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**The Dynamics of the Land Question and its Impact  
on Agricultural Productivity in Mbarara District**

**Lawyer B.M. Kafureka**

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## **The Dynamics of the Land Question and its Impact on Agricultural Productivity in Mbarara District\***

### **1. Introduction**

In the developed countries less than 20 per cent of the population is engaged in agriculture. The rest is employed in the industrial sector. In the underdeveloped countries less than 10 per cent of the population is employed in the industrial sector and the rest is engaged in agriculture. At once this dictates that, for some time to come, the route to development in the latter countries will depend on agriculture, which also mainly depends on land policy and tenure.

The land question is a contradiction in land rights and consequential social, economic and political abuses replicated on it. In Mbarara District, this constitutes the contradiction between community-observed land rights and legal land rights. Here, several constraints stand in the way of agricultural development; and one such constraint is the nature of land tenure, in which land hoarding, gazetted by both state and individuals continues to flourish, thus fettering production<sup>1</sup> Although landlords in Uganda were a creation of colonial state, as a result of 1900 Buganda Agreement (Mamdani, 1976), more landlords have been created by the political, economic and social-legal regimes of the post-1900 Buganda Agreement. Notable among them is the 1975 Land Reform Decree, which turned customary owners into tenants at the will of the state (Mamdani, 1984). This resulted in the political and bureaucratic elite acquiring land title claims to these former customary lands. This land is in most cases, hoarded as security against inflation, or for prestige and speculation.

Today, there are two major lines of argument in relation to tenure and land use. The first, spearheaded by the legal land-owning interests and their intellectual backers advance arguments directed against customary tenancy (MISR-Wisconsin, 1989; Agricultural Policy Committee Final Report, 1990; Agriculture Policy Committee Proceedings and Recommendations, Ministry of Planning, May 1989). This school of thought contends that customary tenure lacks security, inhibits investment in new technologies, leads to land fragmentation and related land degradation, hampers the emergence and

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<sup>1</sup> Nyangabyaki Bazara, "Mailo system retrogressive and politically dangerous", PF 333[1991], Centre for Basic Research Library.

\* The views expressed in this paper are those of the researcher.

development of the land market. It further argues that there is no mechanism of displacing the inefficient farmers, of whom the pastoralists are an extreme case - and who are constantly advised to abandon the practise<sup>2</sup> in favour of crop cultivation. It thus advocates for privatization of land ownership by provision of freehold title deeds<sup>3</sup> to correct the mentioned anomalies and bring about economic development. The only penalty of misuse or non-use of land they subscribe to is a high tax.<sup>4</sup>

Whereas the above accuses the peasants and pastoralists of using the land inefficiently, the second school of thought argues that in Uganda's circumstances the two are the most productive classes who are capable of spearheading agricultural development but are constrained by the land tenure system.<sup>5</sup> It is argued that in fact the land laws in operation today (a legacy of Amin regime's 1975 Land Reform Decree which removed security of tenure from the peasants and turned them into tenants, subject to eviction) discourages them from investing in agriculture.

The argument used by the anti-customary privatization school, are not borne out by experience. Depending on the type of economy desired, and the social forces you assign the duty of realizing that aspiration, there are options as to how privatization itself can be carried out. One way is to do it the British way, of privatizing land in favour of landlords, which would require the corresponding compulsions and incentives to turn them into capitalist farmers (Beaud, 1983). The other way is to do it Chinese style, of attempting a bourgeois democratic revolution, relying on the majority of peasants by giving "land to the tiller" (Mao, 1967) on the one hand, and incentives mainly in form of agricultural subsidies and stable markets for surplus on the other. That is capitalism for the majority, as opposed to capitalism for the minority, that in either case the question of returns to capital or labour invested remains crucial.

Moreover it is not true that, insecurity of tenure is the major constraint to investment in all circumstances, as other vital variables exist.<sup>6</sup> Depending on class, investment does not have to wait for registration. The one that requires

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<sup>2</sup> The Uganda President (1992) has proposed that Government will enact a law to make pastoralism a crime.

<sup>3</sup> MISR-Wisconsin, "Agricultural Policy Committee Final Report 1990, Agricultural Policy Committee Proceedings and Recommendations", Ministry of Planning, May 1989.

<sup>4</sup> *ibid.*

<sup>5</sup> Mahmood Mamdani, "Extreme but not exceptional: Towards analysis of the agrarian question in Uganda", *The Journal of Peasant Studies*, 1987.

<sup>6</sup> Mahmood Mamdani, *op cit.* He discusses lack of implements as a serious constraint. The following are constraints our research revealed which could deter a peasant from investing: lack of attractive and reliable markets, peasant's burden of social reproduction e.g health, education, taxation and consumption needs which siphon away the peasants' investable resources, i.e investable surplus.

registration first, is investment of profit-seekers themselves who cannot guarantee that they would not misuse the land or even merely hoard it for speculation.<sup>7</sup> Since capitalism is about profits and profits, it is about gaining and not necessarily about development or progress.

For the landlords' intellectuals to suggest a high tax on unutilized land (MISR-Wisconsin, 1989) as opposed to deprivation<sup>8</sup> in our situation is to be arbitrators in their own case. How would this be managed in a country where effective tax collection on all other things have failed?<sup>9</sup> This would only be another tax against illegal owners to whom the tax assessment and government policy is not only effective but also unfair.<sup>10</sup> It would serve to tax them into selling, without regard as to why they are not bringing all land under use. We suspect that if the unutilized land is interpreted to include the land occupied by tenants, the tax would be passed on as hiked rents to tenants; and if it is restricted to uncultivated or ungrazed land this will lead to increase in renting land.

However, land redistribution without complementary agricultural inputs and institutional transformation would only extend space i.e the land frontier in the very short run, without solving the land question even in the medium term.

The major argument put across by the intellectual backers of those hoarding land, and subsequently sabotaging production and the economy, is that security of tenure be guaranteed by land registration as a prerequisite to simultaneous emergence of land market and investment in agriculture.<sup>11</sup> However, where registration has been carried out it has not led to simultaneous investment. Land registration neither guarantees security of tenure, especially if the registration is devoid of social justice and violates the traditionally known norms in land rights, nor does security per se lead to investment. Moreover insecurity exists to the extent that it is politically created using the laws of the day, or when laws are created to undermine illegal land rights. Insecurity and security of tenure cannot be a legal matter but a political affair. However, what is customary about the lands referred to as such is that ownership rights are recognized by the local community as opposed to the legislated law. Otherwise, customary ownership either in form of clan or communal ownership is almost non-existing in areas like Mbarara. Land ownership is individualized under

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<sup>7</sup> See Kisamba-Mugerwa, "The New Vision", 27 March 1991. Also Yoweri Museveni, *ibid*, 17 November 1990, also editorial, *Weekly Topic*, Friday, 3 August 1990.

<sup>8</sup> See *Weekly Topic* editorial, Friday, 3 August 1990.

<sup>9</sup> See Tumusime Mutebile: "Shortcomings of Mamdani's IMF critique", *The New Vision*, Monday, 28 May 1990; also the rejoinder, by Mamdani, 24 July.

<sup>10</sup> *ibid*.

<sup>11</sup> See Mrs. M. Mwambu, *The New Vision*, 18 April 1991.

local recognition (or call it customary) although, depending on the circumstances, the neighbourhood can have use rights.

