life of £250 a year, on the understanding that all rights which he may claim (except such as are guaranteed in the foregoing clauses) are ceded to Her Majesty's Government.

**22.** In the interpretation of this Agreement the English text shall be the version which is binding on both parties.

Done in English and Luganda at Mengo, in the Kingdom of Uganda, on the 10th March, 1900.

H. H. JOHNSTON, Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General,

on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

APOLLO, Katikiro, Regent.

MUGWANYA, Katikiro, Regent.

MBOGO NOHO, his X mark.

ZAKARIA KIZITO, Kangawo, Regent.

SEBAUA, Pokino.

YAKOBO, Kago.

PAULO, Mukwenda.  
KAMSWAGA, of Koki, his X mark.

(On behalf of the Kabaka, Chiefs, and people of Uganda.) Witness to the above signatures:

F. J. Jackson, Her Majesty's Vice-Consul.  
J. Evatt, Lieutenant-Colonel.  
James Francis Cunningham.  
Alfred R. Tucker, Bishop of Uganda.  
Henry Hanlon, Vicar Apostolic of the Upper Nile.  
E. Bresson (for Mgr. Streicher, White Fathers).  
R. H. Walker.  
Matayo, Mujasi.  
Latusa, Sekibobo.  
Matayo, Kaima.  
Yokana, Kitunzi  
Santi Semindi, Kasuju.  
Anderea, Kibugwe.  
Sereme, Mujasi, his X mark.  
Coprien Luwekula.  
Nova, Jumba Gabunga.  
Ferindi, Kyabalango.  
Saulo, Lumana.  
Yokano Bunjo, Katikiro of Namasole.  
Yosefu, Katambalwa.  
Zakayo, Kivate.  
Hezikaya, Namutwe.  
Ali, Mwenda, his X mark.  
Nselwano, Muwemba.  
Sernioni Sebuta, Mutengesa.  
Njovu Yusufu, Kitambala, his X mark.  
Kata, Nsege.

**Note:** The term "*Uganda*" is from the Swahili and means "*Land of the Ganda*". Originally, (and as used throughout the above agreement) this term applied only to the Buganda kingdom. As British colonial control expanded outwards from this central territory, the term was retained for the whole Protectorate. The central territory was distinguished from the wider colony by using its indigenous name of Buganda.

## **Appendix II**

### **SALIENT FEATURES OF THE MEMORANDUM SUBMITTED BY THE MUBENDE-BANYORO COMMITTEE TO THE COMMISSION OF PRIVY COUNCILLORS APPOINTED TO INVESTIGATE THE ISSUE OF BUNYORO'S LOST COUNTIES OF BUYAGA, BUGANGAIZI, BUWEKULA, BUGERERE, BURULI AND PORTIONS OF THE COUNTIES OF SINGO AND BULEMEZI (RUGONJO)**

The Right Honourable Sirs,

#### **BUYAGA**

The county chief at that time was Rusebe s/o Rukumba Rukirabanyoro grandson of omukama Kyebambe Nyamutukura. The county headquarters were at Nkeirwe (Kitemba), Pachwa in Sabaawali sub-county. This county contains very many of the royal tombs of our former kings, namely; Kyebambe IV Kamuratsi at Ngangi, Nyabongo at Kinogozi, Olimi IV Rwakabale at Kitoonya, Winyi I at Kicunda near Mugalama, Kyebambe III Nyamutukura at Kibeedi and Bujogoro, Isansa III at Kiguhyo, Kabagonza at Kasimbi, Olimi Kabagungu at Buziba and many other of Bunyoro's princes and princesses. There are in this county several important people, who were heads of our traditions in the area, such as Mihinga/Kyanku of Rucoma (Buyaga), Mutuba first sub-county, and Bwemi who live at Bwema, Sabaddu sub-county in the extreme west of Buyaga.

#### **BUGANGAIZI**

This was a county of Bunyoro ruled (at the coming of the first Europeans) by Kikukule living at Kasaka (at present Bukumi R.C.H). This county contains; Bunyoro's royal tombs of our former kings and princes; two tombs of king Duhaga I at Irangarra in Sabagabo sub-county, one tomb of Queen Masamba daughter of Winyi at Rwembuba in Sabaddu sub-county, and another place of Bunyoro's royal drum: Kanumi. At the said former county headquarters (Bukumi R.C.M). We still find the drum of office presented to chief Kikukule of Bugangaizi by the omukama of Bunyoro-Kitara. There is also an important cave, Semwema, near Kakumiro which was Bunyoro's army's strong-hold as confirmed by Mr. Postlethwaite formerly Provincial Commissioner, Buganda.

#### **BUHEKURA**

This was Bunyoro's most important territory where all coronation functions were performed. In this county is situated the coronation hill of Mubende where Queen Nyakahuma resided and was in-charge of Bunyoro's ancient palace of king Ndahura. Traditional coronation functions were always performed there throughout our long history down to coronation of King Cwa II Kabalega. On the same spot are the royal fountain and the coronation tree tree known today as the Witch tree (which we always

call Nyakahuma's tree) that can still be seen near the Protectorate's Agent's house. Queen Nyakahuma, the said keeper of Bunyoro's ancient coronation palace, was dismissed from her official residence on Mubende hill in 1907 by the British so as to build the present District Headquarters. With the kind permission of R.A. omukama of Bunyoro-Kitara, Sir Tito Winyi IV, K.B.C, C.B.E, some of Bunyoro's regalia, formerly kept by Nyakahuma on Mubende hill, were taken to the Uganda Museum where a fine portrait and display of Nyakahuma may be seen. When the Protectorate Government officials dismissed Nyakahuma from Mubende, they destroyed Bunyoro's royal residence, filled up the royal fountain, and left only the coronation tree which is the only sign left of our cherished traditional site. When Nyakahuma died, after she had been dismissed from her official residence on Mubende hill, she was buried at Kyakatabarwa near Mubende where members of her family still live looking after some of Bunyoro's regalia and still hoping for the day when they will be permitted to return to their residence up the hill and to resume their traditional functions of the kingdom of Bunyoro-Kitara.

### **EBUURU**

After the opening coronation ceremonies at Mubende, the new omukama is then taken to Habuuru at the northern side of Butoroogo hills, in Sabaddu sub-county of Buwekula, where the coronation ceremonies are continued. This site is in fact the ancient palace of King Rukidi Mpuuga the ancestor of Bunyoro's Babiito kings who have ruled the kingdom to this day. In the same area, the British built Fort Grant when they invaded our kingdom and fought with chief Kikukule who ruled the district.

### **RUGONJO (NORTH SINGO/BULEMEZI)**

This is another territory of Bunyoro kingdom which was ruled (at the time of the arrival of the British by chief Mutengesa. His Headquarters were at Kicucu. This county also contains traditional places of importance to the kingdom of Bunyoro-Kitara, namely; the royal tombs of king Winyi I at Kiburara, Mutuba four sub-counties (Bukomero), Singo, King Olimi Rwitamahanga at Kalimbi, Mutuba II sub-county (Kadoma), and other burial grounds of our princes. This district was allotted by the omukama to several princes who owned private estates here and there. One of Bunyoro's most important heads of our royal traditions, Omukonda lived at Kikonda in the same Mutuba II sub-county, and whenever, the coronation (Empango) ceremonies took place at the palace headquarters, the royal drummers and other regalia heads and all people used to travel to the Omukonda's residence in North Singo (Kikonda) to continue the ceremonies there according to tradition.

### **BURULI**

This county of Bunyoro kingdom was ruled by an important traditional royal chief, Princess Nyangoma, whose headquarters were at Kyaruhweza, (Mumyoka sub-county, Buruli). Today the successor of Prince Nyangoma, chief of Buruli, Warwo by name,

lives at Nyakatoma, Sabaddu sub-county. The actual administration of the territory was the responsibility of chief Kadyebo who lived at Kamuniina, Kigweri (sub-county of Sabaddu). There was also in this county Bunyoro's admiral Rubanga rwa Kyagwire who was in-charge of the omukama's canoes and boats on Lake Kioga and River Nile. In the same area is the burial ground of Prince Jaasi Nyakimoso (son of Kabalega) who died shortly after the capture of his father. Kabalega's mother, Queen Nyamutahingurwa was buried also in this county at Kaguhyo village. Kabagambe rwa Iteera and Ibanda were important sub-chiefs who ruled the area.

### **BUGERERE (Bunyara)**

This is again an important county of Bunyoro-Kitara, ruled by royal hereditary chief, Nyamuyonjo, first hereditary chieftainship was maintained up to the time of the transfer of the said counties to Buganda, but the successor of Nyamuyonjo still lives in the area. Prince Yusufu Rwadeba of Bunyoro was buried in this county at Galilaya. There is a Munyoro notable, Kibandwa Ntimba who lived at Kizinga, Kalenge, Bugerere. Namuyonjo was responsible for the omukama's canoes on Rivers Sezibwa and Nile. This was witnessed by Speke the explorer who was told by Nyamuyonjo that he could not use Bunyoro's boats to travel northward into Kitara until the omukama gave orders.

All the named six counties belonged definitely to Bunyoro, but were simply transferred to Buganda by the early British for reasons as yet unknown to all the Banyoro race. At present time, the following Baganda chiefs are ruling the six counties:

<b>COUNTY</b>	<b>CHIEF'S NAME</b>
Buyaga	Emmanuel Kayemba
Bugangaizi	Simon Kiruruta
Buhekura	Joseph Kiggundu
Buruli	Marko Lwanga
Bugerere	Kigozi
North Singo	James Lutaya
North Bulemezi	Latima Sebanakitta

All the Gombolola chiefs administering the six lost counties are Baganda and their Banyoro subordinates who accepted to become Baganda. All the magistrates in the lost counties are Baganda, and for the past sixty-one years, all the chiefs who administer the lost counties have always been sent here from Buganda.