The question which we have to pose is, security from whose point of view? In the final analysis, there will be nothing like security for all. Security will have to be class security. When it comes to land matters in Uganda, only two sections of society have directly vested interests in security of tenure on rural land. These are the agriculturally productive force (rural labourers, peasants and pastoralists) and the agriculturally appropriating force (landlords, absentee and supervisory farmers). Security for one group inevitably means insecurity for the other. The policy decision on security of tenure will in the final analysis be influenced not by the nationalistic desire for development, or humanistic sentiments to elevate the plight of the majority, but by the balance of class forces within the state, and the potential political threat, which each social force within or outside the state poses to the government.

Land registration is itself no panacea against fragmentation and attendant degradation. Mamdani (1976) shows how 3,700 land titles given between 1900-1909 had multiplied to some 10,000 as a result of inheritance and sale. It is also erroneous to equate the emergence and development of land markets with land registration, as we shall later show the different historical determinants of this.

To say that there is no way of displacing inefficient farmers is an absurdity which ignores the mechanism of social differentiation and the already existing land market capable of ruining inefficient farmers in favour of efficient ones. It also underrates customary requirements, whereby a person was entitled to as much land as he was only able to use, unlike, land registration, which allows speculators to gazette land from productive use with impunity.

But, in any case what makes the pastoral practice in Africa so backward that it needs to be changed, and not the transhumence practice of the Swiss people on the Alpine, cannot be explained. Yet there are works which show that pastoral practices are a logical response to the environment, the only social-economic organization sustainable in such ecological zones at their present level of technological advancement (Ocan, 1991).

The major weakness of the anti-landlord school of thought is that, like their adversaries who see peasants and customary tenure as a hindrance to agricultural development, they also exaggerate the importance of land tenure as an agricultural investment determinant. Both consequently fail to clearly bring out the various determinants of investment in agriculture, with the constraining elements varying from place to place.

As already noted, most of the anti-customary tenure views cited above were vividly expressed in a document on land tenure - a result of the study commissioned by Government and carried out by the MISR-Wisconsin group.

This was meant to be an “authoritative document on land issue” as pointed out by Ddungu (1991) in his critique of it. However, its major weakness, as a study, which set off with the ambition of recommending a uniform land tenure system for the whole country, was its methodological approach. It is shocking, although not surprising, that a study which had such an objective from the onset, made the mistake of reducing Uganda to the study of Buganda, i.e. Masaka and Luwero, mentioning some few other districts in passing. As Ddungu puts it, “Although it was enthusiastic to make an overall national recommendation, we argue that, there was no methodological foundation for that in the overall conception of the project” (1991). Some of the litmus tests, like the progressive test index, where a mere application for a loan became a sign of progressiveness, despite what the loan was meant to do, are misleading.<sup>12</sup>

Just to take one case, the MISR-Wisconsin study report wonders why landlords in Luwero were investing, while those in Masaka were not. For a study, which had no conception of the various determinants of investment, the experience was a big surprise. This led to subsequent processing of the study report bent on proving that high levels of security lead to high levels of investment. The study was in a crisis when it obtained almost the reverse results. The final outcome was that, the conclusion and recommendations had no skeleton in the research body content.

Land tenure in Uganda has never been independent of foreign interests and influence. The successive governments have always had the encouraging hand of the World Bank, which has led the country from one crisis to the other, as an ideological and profit-seeking financier. It was with government in the 1960s when establishing modernization schemes;<sup>13</sup> it was with it in the 1970s financing their decay; it has been with it since 1980 in dismantling them. When the Ankole-Masaka Ranching Scheme was established under the auspices of the Uganda Government and the United States Agency for International Development (USAID) with modernisationist bias, the expertise of the Bahima, like the “Gogo in livestock husbandry, which is considerable, and their potential wealth through this expertise” (Rigby, 1988) was lost. The same usually happens with peasants' expertise in crop husbandry and disaster management.

Progress in an African country ought to start by transforming conditions of existence within the countryside. The bases of these conditions are factors of

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<sup>12</sup> It is a well-known fact that most of the loans got by mortgaging land titles in Uganda are invested in business and not agriculture.

<sup>13</sup> The case in point is the establishment of the Masaka-Ankole Ranching Scheme. Read Doornbos and Lofchie, 1969, ISS Occasional Working Papers, The Hague.

production namely, labour, land, implements and time and returns on these factors, i.e. agricultural terms of trade between the direct producer and his immediate market. Labour requires examination of the issue mainly of health (the biggest ingredient in the quality of labour). This determines how hard and how long this labour will be in production. Food and medical care are the two critical factors here. The question of land is obvious, given that it is only where production can take place; despite it's becoming increasingly scarce. Implements and their numbers determine how much of the labour force can be put in production at once, while their quality determines productivity. Time is related to the life span of productive labour and implements, since it will determine the rate of work. Moreover, for any production to take place, factor combination needs the critical minimal necessary time needed for the first operation.

If what Mamdani (1976) points out is true that, "ownership of land was the basis of commonality of interest between the landlords and colonial state in upholding colonial law and order", then today, in the post-independence situation, this landlord class lacks the actual means and authority to be the reliable ally in maintaining the aforesaid values. For law and order to be maintained it is required that the governing authority sees the forces in society with the greatest stake (interest) in land matters and potential capacity to be the bedrock of law and order, if actualized by rewarding it, or insecurity and disorder if it runs out of patience as a result of continued frustration. As far as matters stand today, this can only be the majority of peasants whose lives depend on land either as tenants or non-tenants. To these (like the state) its true land remains the most important means of production and the major source of earning. To the rest of sections of society, it is not.

The paper deals with contradictory arguments and trends that surround the process of development of land issues and attempts to show the implications of this in a way of a postmortem. In particular, it investigates factors that determine the emergence and growth of a land market, investment determinants, gender question and the implications of the evolving land trend for politics, agricultural production, productivity and economic development.

## **2. History of land Settlement in Mbarara District**

In the pre-colonial period what used to exist in Mbarara were only land use rights (settlement rights) among men. But the entire ownership rights of Ankole land resided in the king. The use rights were got from clan members, headed by a chief. What was considered in allocating land were factors like fertility of the land, less accessibility to game destruction, less overgrowth to be

cut etc., and the importance of land pieces like hunting grounds, burial grounds and sacred areas of worship.

In 1901, the colonial state donated ownership rights in form of mailo land to Ankole Kingdom chiefs. From 1920, the colonial state began land use rights donations through the Ankole Kingdom government, which almost coincides with the time of coffee and cotton introduction in the area. This refers only to migrants since the native men would be having land from their parents, mainly in form of donation on marriage. The migrants were mainly Banyarwanda and Bakiga running away from the reprisals of the colonial state against Nyabingi strugglists. However, large-scale state land donations began in the late 1930s up to 1960 in response to migrations from Rwanda, Kabale, Rukungiri, Kisoro and Bushenyi districts.

What accounted for the relative sparse population in Mbarara at the time was sickness from malaria, jiggers and sleeping sickness, which killed its population early this century, and the relatively dry climate.

Historically, settled land in Mbarara can be grouped into three sections. There is land, which has been occupied by the natives permanently for more than a century. This has been on the basis of the land's ability to support the population practising agricultural activities there. Today, this forms the most densely populated areas, because people have lived here for long, reproducing themselves over generations.