The transfer of these counties from Bunyoro to Buganda has retarded the development of our territories in many ways:

**1. Roads:**

The whole road system, under the kabaka's government, is extremely poor. Most of the roads are quite impassable during the wet seasons. Some roads that lead to Bunyoro kingdom have been neglected by the Baganda chiefs for political reasons.

**2. Land:**

After the British government annexed our counties to Buganda, the Baganda became the landlords with supreme power in our country, we the Banyoro natives have been overlooked. Some of us have bought land from those favoured Baganda, who in most cases have refused us to buy the land where our grandfathers and fathers lived and even where we were born. This really hurts us beyond imagination, for we have been ill-treated on our own soil which was given to foreigners without our knowledge and acceptance.

**3. Education:**

The missionaries deserve a word of thanks for opening and running a good number of primary and junior secondary schools. We have been neglected by both Buganda and the protectorate governments for over fifty years, we have not been given bursaries and scholarships which have enabled the Baganda to receive higher education. At present the Buganda government awards bursaries and scholarships only when our children have renounced their own tribe.

**4. Language:**

The suppression of our mother tongue, Runyoro, hurts us beyond imagination. Our children are taught in a foreign language in the very first years of their education, and this is, no doubt, a violation and a mockery of the universally established principles of education. Our language has been banned in courts, offices, churches in addition to schools. Quite recently, a Munnyoro old woman, Eyengonzi, wife of Isingoma of Bugangaizi, one of the lost counties, failed to give evidence in Luganda and was therefore remanded and later, fined.

**5. Taxation:**

In this connection, even the British government treats us differently from the Baganda. For the arms licence tax, we pay ten shillings whereas the Baganda pay four shillings. This is a proof beyond doubt that we are classified as foreigners in our own country. Even the present graduated taxation does not take

into account our poor conditions of living. We are made to pay relatively higher taxes than the Baganda.

**6. Medical Health services:**

There is only one hospital in the six lost counties. Whereas there is a reasonable number of dispensaries and maternity units, we are faced with great difficulties since no government ambulances are available to carry the sick to the central hospitals, and medicine stocks are extremely small.

In October, 1961, shortly after the London Conference, the Rukurato (Legislative Assembly) of Bunyoro-Kitara passed a declaration that the lost counties had reverted to Bunyoro as from mid-night on the day of October 18, 1961.

**Source: Karugire.S.R (1980) A political history of Uganda, Nairobi: Heinemann Educational Books, pp 199-208.**

## APPENDIX III

LIST OF TOP REGISTERED MAILO LAND AND ABSENTEE LANDLORDS  
IN KIBAALE DISTRICT

## 1. BUGANGAIZI COUNTY

No	NAME	AREA IN HECTARES
01	LUKINA Yakobo	6,475
02	LWANGA Andereya	2,569
03	ADMINISTRATOR GENERAL-KAMPALA	2,237.9
04	KITAIMBWA Yosia	2,164.65
05	LWAMURUNGI Heri	1,651.4
06	SEBOWA Petero	1,447.1
07	MPANGI Yuda	116.95
08	MPANGATI Sira	249.1
09	MBUBI Yowana	287.3
10	MBOGA Mikaeri	113.3
11	MAZINGA Yakobo	589.6
12	MAYANJA SERWADDA Michael	386.4
13	MATOVU Sanasiyo	257.8
14	MUGIMBA Lius	351.65
15	MUKADAIGA Yowana	260.6
16	MUKASA Lajabu	101.15
17	MUKASA Luka	113.4
18	MUKASA Yozefu	424.1
19	MULINDA KADDU Samuel	259.4
20	MULIRA Matyansi	195.05
21	MULIRANYI Adriane	260.2
22	MULONGOSA	462.9
23	MULUMBI Asiri	627.25
24	MUSUMALI Potini	248.85
25	MUSUBIKA Folomera	121.4
26	MUSOKE Tanansi	476.5
27	MUSOKE KATE Semu	355.9
28	MUSOKE Gusite	217.65
29	MUSOKE Bulazi	101.75
30	MUSOKE Augustine	157.0
31	MUSOKE Abudalakimu	212.45
32	MUSISI Yowana	369.05
33	MUSISI Isaaya	484.5
34	MUNYIGWA Jeremia	301.5
35	NAKAMWANGA Maria	101.6
36	NAKAYIMA Polina	121.4
37	NAKABEMBE Victoria	198.3