The second category is land, which was in 1901 defined by the Ankole Agreement as Crown land, save that which was already used by peasants, but over subsequent years was opened up for settlement. The resettlement was an attempt to reduce population pressure, mainly in the neighbouring district of Kabale. The beneficiaries here were peasant cultivators. This scheme, carried out in the 1940s and 1950s, to some extent solved the problem of land hunger and landlessness at the time (but only in the short run). It did also increase total production by bringing hitherto unutilized land under cultivation.

The third category of land was opened up by post-independence governments and in the name of modernisation development. This mainly benefited state agents. These areas were formerly common lands, which were turned to game and forest reserves.<sup>14</sup> It should be noted that, whenever game reserves are opened up, it is grazing interests that benefit,<sup>15</sup> whereas if forest reserves are opened up, it is the cultivating interests that mainly benefit.<sup>16</sup>

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<sup>14</sup> Mahmood Mamdani (1987), *op.cit.*

<sup>15</sup> Interview with Warden, Game Department, Mbarara in June 1991. He attributed this to environmental variations.

<sup>16</sup> *ibid.* But this was cross-checked with economic activities of former reserves, both from Game and Forestry Departments, Mbarara and the evidence got confirmed the observation.

Conflict between the state and encroachers on forest reserves, is usually a conflict between the state and cultivators,<sup>17</sup> firewood collectors and lumbering interests. The lumberers and charcoal burners are usually those peasants whose accessibility to productive land is closed. On the other hand, conflict between state and encroachers on game reserves, is mostly conflict between the state and grazing communities<sup>18</sup> and hunting interests (usually peasants in search of animal protein).<sup>19</sup> However, the poaching is at times in the service of merchant interests, who sponsor proletarianised and poor peasant, to poach in order to earn a living.<sup>20</sup>

These areas (formerly reserves but opened to settlement since then) are points of very bitter contention, mainly between government interests, the present users and the legal owners, most of whom live far away from the place.<sup>21</sup> The conflict is usually about the usage, ownership and rights of occupancy. The land question along the preceding parameters is aggravated by the fact that former pastoral grazing areas are increasingly being gazetted by land hoarders, a few of whom set up dairy farms or ranches. Others just fence off land from productive use while, at the same time, more land is being taken up by cultivation. Game parks (Lake Mbuho in our case) and ranches (Masaka-Ankole Ranching Scheme and the Kikagati-Nshenyi Ranching Scheme) are alienations of pastoralists' and peasant hunters' commons, while reserves and dairy schemes are mainly alienations of peasants' commons.

The theory that people change from pastoralism to cultivation over time, as they proceed on the course of development, needs to be re-examined. Except for forest areas, research findings point to the fact that it is usually the grazing people who, in search of grass, usually invade the bushiest places, especially during the harsh dry season. Over time the grass gets exhausted and the cattle keepers, whose principal interest in land is grass and water, usually move away in search of fresh grass and water points. The grass, having been eaten by cattle in the subsequent seasons, suffers from cultivators who enter the place, first establishing only temporary fields, but settling in the area permanently if the land proves fertile as time goes on.

In the initial phases of settlement, pastoralists will still be coming seasonally, but will increasingly find themselves in conflict with the cultivators.

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<sup>17</sup> Ref: C/22 of 29 January 1985, ref. AK/4/10 of 14 April 1983, ref: MB/40/10 of 30 July 1991. All from Forestry Department, Mbarara.

<sup>18</sup> Ref: GC/69 of 4 December 1980, also ref:AK/4/10 of 1-8-88, also ref:GC/69 of 10 July, 1981 all from Games Department, Mbarara.

<sup>19</sup> Ref: QEP/AD/11 of 11 May 1988 by Acting Games Department, Mbarara.

<sup>20</sup> Ref: No. GSR/18 of 21 September 87, from Game Department, Mbarara.

<sup>21</sup> Present users are squatters while legal owners are mainly absentee landlords and land hoarders like ranchers.

This is when their animals destroy crops and some of their cattle are stolen or they get killed. An epidemic, which kills many animals, will be interpreted as witchcraft of peasants or any other bad omen by pastoralists; and this usually marks the last time of pastoralist presence in the locality. Cultivators also settle in the area permanently to safeguard their crops. When most grazing land is eaten up by cultivation, pastoralists tend to respond to this land squeeze by migrating from the area. The few who remain take to mixed farming, usually in response to land scarcity. But as population increases and social differentiation takes place, these animals get fewer until they virtually disappear, in most cases due to lack of grazing land. This process is usually recorded wrongly by anthropologists of the developmentalist theory school as the changing of people from cattle keeping to settled cultivation. They mistake a change in activity in a place, in relation to the economic activity of the people who happened to settle the area at a particular time, with a change of an activity of the people.

## **2.1 Process of Settlement in Research Areas**

### **2.1.2 Nyamiyaga**

The people of Nyamiyaga have observed that although they found the area a deserted bush when most of them moved there in 1955, it was clear that the area used to be settled in the past. They came to this conclusion after seeing from the remains of broken pots, iron tools, (especially African hoes) and skulls, which they came across while opening up the land for cultivation. The natives of Ankole, staying some miles away from the settlement zone, revealed that the native population in that locality were killed by a plague of jiggers. The Muruka<sup>22</sup> chief used to show people where to settle. A person was at that time allowed to take any amount of land, which he wanted. When this land donation by the state ended, the second wave of migrant settlers got free land parcels from relatives and friends. Those who did not have a friend or relative with free land, from whom to receive a donation, paid for a pot of beer. But since beer was very plentiful from areas of Ruborogota, the equivalent was requested for in form of money. The third wave of migrants paid for an equivalent of a goat, after which the payment of a cow was simultaneously introduced with land being negotiated for money, like other commodities. In all these cases the land sold would, at minimum, be big enough to support a household of a man, his wife and about three children.

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<sup>22</sup> This means a parish.

The free state donation stopped in 1959. The equivalent of beer was paid between 1960-63. After 1963, the sale of land began properly i.e. a land market (with land as commodity) developed. Between 1960-63, if a person had a relative who wanted land he would either donate it to him or take him to another villager to ask for it. The beer equivalent was paid as a form of appreciation. The person would then only be shown where to settle and boundaries would be demarcated later. Boundaries would be drawn downhill as cultivation proceeded. The donated land was usually never less than five acres. From the beginning, boundaries were indicated uphill and those in the plains were clearly established in 1964 - in response to the development of the land market. Before that time, it was only in the dry season that people would try to put some boundary indications in the plains after burning grass. The majority of these people were Bakiga and Bafumbira from Kigezi (now Kabale and Rukungiri districts). However, there were a few Banyankole from Kajara and Rushenyi in Bushenyi present-day District. This was in response to land shortage in those areas.

The first road to take vehicles to this place reached the area in 1964, which coincides with the development of a land market in the area. Kabuyanda, a physical market location where people could meet to buy and sell products, was opened up in 1966. This factor, which accelerated land commoditization as means to dispose of surplus acquisitions became more guaranteed. Those who had acquired bigger lands demarcated pieces and sold them - usually to buy bicycles and corrugated iron sheets for building.

Most of the people who got free land from the state have no more land in the area today. They sold it between 1975-77 and migrated to Kooki and Mubende. These were mainly people who had migrated from the grazing areas of Rukungiri and hoped that with time they would be able to keep cattle. When it eventually became clear to them that the area was unsuitable for cattle keeping, they opted for those areas where they thought cattle keeping were still feasible.<sup>23</sup>

Whereas people were attracted by the availability of land and its productivity, both qualities have vanished over time. Population has increased, plantations are becoming poor and most respondents I interviewed felt that land has become "old" (exhausted). One respondent, however, argued convincingly that when you put a crop of beans in the banana plantation more than once, it fails to produce legumes altogether. He claimed he was drawing

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<sup>23</sup> The respondents emphasized that an area of bananas, sorghum, maize, beans because of flies and other related pests, is unsuitable for cattle. And given Kabuyanda's location near Tanzania they were further limited by tsetse flies, because of Ekipumpuru (Nagana), which would be a menace to cows especially in the rainy season.

from his own experience. He also revealed that people were growing beans in the plantation continuously because they had become land poor, as a result of population increase.

It should be realized that resettling people from high density to low density areas could only be a short-term solution. What is needed is for the Government to provide means of increasing land and labour productivity in high population density areas while improvising alternative means of livelihood other than agriculture.

### **2.1.3 Kashojwa**

This place was already settled by 1900. The inhabitants were small-scale cultivators. Although the area used to be fairly densely populated, its population was reduced by a plague of jiggers at the beginning of this century. The disaster of jiggers reduced the population of the belt stretching from Rwampara, through Isingiro, Kikagati, including the Kabuyanda zone into Tanzania. In a way the problem of jiggers persisted up to the 1940s, and people locally used to call them "maize". People acknowledge that even today, jiggers are still a common feature in this area and they periodically kill or maim some people. This part used to be under the rule of Chief Ruhara, whose area of jurisdiction covered part of present Isingiro, Rwampara and Ruhama counties. Rwampara's headquarters were at Mwizi and Ruhama at its present location. Ruhara, who served under dictator Mbaguta, a colonial agent working as prime minister in Ankole kingdom, adopted the latter's repressive methods of leadership.

Also the bad rule of Ruhara and subordination of Mwizi sub-county, by then a Muruka, to the interests and harsh rule of Bugamba sub-county, was responsible for some people's migration. Ruhara ruled from the 1940s to the 1950s. In this area there was no buying or selling of land. The new comers usually from Mpororo (present-day Rukungiri District) were given land by the indigenous people, who wanted them to assist in containing wild animals.

As a result of Ruhara's bad and harsh rule, most people decided to migrate to Igara, in current Bushenyi District and Buganda between 1930-50. Once this had happened, small animals occupied their areas while dangerous ones which came hunting them at times ate people. This annoyed and worried the relatives of such people who responded by migrating. The place then reverted into a wild bush. Some few people remained by 1951: in Kyaruhenda two families, Rukarabo one family, and Kashojwa five families. The whole parish had only 8 families remaining.

In 1951, people from Kigezi (now Kabale and Rukungiri districts) began coming on their own. Then in 1952, the Government began transporting them.

The man who was in charge of the scheme was the Secretary General of Kigezi, Paul Ngorogoza. By 1951, land for donation existed alongside land for sale. The latter depended on developments already made e.g. coffee, bananas, bush clearing and eradication of crop pests. Between 1950 and 1953 the price of land doubled; and by 1954, those who came had to buy land from other people already living in the area, as there was no land for donation. In the 1940s, people had small plantations around houses, beans and millet. The main food was sweet potatoes. Between 1944-1945 the government began forced crop farming, especially coffee, eucalyptus trees and soya beans. The marketing of coffee produce began between 1948-49. Coffee and eucalyptus trees are still forced crops, as these are a source of cash.

Long-horned cows were introduced in the late 1940s by Bahima herdsmen who came in from Mpororo. However, the Bahima ran away when wild animals began to eat their cows. Those who had persisted left between 1958 and 60 for Buruuli and other areas. This was as a result of increased cultivation and conflict with cultivators whenever cattle destroyed crops. The very few who remained (they are now in Kashojwa) have turned to cultivation, with very few animals surviving on semi-common lands. Turning to cultivation has been a result of the land squeeze than adopting a superior way of living or form of production. "This soil is now exhausted. Apart from bananas nothing can grow meaningfully," they argued.<sup>24</sup> What they underrated was that the fertile plots, where other crops were previously grown, are now covered by banana plantations and crops are grown on what used to be regarded as marginal soils, their argument of soil erosion notwithstanding. These lands are uphill and they are seriously vulnerable to soil erosion. One of the respondents revealed how the problems of reaching a road in this area made most of them extend their plantations (men's crop) at the expense of women's grain crops (minus sorghum which is used in making beer and is hence a men's crop).

The road has also meant that the poor peasants are deprived of the cheap food they used to buy. For those with a surplus to sell, this was an opportunity to earn increased income. In an attempt for everybody to try and produce and sell, owing to transport availability, terraced tracks were cut out for lorries to move uphill. The result has been sheet erosion in subsequent years. The mulch in plantations has been washed downhill over the years and plantations have now become poor. As a result, chiefs and resistance committees have advised people to stop growing crops uphill and instead to plant trees. As a result contradictions have arisen. Whose land will be used to plant trees since some peasants have very small pieces?

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<sup>24</sup> Discussion with a group of respondents in Kashojwa.

The rich peasants who happen to spearhead the campaign of people to stop digging uphill, because this deprives their cows of grass, are the same people opposed to tree planting for the same reason. But the argument advanced is that these trees, mainly eucalyptus, take more water from the soil than they help replace. It is, therefore, better to let natural grass rejuvenate and act as soil cover.

#### 2.1.4 Kaigoshora

Five people were interviewed to reconstruct the history of this village. These were born about 1914. One of them, who later became a Mukungu of King (Sir) Charles Gasyonga, had his grandparents in Kaigoshora. Their parents were living in the king's mailo land and were paying a tribute of 4 rupees (and later 6 shillings) a year in 1960. The people who came as first settlers other than the indigenous settlers of the area were from Bushenyi and Rukungiri. However, there were a few people who were born in Kashari. During the colonial times, there was forced growing of food crops and forced storage at parishes. During famine periods food would be redistributed to the people.

At first, land was used to grow crops and rear animals. All along, everybody was allowed to use land as he wished. There were no regulations on land use. Cultivators (Bairu) paid tribute while, the Bahima (cattle keepers) did not pay any tribute as a rule, but some did so indirectly as voluntary gifts to the king. This was in the case of those who wanted special favours, a practice locally referred to as *okutabaara*.<sup>25</sup>

In 1960, people were forced to grow cotton and coffee for sale, but eventually the area became a banana growing and cattle grazing area. However, those who were kept cattle on this mailo land were forced to sell their cows recently in 1989-91 by their landlords. The Bahima who tenants were forced to migrate in the 1970s to other areas, such as Bunyoro and Lake Mburo. Others went to Luwero before the war.<sup>26</sup> They left as a result of population increase and conflict with the new landlords. Following the abolition of all kingdoms in Uganda in 1967 by President Milton Obote, the King of Ankole sold off most of mailo land.

These changes have taken place as a result of population increase, education and influx of different people from different places with different

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<sup>25</sup> This practice of *okutabaara* was also done by local people to king's agents, seeking favours from them. It should be distinguished from tribute (*okutwija*). The latter is obligatory and does not entitle the person to favours. The former is a form of bribe to purchase friendship in order to win a favour. This practice unfortunately has, instead of dying out, been modernized and harmonized with bribery and corruption today.