38	NABUNYA Zetulida	129.5
39	NABUKALU Gertrude	111.3
40	MWEBE Yozefu Benedikito	116.1
41	MUWOGOZI Luuka	104.8
42	MUWANIKA Sabawari Maseri	475.1
43	KINEMBE Fabya	425.65
44	KIRINDE Semu	132.3
45	KITIBWA Gabiti	170.8
46	KITIBWA Mikaeri	242.8
47	KIWANUKA Andereya	109.25
48	KIWANUKA Danieri	164.8
49	KIWANUKA Nyansio	185.1
50	KIZITO Lusionira Jemusi	259.4
51	KIZITO Petero	170.85
52	KYAGABA Yozefu	237.6
53	KYANJO Benedicto	228.25
54	KYEYUNE Mariko	218.1
55	KYOBE Amiri	423.25
56	KYOMA KABOHA Matayo	260.5
57	LOBUWA Sirimani	185.35
58	LWANGA Filikisi	212.4
59	LWANGA Makari	138.0
60	LWANGA Tanansi	129.5
61	LWANGA Yozefu	167.8
62	LWEBEMBERA Kosea	372.3
63	MANYANGENDA Fesito	202.3
64	BAGENDA Andereya	219.55
65	BAGENZA Alifunsi	163.9
66	BATUTE Luka	259.4
67	BAZAMBALIDDE Zakaliya	250.85
68	BIKASOBA	259.8
69	BOSA Yozefu	174.8
70	BUKENYA Augustine	151.55
71	BUKULU Joseph Gordon	195.5
72	Bukumi White Fathers Mission	344.0
73	His Excellency the Governor	2,298.01
74	His Highness kabaka of Buganda	231.0
75	BUTIKO Mikairi	227.4
76	BWANGEREZA Kasumbi Gabrieli	111.7
79	GWAMBA Alikisi	497.75
80	ITEWALA Gabuliera	206.6
81	KABINE Petero	309.3
82	KABU Laubeni	261.45
83	KAGUMBA Emiri	140.8

84	KAIZA SENGOMA Yozefu	581.1
85	KAJOBA Yozefu	139.6
86	KAKADE Marko	177.55
87	KAKAKI Zakariya	223.6
88	KAKU Samusoni	105.2
89	KAKUBA Alefedi	248.9
90	KAKAUMBA Omwezi Ausi	105.6
91	KALEMBA Gasupali	243.2
92	KALAZANE Alifunsi	162.3
93	KALEMBA Yowana	352.9
94	KALIBALA Mikaeri	105.2
95	KALISA Erisa	168.8
96	KALONGO Asane	107.6
97	KALUNGI Ndikola	166.75
98	KASOZI Yakobo	121.4
99	KASUJJA Leo	101.15
100	KATE Benwa	259
101	KATEMBWA Juliet	129.5
102	KATULA Bulanzi	129.5
103	KATUMBA Yozefu	403.45
104	KAUMA Rafael	105.2
105	KAUZI Dominiko	215.7
106	KAWALYA KAGWA Erenesti	947.8
107	KAWESA Izake	283.3
108	KAZIRE	129.9
109	KIDZA Petero	424.9
110	KIGONGO Erisa	129.5
111	KIKOYO Setyeri	163.5
112	KIMANJE Patirisi	294.5
113	NALONGO NALUBALE Tereza	129.5
114	NALUBOWA Tereza	165.693
115	NALWEYISO Mary Gertrude	111.3
116	NAMUSOKE Salume	130.3
117	NDAGIRE Maria	192.65
118	NDAULA Asoni	106.1
119	NDADWEWAZIBWA Eriya	121.4
120	NKUBUGE Firikisi	165.95
121	NKUWE Lesisiko	130.5
122	NSUBUGA Bitolo	229.45
123	NSUBUGA Mikeeri	714.25
124	NTAMUNYANGU Baziriyo	259.0
125	NYANZI John Baptist	785.9
126	MUWONGE WAMALA Desire	398.8
127	SEMPA Simoni	322.55

128	SABAGABO Mame	307.55
129	SAJABI Alikisi	129.5
130	SEBAKAKI Alikadi	224.6
131	SEBUTEMBA Mako	137.2
132	SEKAYALA Erukana	194.2
133	SEKYEWA.B. Lewo	169.55
134	SEMAKULA James	101.15
135	SERUTE Nyansiyo	117.3
136	SERWANGA Siriri	236.8
137	SOMOKA Seriveri	130.1
138	SSALI Yoanna	133.3
139	SUNA Abuneri	117.3
140	SSENYONGA Petero	259.0
141	TEBAKYAGENDA Mulisi	300.0
142	TERUMA Paulo	100.8
143	AUGUSTINE (R.I.P)	259.0
144	TABULA Daudi (R.I.P)	172.0
145	MAYANJA Lolenti (R.I.P)	142.45
146	BAZIWE Mimsiri (R.I.P)	171.4
147	NYANSI (R.I.P)	259.0
148	WALUSIMBI Antoniyo	142.45
149	WALUSIMBI Sebasitiyane	172.0
150	WAMALA Atanansi	218.5
151	WAMALA Dezire	231.5
152	WAMALA Samwiri	259.4
153	WASSWA Masiyale	253.75
154	WOMUTALANGWE	195.85
155	Yawe Kirisitofu	178.0
156	YAMBADE Augustine	123.45
157	ZABUNA Yonasani	169.95
158	ZAKE	181.2
159	ZAKE Tadewo	234.75
	<b>2.BUYAGA COUNTY</b>	