<sup>26</sup> Some of these formed part of the mass of squatters in ranches by the time of research.

ideas. It is clear that modernisationist practices in the area of agriculture have been adopted in response to land shortage; but more so because some of the people with farms in the area are highly learned fellows and politically well positioned, to acquire means to undertake such prestigious projects, whether they are profitable or not.

In pre-colonial times there were multiple rights to land. Ownership was communal and use was private when one's crops were still growing. After harvest the community would also have rights e.g. of grazing and hunting.<sup>27</sup> The only communal use was restricted to a family i.e. households of the first generation of descendants of single households. This means it was restricted to children but not grand children, whereby crop cultivators (Bairu) would come together and dig. It is the labour, which was pooled. The cattle keepers (Bahima) also grazed together but each was responsible for his animals. They built on one hill, a sign of togetherness and it ensured easy defence of cattle. When a lion or any other wild animal attacked stock, it would be fought off easily. In short, cooperation was mainly in those activities where the productivity of individual effort low.

With the coming of colonialism, most of the land was alienated as Crown land (in terms of the ownership) and the rest was demarcated as mailo land for the king and kingdom of Ankole. The people who stayed on this land had to pay tribute to the king and rent for using his private mailo land. But outside the mailo, divided land acquired a market in 1956-59. This was because different people started flocking in from different areas. For instance, some came from Ntungamo-Ruhaama. These shifted because of an influx of Banyarwanda. Others came from Bushenyi, also looking for vacant land as a result of population growth at home.

### 2.1.5 Mishenyi

It is clear that this area was already settled, though sparsely, by the beginning of the century. As late as 1920, people were free to settle anywhere they liked. And later, around 1930, state land donations began. This was done by the king through his bakungu (village chiefs) and miruka chiefs.<sup>28</sup> At the beginning, the requirement by the state after one's introduction to the chief was for him to either grow bananas or eucalyptus trees.

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<sup>27</sup> It is interesting to note that both in the past and even today in Mbarara children, especially those who graze, have rights to some crops from almost every field especially maize, ripe bananas and cassava which they can eat while in the bush grazing without being accused of theft. This process is called *Okutogera*.

<sup>28</sup> In Ankole people knew that all land belonged to the king.

The few indigenous people who had always lived in this area were joined by the first immigrants from Toro (Kitagwenda), Buhweju and Buganda at the beginning of this century. The phenomenon of chiefs donating land on behalf of the state began when population increased with the influx of people from Rwanda, Kabale, Rukungiri, Bushenyi and Kisoro districts as a result of population pressure in those areas. After settling down, the migrants in the 1930s were required to pay an equivalent of a bull as tribute to the king through his chiefs. Later, due to population increase, boundary marks were set up.

Land was used for both cattle keeping and crop farming. The first settlers were cattle keepers. In those early times cultivators lived on one hill while the rest of the land was left for grazing. The first crops grown were sorghum, millet and groundnuts. Later matooke, eucalyptus and coffee were introduced. Coffee and cotton were introduced in the 1920s.

The first former cattle settlers had migrated from the area around 1927, running away from tsetse flies.

There have been changes in land use. Whereas most of the land used to be for cattle rearing, it is now increasingly getting under cultivation and those who keep cattle are out of necessity resorting to relatively intensive methods of cattle farming.

A combination of factors is responsible for these changes. One of them is population increase. The other factor is the influence of education (learning from the experience of others). For example, the practice of mixed farming was started by those who migrated from Rukungiri and Rwampara and the others also adopted it. It was suggested that the increase in population resulted in shortage of land and forced them to adopt better methods of cultivation like crop rotation. The habit of shifting from one place to another by the Bahima, however, has in the past few years stopped. Those who are financially able are now attempting intensive methods of farming while others migrate to other areas.

Land gained market in late 1950s when people were shifted from Kabale and when the influx of Rwandese refugees in 1959-60 forced people, especially those from Kashari, to shift to Ibanda to keep away from Banyarwanda.<sup>29</sup> At first there was communal grazing. About 10 people would graze together as a labour saving. But this has been undermined by the modern practice of fencing

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<sup>29</sup> Our respondents claimed that Rwandese had cows, which damaged their crops so they had to vacate to Ibanda. They went on to claim that, there was enmity between the Bairu and the Banyarwanda. This originated from Rwanda when the Bahutu mistreated the Tutsi. And when the Tutsi came to Uganda and found Bairu they compared them with the Bahutu, so some Bairu feared them and had to migrate.

land. For instance, people would graze far away, but this has changed due to lack of land.

### **2.1.6 The Ankole/Masaka Ranching Scheme**

The Ankole/Masaka Ranching Scheme was funded by USAID and was executed out by the Uganda Government to promote ranching in the country. The scheme was to cost US \$ 4 million. Originally, the aim of the scheme was to set up about 100 ranches, most of them with an area of about 5 square miles, to be given out to competent ranchers who would produce beef on a large scale. The beginning of the scheme involved tsetse fly eradication, construction of roads, bridges and valley tanks, perimeter fencing, pasture research and the creation of an experimental breeding station at Ruhengere (Doornbos and Lofchie, 1969).

The scheme was one of the modernisation projects of the 1960s. Like most of the other modernisation schemes of the time it has not lived to the expected results. From the beginning, ranches were supposed to be allocated to resident ranchers on the basis of proven ability. However, the idea of ranchers being residents of the scheme was eventually abandoned in favour of absentee landlords so long as one could put a competent manager on the ranch. This made it possible for 15 of the first 40 ranches to be allocated to absentee landlords who were members of the Ankole political elite. So residence on the scheme looks to have been redefined to mean residents of Ankole. Most of these political elites also happened to be of the Bahima ethnic group in Ankole. The ranch business aggravated resentment among the Bairu towards the Bahima whom they had always seen as the dominating and privileged force in political matters of Ankole.

The administration of the scheme was the responsibility of the Uganda Government, the funding was foreign (USA) and the beneficiaries were a locally based political elite from Ankole but predominantly the ethnic group of Bahima (Doornbos and Lofchie, 1969). The Ankole Ranching Scheme initially began from attempts of the Uganda Government to eradicate tsetse flies from the southwestern part of the country. The tsetse fly crossed from Tanzania around 1908 into Uganda, affecting part of Ankole where cattle keeping was mainly practised by the Bahima (Bukonya, 1989). This led to migration from this area mainly of Nyabushozi to other parts of Ankole like Rwampara, Shema and Igara counties. Others migrated to Buganda, while some extended to Teso and Lango (Bukonya, 1989). However, the problem of tsetse flies became acute in the 1940s and 50s causing sleeping sickness among the Bahima and nagana

among their cattle. This led to further migration into Bulemezi and Mubende resulting into the occupation of 2,000 square miles of open grassland.<sup>30</sup>

In 1959, the Government of Uganda decided to shift all the remaining cattle and tried to kill all game thought to be the carriers of tsetse flies. This method, together with large-scale bush clearing (*Empango*),<sup>31</sup> as one other type of *Oruharo*, managed to stop and even push back the menace of tsetse flies. On the recommendation of the veterinary officers of the Uganda Government and supported by the visiting World Bank to Uganda of 1961, it was decided to turn the area into a commercial beef production area. In order to gauge the viability of ranching system in this area a land use investigation scheme (pilot scheme) had been set up in Nyabushozi County earlier on in 1957. It was to cover 30 square miles and create about 6 ranches to experiment with the problems of pasture improvement, land development and the land carrying capacity per acre. In the early 1960s USAID, which had participated in bush clearing, showed interest in supporting the area to become a large-scale ranching scheme. It proceeded to sponsor an American research team in 1963 that investigated the economic, social and ecological conditions of the area. Its report referred to as "Gregory Report" endorsed the idea of developing the place as a ranching area.