**B**

<b>No.</b>	<b>NAME</b>	<b>AREA IN HECTARES</b>
01	KAKUMIRO GROWERS CO-OP UNION	1,879.2
02	MULANJE Alafaili	510.0
03	SEMAKULA Aleni	971.2
04	BIRIMUMASO Augustine	815.45
05	BIRIMUMASO Seresitino	647.5
06	LUBWAMA Jackson	995.8
07	MULIBANGA KASOZI John	1161.55
08	MUKIRA Ivo	509.9
09	KAGGWA MUKUNGANYA Yowana	445.0
10	KIIZA Dona	431.9
11	KALETE Antwana	516.2
12	KALISA Erisa	405.85
13	KATEREGA Danieri	505.05
14	KIBIRIGE Mikaeri	429.0
15	KYANKU Zakayo	793.98
16	LULE Benwa	529.7
17	MABANGA Feredinando	784.76
18	LUYITAKUBI	462.85
19	MABANGO Feredinando	734.76
20	MAKOZI Mikairi	571.0
21	MUBIRU Kasaga & MUBIRU Noe	518.09
22	MUGUMBULE Fabya	579.6
23	MUGWANYA Antwani	505.85
24	MUGWANYA Temutewo	507.9
25	MUIRA Kazimiri	683.8
26	MUSOKE Lorenti	747.95
27	MUTASAGA Agapiti	417.6
28	NAKAMPAKA Leo	491.7
29	NAKIBUKA Mary Justina	571.8
30	NANTONGO Anne	621.65
31	NANTUME TIBALEKERWA Kanifa	405.0
32	NKAGALI Petero	864.0
33	KIVUBUKA Patrisi	520.3
34	MUKASA Paulo & 3 others	548.5
35	SEBWARUNYO Kerementi	519.0
36	BANABAKINTU Desire (R.I.P)	429.0
37	NTALE Thomas	501.6
38	KAWESA Titi	607.4
39	UGANDA THRIFT Co. LTD	560.9
40	MULO MUGWANYA Yowana	957.1
41	ZIRIVUGA Sipiriya	520.8

42	ZZIMBE Joseph	303.5
43	WHITE FATHERS MISSION	391.69
44	HOIMA CATHOLIC DIOCESE	318.54
45	TEBAKYAGENDA Musa	399.35
46	NSAMBA SEMAGANDA Frederick	388.5
47	MUSOKE Daudi	343.4
48	MUDE Yokana	331.0
49	MUBIRU Petero	388.5
50	LUBOWA Musale	388.0
51	LUBEGA Izake	323
52	KYENDIRA MUKASA Yakobo	319.7
53	KIWANUKA LauLi	374.35
54	KASULE Lorenti	300.0
55	KABINE Petero	364.8
56	KAMUSUKA Ibulaimu	372.5
57	GOMBE Luka	396.35
58	KIRIBATE Augusite	492.0
59	KUTAKURIMUKI Augusite	384.0
60	ALIDEKI Kerementi	376.7
61	MUSOKE Adulufu	369.95
62	MONDO Andrea	250.9
63	NDYANYO Aliseni	238.0
64	BAFILAWALA Aleni	259.0
65	BAGANDANSWA Yowana	214.9
66	BALAGADE Petero	263.1
67	BAYIYANA Loza Maria	202.35
68	BAZADE Kezia	262
69	BUZA Bulaimu	259
70	EBURA KABULETA Francis	237.55
71	SEMPA Edward	259.0
72	GWAYAMBADE Mikaeri	285.2
73	KIYAGA Isaka	259.0
74	KAGODO Firipo	230.7
75	KALYAMAGWA Gabulieri	259.0
76	KAMYA Abedi	235.0
77	KALULE SEMPA Amos	210.4
78	KASIRYE Ziddolo	244.0
79	KASIKISA Petero	209.2
80	KATUMBA Lewo	259.0
81	KIKONGOLIRO Antoniyo	226.0
82	KIRITI Antoniyo	287.3
83	KIRUMIRA Gaitani	219.1
84	KITANYWA Benedict & others	259.0
85	KIWANUKA Andereya	225.9