This report put a lot of emphasis on the type of land tenure for success to be realized. It recommended individual ownership, which was characteristic of the modernization ideological theory of the time, ensuring that the owner resided on the ranch and strongly opposed any form of absentee-landlordism. The report further emphasized the economic and educational factors to make the case for permanent residence (Doornbos and Lofchie 1969). These recommendations of the report contradicted themselves and neglected the history of the area. First, the only possible permanent residents could not be the "modernizing elite", but the Bahima pastoralists whose life had hitherto depended on grazing. Secondly, historically the Bahima were not used to individual land use. They had a tradition of cooperation in grazing as a labour saving tactic. Their neglect meant that their experience and the potential revenue at low cost to the state was lost. Concentration of ownership, particularly in the hands of the absentee owner, too often has resulted in a peasant type of agriculture in which landowners have little interest in anything except 'mining' both human and land resource. For example in 1990, the 62

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<sup>30</sup> Different writers like Doornbos and Lofchie (1969), and Kasfir's (1988) abrupt note which portrays the Bairu as a specially gifted people in keeping cattle, as compared to the Bahima building on the fact that, when the former were allowed to keep cattle they quickly superseded the latter in numbers fails to put into account the out-migration of the latter from Ankole.

<sup>31</sup> *Empango* is the Runyankole word for an axe, but people were using the term to describe the forced labour they were subjected to, in the process of clearing bushes to eradicate tsetse fly.

ranches which the Government had identified as a total failure in different ranching areas and which had to be divided and sold were mainly of political and military bureaucrats.<sup>32</sup>

There was a basic divergence over the question of land tenure. In a draft of the loan application prepared by the Ministry of Animal Industry in December 1963, the anticipated mode of land tenure was described as follows:-

The ranches would ... be offered on lease to farmers selected as candidates of sufficient capacity, business acumen, educational background and integrity or some satisfactory combination of these requirements, or, to individual co-operatives or similar bodies who would undertake to put in a manager of the same caliber"<sup>33</sup> (Doornbos and Lofchie, 1969).

The official loan application of the Government of Uganda (dated May 1964) included a request for \$1,830,000 out of the estimated cost of over \$4,000,000. In the section entitled "Economic and Technical Soundness Analysis", paragraph 48 reads: most ranches will be run by resident owner managers, though some might be run by managers on behalf of cooperatives, companies, or individual absentee-owners (Doornbos and Lofchie, 1969).

In the entire planning of the project, cattle herders were interpreted as a problem, whose methods caused economic stagnation and would be responsible for tsetse fly re-infestation. Such a view, of course, failed to utilize their experience and skills as herdsmen. The Government and entire planning of the scheme even never contained provision as to where the displaced herdsmen would go. One of the members of the Gregory team, Dr.A.J. Howarth, commenting on the Uganda Government's proposal, had this to say: "The final impact of this scheme would not be measured on the benefits to 700 square miles of land in Ankole/Masaka but to untold thousands of square miles in Africa". It would not be too much of an exaggeration if we conclude that the Ankole/Masaka Ranching Scheme was thought to be to USA, what the Tanzam railway was to China or what the Aswan high dam was to USSR. On 17 December 1964, the Uganda Government informed USAID that the application had been withdrawn. A ranch selection board, appointed by the Ministry of Animal Husbandry had by 1965 allocated the first 28 ranches most of which were allotted to people of high political status. So by 1965, aid had succumbed to the idea of absentee ranchers. The director of the Uganda Planning Commission pronounced how the common man" had been neglected,

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<sup>32</sup> *The New Vision* newspaper Friday, 26 January 1990.

<sup>33</sup> It should be noted that these managers were partly responsible for the existence of a large body of squatters on ranches, from whom they were extracting several cows without the knowledge of the absentee ranchers.

and expressed the view to cater for his interests through cooperative applicants" (Doornbos and Lofchie, 1969).

Underlying this argument was the politics of ethnicity of Bairu petty-bourgeoisie struggling to replace their Bahima counterparts in politics of Ankole, through UPC under the cover of the common man.<sup>34</sup>

However local resentment of the scheme did not find adequate expression because leaders of both national political parties had an interest in the project. This meant that an issue, which might otherwise have become an ideal subject of partisan conflict, remained outside the scope of party politics. The only group which organized some opposition to the inequalities in the scheme were the Ankole students at Makerere University College. Discontent remained and the scheme persisted as an active social-political volcano that erupted in October 1990.

From this, it becomes quite clear how class interests among different political and ethnic factions can coincide to silence agitation with popular content. It makes it clear how ethnic factionalism was being invoked and exaggerated by petty-bourgeoisie of either group to have their deal. When it was possible and it suited the occasion and their interests they did it without resorting to quarrelsome methods.<sup>35</sup> It was this, alongside other enclosure movements of the time in other areas of Mbarara District, that pushed many herdsmen into Buganda especially in areas of Bulemezi. These were the first seeds of the rancher-squatter problem that have assumed explosive proportions since October 1990.

### **3. Legislation, Registration and Land Rights**

Mbarara District is part of the former Ankole Kingdom. The kingdom was split into Mbarara and Bushenyi Districts in the 1970s by the Amin regime. To piece together the history of land rights in Mbarara requires one to grasp some of the social and political dynamics of Ankole Kingdom. This was reconstructed from oral history, memory of the old people in Ankole, colonial records at the beginning of this century and anthropological writings, since the Banyankole had not developed an alphabet.

Writers on Ankole agree that land was used by the Bairu for cultivation and the Bahima for pastoralism. To the people of Ankole land belonged to the

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<sup>34</sup> One of the leading exponent of this line was a UPC diehard, Bananuka, who was murdered by Amin's government in 1972. He was the secretary general of Uganda People's Congress in the Ankole in the 1960s.

<sup>35</sup> Mobilizing across class lines e.g. the ethnicity, to get hold of the ranching areas, by either faction, carried with it the risk of arousing the consciousness of the popular sections who needed land more than the politicians and could lead to popular agitation for a share.

Omugabe (king). Omugabe was the symbolic owner of all the cattle and all the land. Therefore all his subjects, Bairu and Bahima alike, gained access to it with this understanding.

In pre-colonial Ankole, land for grazing was not a problem and whoever had cows could graze them freely.<sup>36</sup> Land settled could also be inherited by households through the sons, and one's right's to such land would be guaranteed especially for ekyanya (area around the homestead for calves, sick animals and morning grazing), amashazi (resting place for cattle after watering) and wells or watering points, until a family migrated from the area. Among the Bairu also, areas settled and cultivated were generally recognized by custom as belonging to such individuals and any dispute resulting from, say, use of one's former garden and fallow land (ekibuba), or opening up of fertile virgin pieces within one's proximity, would be settled by a village chief (Mukungu) who was a Muhima.