86	KIWANUKA Luka	243.5
87	KIWANUKA Malia Yoana	284.45
88	KIZZA SONKO Richard	205.2
89	KUINABUGANGA Yakobo	259.2
90	KYAKWAMBALA Enoka	261.0
91	KIDZA Leonard	259.4
92	LUGWALA	259.0
93	LUTAYA MIVULE Benjamin	259.0
94	LWANGA Antani	259.0
95	LWAZUMA Tanansi	215.7
96	MULYOWA Alen	217.7
97	MAGADU Danieri	201.55
98	MBUGETASA Matayo	218.0
99	MISANGO Sitefano	228.7
100	RUGABA Moses	204.4
101	MPAGI MULINDWA Latima	259.0
102	MUBIRU Yoweri	299.45
103	MUGGWA Yutuko	259.0
104	MUJAGALAVU MUTAGOBWA	255.0
105	MUKASA Yokana	252.9
106	MULONGOSA Petero	260.6
107	MUSISI NDIKOLA	260.2
108	MUSOKE Raphael	281.05
109	MWANGA BENWA	299.9
110	NABWANA Aleni	260.1
111	NAMBALAGALA Lewo	259.65
112	NANJU Mangadelena	202.8
113	NSIBIRWA LUTE Mantene	212.65
114	NTAMU Luka	243.8
115	NYANZI John Baptist	250.8
116	OMUWALANYE ALIKISONDERE	259.0
117	KITALI Petero	210.45
118	MUWAZA Polo	229.0
119	SABALANGIRA	259.4
120	LULE Sadi	259.0
121	SEKABIRA Andereya	297.9
122	SEMPA Petero	226.6
123	MUTUSE Sepiriyane	245.6
124	SIBASUBIRA Andereya	279.75
125	KIGOZI Sinal	259.0
126	SSENKUNJA Mikaeri	214.5
127	KIBANDA Alifunsi (R.I.P)	259.4
128	MIINGO OMUSALA (R.I.P)	241.0
129	LUSEBE (R.I.P)	280.0

130	WAKANDAGAYA Kazimiri	260.2
131	WARAGA Gabiti	200.3
132	MULIBANGA Yozefu	259.0
133	MUYABE Yowana	202.35
134	MALEKU Yoana	106.1
135	KIGUNDU Yowana	137.6
136	WOMERAKA Simeo	144.9
137	WERAGA Agapiti	142.05
138	WASSWA Mikaeri	105.2
139	WALAKIRA Petero	260.5
140	WALUSIMBI Rafaeri	135.6
141	WAKIWUGGULU WASSWA Augustine	129.5
142	MUWANIKA Tomasi	182.9
143	KAIGWA Eriya (R.I.P)	141.0
144	TEISE Sitefano (R.I.P)	113.3
145	LUGWALA (R.I.P)	131.0
146	TEBAGWANYA Sala	113.3
147	TABULA Yowana	108.0
148	SSENTAMU Isaac	104.4
149	KAGGWA Simoni	178.0
150	SERWANGA ALIKISONDERE	162.9
151	SERUNJOGI Batulumayo	130.0
152	SERUGUNDA Laulensio	113.35
153	SELI BALIGABYE	148.7
154	SENKU Alikisi	129.5
155	SENGABO BIRUNGI Adulufu	121.5
156	SEMPA Yozefati	129.5
157	TABULA Saulo	123.45
158	WANIMBA Petero	194.2
159	MULONDERE Petero	105.2
160	KATENDE Petero	172.0
161	NYANZI SABERENGE	135.4
162	NSUBUGA Yozefu	109.25
163	NSUBUGA Izake	153.8
164	NSEREKO Mantyansi	123.3
165	NAMATUNGO Nzerena	103.9
166	NAMUTETE Fransisko	121.0
167	NAKYONYI Anyese	109.25
168	NAKITULE Zakariya	101.1
169	NAKABWA Petero	126.0
170	MUTEBI Bernardo	161.8
171	MUSOKE Matiya	182.1
172	MUSOKE Gabulieri	101.55
173	MUSUMUZADDE Fabiyano	109.65