In a caste society like Ankore, the significance of the view that all the land and cattle - and by implication also what was produced by the Bairu on such land - belonged to the Omugabe, as custodian of kingship, is enormous. We need to go beyond form and analyze the social significance this ideology served and the day-to-day practices it influenced. To an analytical mind, it should be clear that in such a caste society political leadership was exclusively drawn from one ethnic group and the two depended on two different modes of production. One group was of cultivators while the other one was of cattle keepers and when the reproduction of the kingship was replicated on the surplus of both, but mainly that of cultivators, then such an ideology protected land interests of the group from which leadership was drawn. The argument that land and cows belonged to the Omugabe, guaranteed the right of all cattle keepers to graze all cattle on all the land (Omugabe's land). This ruled out the possible danger of Bairu alienating land under fallow from grazing. It would be a taboo to stop the king's cows from grazing his land. Moreover there were some lands - locally called amarisizo - which were completely alienated from cultivation for grazing purposes.

In the event of a Muhima's cows destroying a Mwiru's crops, the mentioned ideology made it inconsequential since it would not be possible to accuse the king's cows, on whose land the Bairu were the actual tenants, while the Bahima were the king's agents who collected his tribute. This guaranteed privileged land use by the Bahima at the expense of their Bairu counterparts. At the local level the overseer of this practice was a Muhima chief.

Moreover, it is important to realize that it must have been for the same reason that the Bairu - even those who performed exemplary services to the

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<sup>36</sup> See Martin R. Doornbos, *Not all the King's Men*, Monton Publishers, The Hague, 1978.

king as magicians, blacksmiths or musicians - were not allowed to own cattle. They would be rewarded with sterile cows and bulls but not fertile cows. This ruled out the possibility of Bairu acquiring and accumulating cattle wealth, which would have led to competition for grazing land rights with the Bahima and thus undermine the status of the latter. Access to cattle by the Bairu would have eroded the power base of the kingship and the Bahima who claimed that cattle keeping was a superior activity to cultivation reserved for the royal ethnic group. The argument, therefore, that even if the Bairu were not prohibited from owning cattle, they never had an equivalent exchange value<sup>37</sup> cannot hold, since it was possible to pay in instalments and eventually acquire such cows.

In pre-colonial Ankole the rights to land tallied with other rights, which different groups enjoyed in the entire socio-political framework of the kingdom. And for further assessment of the land rights in Ankole an understanding of production and appropriation of the social surplus is necessary since land was recognized for what was produced on it to serve people. We have seen that the king was regarded as the owner of all the land and cows. Obviously his real or presumed ownership of all land in Ankole diminished the rights of other people in relation to land. It would be wrong to say that the king as the owner of the former and the latter was only symbolic. It had ideological and practical significance since when situations demanded he would appropriate some of the Bahima's cows. He was not just symbolic but the highest crystallization and embodiment of the Ankole state.

Next in importance and privilege was his mother and his sister who were supposed to be of importance in spiritual practices of the king for his protection. Those from the mother's clan got privileged treatment in all matters of Ankole kingdom because of this role. In fact this is how Mbaguta, a Mushambo of Mpororo origin, came to be prominent in the politics of colonial Ankole, because the king of Ankole had married a wife who was Mbaguta's relative<sup>38</sup> from this clan, which allowed Bashambo as favourites of the king. Next in hierarchy came the Bahinda from whom the king and most of the top chiefs were drawn. It was taken for granted that it was their birthright to rule. After the Bahinda the other Bahima also enjoyed more rights than Bairu. In areas of Bairu, especially at the local level, they also acted as chiefs. They too appropriated dues from the Bairu in form of tribute. Between the Bahima and Bairu were a group of Baranga who were a result of intermarriage between the Bairu and Bahima. In almost all cases their mothers were the Bairukazi while their fathers were Bahima. They had come into existence as a result of Bahima

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<sup>37</sup> *Ibid.*

<sup>38</sup> See, Samwiri Karugire, Nuwa Mbaguta and the establishment of British rule in Ankole, East African Literature Bureau, Nairobi, 1973.

taking on Bairu women as concubines. In Ankole's patriarchal society they could be shielded from paying tribute by common Bahima although they too had no sufficient ground to demand tribute from Bairu.

Next in status were the Batooro Hamites captured from the Toro Kingdom near Ankole. Their status was above the Bairu and through paying cattle tribute and performing other services to the king they could, over time, be accepted among the Bahima. The Bairu themselves had groups with different status in Ankole. For example, those who performed specialized services for the king had more powers and could get favours from him. These mainly included people like blacksmiths, witchdoctors, wood carvers and musicians.<sup>39</sup> These had more rights than other Bairu since they even received part of the social surplus from land, in form of beer, milk, bulls, goats and sterile cows donated by the king himself. On retirement, or even before, these positions gave their families favoured treatment and access to social surplus donated by the king from the pool of the tributes received.

Then there were the slaves. These were Bairu, but mainly those who were captured from other kingdoms; and in particular it was the Basingo clan that was targeted for this purpose. This clan had no right to land whatsoever. And although it was not used for production of surplus it did the most humiliating jobs in society like cleaning toilets or tidying up the chiefs' enclosures. Biologically they could not sire children since they were castrated.

The above-named social arrangement was transformed radically on the advent of colonialism. The first ever written legislation in Ankole had at the stroke of a pen transformed the administrative process, redefined the political power centres, alienated land and introduced landlordism.

Landlordism in Mbarara was a result of the 1901 Ankole Agreement. The beneficiaries were, initially, mainly the ruling aristocracy of the Ankole ruling clan of the Bahinda. Landlordism would have been worse had the ruling group in Ankole not been pastoralists who never attached a lot of importance to any single parcel of land. In fact at the time, restrictions resulting from land titles to them would not be a facilitator to their individual economic interests which were mainly in cows, but a fetter to the economic practice. For example, when in the 1950s and 60s freehold adjudicated titles were introduced they were opposed mainly in Mbarara where the influence of the Bahima was great, compared to relative success it had in Bushenyi.<sup>40</sup>

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<sup>39</sup> M. R. Doornbos, *op. cit.*

<sup>40</sup> Interview with Lands Officer at Mbarara District Lands Office in June 1991.

The Ankole Agreement was signed by Mbaguta, on behalf of the Omugabe.<sup>41</sup> This elevated the status of Mbaguta in the opinion of colonizers.<sup>42</sup> It in turn gave him substantial influence which was to be of significance in the development of the political history and economy of Ankole. The agreement sparked off an intensified struggle between the Bahinda and Bashambo. For the first time, the agreement alienated the land of Ankole from the absolute, or call it ideological, control of the Omugabe and limited him to only 800 square miles.<sup>43</sup> It also gave the chiefs the right of ownership of land which was historically a prerogative of the king.

This resulted into double taxation for the Bairu who became tenants on these lands; and this further diminished their land rights. It consequently also eliminated the status of the Batoro, slaves and skilled artisans, musicians, witchdoctors and blacksmiths. Thus the only privileged section of Bairu was eliminated. This was a result of effective political control passing into the hands of the British who outlawed these practices. In short, the 1901 Ankole Agreement ate at the ideological and practical core of the Ankole state. This, too, put an end to the king's presumed ownership of all Ankole cattle. Land alienation was just the first phase to pave way for capital penetration. In the meantime, Western education introduced by missionaries would have an impact on the second phase of colonialism.