174	MUSIGIRE Pasikali	132.3
175	MUSI Yozefu	112.5
176	MUSANGATIBWA Ibrahim	163.0
177	KAUMA PARMA Musa	180.0
178	MULAZI BULAZI	129.5
179	MUINDA BUYANA Sosane	191.5
180	MUGULUMA Yozefu	181.45
181	MITEGO Mako	118.6
182	MISANGO Yosuwu	165.4
183	MBUGA Eriya	170.0
184	MAYANJA Yowana	117.9
185	MATOVU Petino	129.5
186	MANYELI NALWANGA Ferekitansi	129.5
187	SALI Manueri	153.75
188	MAKAYU Joseph Charles	230.7
189	MABBIKE KATO Yowana	157.8
190	LWANGA Yowana	129.5
191	LULE Yozefu	161.85
192	KYAMAZIMA BARONGO Erisana	125.45
193	MUNGIYATIBWA Lewo	141.65
194	LUBEGA NGALONJERERE Stephen	129.4
195	LUBEGA Sebasitiyane	133.0
196	KIYAGA	129.6
197	KIWENDO Yozefu	146.9
198	KISAKA Zoziwe	145.3
199	LULIKA Kirementi	137.6
200	KIMBUGU Mikaeri	150.9
201	KIIMBA Malaki	115.3
202	KIGUNDU Zakaliya	127.9
203	KIFOMUSANA Adulufu	129.5
204	KAWESA Titi	154.0
205	KAWA	125.95
206	KATEGAYA Aliseni	166.5
207	KATE Daudi	180.0
208	KASIBANTE GAJULE Aleni	118.4
209	KARUBANGA Hermenegedo	129.0
210	KAIZI SENGOMA	127.9
211	KIDDE Joseph	129.5
212	MUKIIBI Ibulaimu	194.2
213	GAFABUSA TITO WINYI	137.6
214	BUSULWA Sulaimani	172.0
215	BUSULWA Petero	101.0
216	BIZINGWA Andereya	145.0
217	BIRIKA Atanansi	129.5

<b>218</b>	BINAGWA Bulasio	140.15
<b>219</b>	KIGONGO Bernadetta	180.0
<b>220</b>	BASEMEREZA NANGAZI	108.0
<b>221</b>	BASAZEMAGYA Sepirieni	129.5
<b>222</b>	BASAJAMBIRO Lazaro	129.6
<b>223</b>	BANAKOLA Paulo	129.5
<b>224</b>	BALIRUNO Asanasiyo	189.6
<b>225</b>	BAGALASEMBEDDE	161.9
<b>226</b>	LUBEGA Alafaili	146.8
<b>227</b>	KAGGWA Aberi	120.8
<b>228</b>	KIYONGA KIGOONYA John Baptist	194.3

**SOURCE: Saturday and Sunday Vision, September 5-6, 2009.**

## APPENDIX IV

## Kibaale District Population Projections for Sub counties up to 2008

Sub-county	2002 Population			2008 Population Projected		
	Male	Female	Total	Male	Female	Total
Bugangaizi	53,844	54,513	108,357	72,700	74,500	147,200
Bwanswa	8,688	9,011	17,699	11,700	12,300	24,000
Kakindo	10,007	10,366	20,373	13,500	14,200	27,700
Kasambya	8,302	8,417	16,719	11,200	11,500	22,700
Kisiita	6,024	6,098	12,122	8,100	8,300	16,500
Nalweyo	10,358	10,398	20,756	14,000	14,200	28,200
Nkooko	10,465	10,223	20,688	14,100	14,000	28,100
Buyaga	112,179	116,150	228,329	151,400	158,800	310,200
Bwikara	14,299	14,514	28,813	19,300	19,800	39,100
Kagadi	16,237	17,273	33,510	21,900	23,600	45,500
Kyanaisoke	12,274	12,376	24,650	16,600	16,900	33,500
Mabaale	9,315	9,837	19,152	12,600	13,400	26,000
Mpeefu	20,831	21,143	41,974	28,100	28,900	57,000
Muhoro	14,425	15,439	29,864	19,500	21,100	40,600
Rugashari	11,852	12,385	24,237	16,000	16,900	32,900
Buyanja	34,108	35,088	69,196	46,000	48,000	94,000
Bwamiramira	8,817	8,745	17,562	11,900	12,000	23,900

Sub-county	2002 Population			2008 Population Projected		
	Male	Female	Total	Male	Female	Total
Kibaale T.C.	2,270	2,492	4,762	3,100	3,400	6,500
Kyebando	5,132	5,184	10,316	6,900	7,100	14,000
Matale	9,017	9,397	18,414	12,200	12,800	25,000
Mugarama	8,872	9,270	18,142	12,000	12,700	24,600
District Total	200,131	205,751	405,882	270,200	281,200	551,400

**SOURCE: Uganda Communications Commission: RCDF projects in Kibaale District, Uganda**

## APPENDIX V

## COUNTIES, SUB-COUNTIES AND PARISHES OF KIBAALE DISTRICT

COUNTY	SUB-COUNTY	PARISHES
BUYANJA	BWAMIRAMIRA	Bukonda
		Kibaali
		Kibingo
		Rwega
		Bubango
	MUGARAMA	Nyamarunda
		Kezimbira
		Kibogo
		Kituuma
	MATAALE	Kitaba
		Kamondo
		Nkenda
		Karangara
BUGANGAIZI	KYEBANDO	Kicunda
	KASAMBYA	Kyebando
		Kyakarongo
		Kakayo
		Kikanda
	BWANSWA	Kihuumuro
		Lubaya
		Kasingo
		Kihurumba
		Gayaza
	KAKINDU	Nkondo
		Kikwaya
		Katatemwa
		Igayaza
Rukunyu		
NYARWEYO	Masaka	
	Kyabeeya	
	Kiriisa	
KISIITA	Kisiita	
	Buhonda	
NKOOKO	Mpasana	
	Kitutuma	
	Kitegura	
	Kibijjo	

BUYAGA	KAGADI	Kenga
		Kitegwa
		Kihayura
		Ruteete
	KYANAISOKE	Mpamba
		Nyabuhike
		Kamuroza
		Kitema
		Kahunde
	MUHORRO	Nyamiti
		Nyanseke
		Nyamacumu
		Galiboreka
	BWIKARA	Nyakarongo
		Nyamasa
		Kisuura
		Mairirwe
	MABAALE	Kihuura
		Kitemuzi
		Kiranzi
	MPEEFU	Kyabaranga
		Mugyenza
		Kyaterekera
		Nyantanzi
		Nyamukara
		Ndaiga
	RUGASHARI	Kyakabadiima
		Rugashari
		Burora
	KIRYANGA	Kyakabanda
		Kicucura
		Kabamba
		Kiryanga

SOURCE: Miriima.F (2000) Ebyafaayo bya Kibaale Distict

## APPENDIX VI

### RESEARCH INSTRUMENT

Dear Respondent,

My name is Magezi James. I am pursuing PhD studies at Kenyatta University in Kenya. My research topic is titled: **Absentee landlords and land utilization in Uganda: A case of Kibaale District 1894-1995**. The broad objectives of the study are to establish the origins of absentee landlordism, the commoditization of land, its impact and possible solutions towards solving the problem of absentee land lordism in Kibaale District. I therefore request you to respond to these questions to the best of your knowledge. All information will be treated with utmost confidentiality.

Name-----

Village (LC1) -----

Sub-county -----

County -----

Sex -----

Age -----

Occupation -----

#### A. PRE-COLONIAL PERIOD

**01.** How was land owned in Kibaale during the Pre-colonial period? -----

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 -----  
 -----  
 -----  
 -----

**02.** Was there a class of Landlords? Explain. -----

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**03.** When did absentee landlordism start in Kibaale and how was it started? Explain

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**04.** Were there any cash crops grown in Kibaale during the pre-colonial period? If yes, Name them. -----

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**B. COLONIAL PERIOD**

**05.** What prompted Col. Colville to give part of Bunyoro’s land to the Baganda in 1894? -----

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**06.** During the signing of the 1900 Buganda Agreement, what prompted the British to declare Bunyoro’s lost territories officially as being part and parcel of Buganda instead of returning them to Bunyoro? -----

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**07.** Did the peasants in the lost territories of Buyaga and Bugangaizi grow cash crops during the colonial period? If yes, Name them. -----

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**08.** Who owned the land in Buyaga and Bugangaizi during the colonial period?-----

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**09.** Were the owners of this land physically living on their land? Explain. -----

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**10.** How did the absentee landlords manage their land when they were absent?  
Elaborate -----

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**11.** Did the presence of absentee landlords affect land utilization in Buyaga and Bugangaizi? Explain -----

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**12.** Did the existence of absentee landlordism in Buyaga and Bugangaizi affect:

(a) cash crop production -----

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-----  
-----

(b) Food crop production -----

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-----  
-----

**13.** Were the peasants of Buyaga and Bugangaizi paying Busulu and Nvujjo? If yes, to who? -----

-----  
----- and how much? Busulu----- Nvujjo -----  
-----

**14.** Did the payment of this Busulu and Nvujjo encourage or discouraged cash crop production? Elaborate -----

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-----  
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**15.** Did the passing of the Busulu and Nvujjo law of 1927/28 increase on the production of cash crops in Buyaga and Bugangaizi? Explain-----

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-----

**16.** Outline the impact of absentee landlordism on the people of Buyaga and Bugangaizi n relation to:

(a) Social relations -----  
-----  
-----  
-----

(b) Political relations-----  
-----  
-----  
-----

(c) Economic relations -----  
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**C. POST-COLONIAL PERIOD**

**17.** . Did the peasants of Buyaga and Bugangaizi gain from the 1964 referendum?- Explain -----

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**18.** Are the peasants of Buyaga and Bugangaizi tilling the land of the absentee landlords still paying Busulu and Nvujjo to-date? If Yes, to who? -----

-----  
----- and how much? -----  
-----

**19.** Why have the governments in Independent Uganda failed to solve the issue of absentee landlordism in Buyaga and Bugangaizi? Elaborate:

(a) Obote I government 1962-1971-----  
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-----  
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(b) Amin’s regime 1971-1979-----  
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(c) Obote II government 1980-1985-----  
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(d) Museveni government 1986-1995-----  
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**20.** Give possible solutions to the issue of absentee landlordism in Buyaga and Bugangaizi and how to improve on land ownership so that the land resource can be utilized profitably and in harmony in Kibaale District.-----

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-----

**END**