In phase two of the colonial leadership, the introduction of religion and education had further eroded the king's powers and control over the people of Ankole. Capital penetration had resulted into commoditization and, alongside it, land alienation. This had profound consequences. We have to point out how the introduction of mailo land created tenants. The tenants were first charged rent by their local landlords, mainly Bahima chiefs, who had carved their pieces in the populated agricultural areas of Rwampara in Mbarara and Shema and Igara in Bushenyi. This was in disregard of the Ankole agreement, which required the chiefs to get their mailo land in what the agreement termed as unoccupied wastelands.<sup>44</sup> In the 1930s, landlords had on top of rent began evicting tenants and stopping them from investing. This aggravated the anti-Bahima sentiments among the Bairu. However, the Bairu on Crown land continued to invest without the restrictions. In a situation where the land frontier was still open, why didn't the peasants move on to Crown land? Reasons must have varied, but the prominent ones were: the cost of resettling in

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<sup>41</sup> S. Karugire, *op.cit.*; and Oberg, *The kingdom of Ankore in Uganda*; M. Fortes & E.E.Evans-Pritchard (eds.) *African Political Systems*, Oxford University Press, London, 1955.

<sup>42</sup> S. Karugire, *op.cit.*

<sup>43</sup> M. R. Doornbos, *op. cit.*

<sup>44</sup> *ibid.*

new areas; the loss that would be incurred in the developments left behind and the settlement inertia due to cultural ties.

These contradictions eventually led to the development of the Kumanyana Movement, which agitated for the rights of the Bairu, including land rights. Although it mainly articulated the grievances of emerging middle class/petty bourgeoisie resulting from the introduction of cash crops and education introduced earlier on - the history of Ankole gave it a popular platform of representing the Bairu cause. This resulted in the introduction of the 1958 adjudicated freehold. However, this practice, as it were, would undermine the practice of pastoral production by Bahima once in the hands of the Bairu. As a result there was some opposition in the name of the Omugabe who was supposed to be the only owner of the land. But this came too late. The past of Ankole could not become its future and those who invoked the name of the Omugabe came to the scene 50 years too later trying to turn the clock of history backwards but could not succeed. However, as already noted, the relatively stronger influence of Bahima in Mbarara limited the number of freeholds at the time, as compared to Bushenyi where they were relatively a success.

Hence, independence itself provided one other chance for the Bairu petty-bourgeoisie to manoeuvre, but with the Protestants having an advantage over their Catholic counterparts, which led to the split of alliances in the Kumanyana Movement and led to the realignment of forces across ethnic boundaries with Protestant Bahima ganging with Catholic Bairu.

However, colonialism whose interest was to carry out production and exploitation for its metropolitan industries did not hasten to resettle peasants from the population surplus District of Kigezi to Ankole. This undercut even the nationality land rights on the basis of past historical relations. The immigration of Banyarwanda in the 1930s and the Bakiga, beginning in the 1940s was the last brow of rights to land on past historical nationality tenets of land as a nationality birthright.

The 1958 land adjudicated freehold for the first time legally granted land to some of the upper sections of Bairu. This is a scheme that could have benefited Protestants more than the Catholics, since the former were the prominent leaders of the Kumanyana Movement. The influence of the Bahima in Mbarara curtailed registration of adjudicated freeholds.

Generally, the people have been further alienated from the land by post-colonial governments. However, the worst affected were the Bahima pastoralists. They were displaced both by the enclosure movement of the 1960s, and the establishment of the Masaka-Ankole Ranching Scheme. This resulted in landlessness. In response to increased landlessness and growing land insecurity the government passed the 1969 Land Act, fixing a maximum sealing of land

that could be held by individuals, although people went around it using names of relatives. This was later aggravated by Amin's 1975 Land Reform Decree that turned all peasants into tenants of the State, subject to eviction at any time. The result was the grabbing of common lands and their surveying. This resulted into extra insecurity for those on public and customary land although it gave some security to those who were on mailo lands. However, the same period shows an entrance of a social group, which was previously restricted to trade into land. These were the Muslim merchants.

Like in Amin's government, people during the Obote II regime took advantage of the law to first act extra-legally using political clout to grab land after which they would acquire legal land titles. One of the notable cases is the violent expulsion of people under the guise of their being Banyarwanda and the subsequent acquisition of titles for the same lands by some UPC functionaries.<sup>45</sup> This influenced the subsequent politics of land in the next regime. The expulsion of people, some of whom had been in the area for a century, without any due regard for the law process from Lake Mburo area, further worsened the plight of rights of people in relation to land. The right of access of women like any other group became important when it became possible to utilize land as a power relation, by alienation in the 1901 Ankole Agreement.

We thus note that the right to land, even in pre-colonial Ankole, was unequal among the people. The right to land varied according to one's relation to the state, crystallized in the authority of the king. Later, the colonial legislation of 1901 and subsequent land registrations alienated the majority of the people, removing even rights of use guaranteed under kingdoms. Although legislation and registration provide conditions for investment on guaranteeing rights of users, like the 1927 Busuulu and Envujjo Law, and the 1958 adjudicated freeholds,<sup>46</sup> they can also lead to agricultural decline when the user's security is removed in favour of non-cultivating interests.

### **3.1 Women's Rights to Land**

The major of women gaining access to land is as wives, but more important as mothers. It is clear that whereas a wife who will not have

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<sup>45</sup> *The New Vision*", 8 February 1990.

<sup>46</sup> Although the adjudicated freehold were acquired by the emerging Bairu middle class in Ankole, these still had retained an organic link with the land and agriculture; and since it had come to them as a result of struggle, they carried out investments. This was the origin of relatively planned mixed farms in Igara and Shema in Bushenyi District. They never had a similar impact in Rwampara county - one other area which was a strong base of the Kumanyana Movement in Mbarara (East Ankole) because of the influence of Bahima at the time. Interview with Lands Officer, Mbarara, 1991.

produced any children, can be divorced easily, it is not the same with a mother. There is a major tendency to make the man accountable for the upbringing of the children. The security of tenure of a woman in a home tends to be guaranteed as her children grow up, especially if they are boys. But even when they are girls, if at least one is already about 15 years, then it is usually difficult (and in some cases impossible) for the husband to chase the wife away, since this would require him to defeat the two. For children who are at least about 15 years old and above, regardless of sex, it is possible usually to solicit support from other relatives against the father. Both relatives in the mainstream family and local authority have some residual power that deters the absolute rights of a man as the household head in land matters.

This is an indication of shifting of power centres or devolution of power from the absolute control of the man to the entire family over time. This is expressed best in a Runyankole proverb, which says that Omukazi w'omuhuru tagira matu (A butcher's wife has no ears). In fact, in both of the above cases, where children are already old, if the man is very "unhappy" with the old wife, the tendency is for him to marry a second wife or acquire a concubine. In cases where the antagonism is too sharp, the men tend to desert the home and settle in another place.<sup>47</sup> In such circumstances it is not possible to sell the land, since the majority of the people are reluctant to buy land which is surrounded by conflict. A mother at times forges alliances within the family, especially among in-laws to stop the man from having exclusive rights over land, in such circumstances of crisis.

However, the transitory process of girls into wives makes them weak, first as defenders of the land and later as owners of land at their place of birth. But this is not to claim that as wives women do not defend land. They do.<sup>48</sup> And in circumstances where a girl's home is permanently at the parents', e.g. single parents or divorcees, their rights of both use and ownership are strongly struggled for by them and are defended by the immediate community.<sup>49</sup>

While what we have described is the dominant tendency among peasant women, women merchant capitalists are increasingly buying land and even

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<sup>47</sup> Reference is made to Kaperekabugongi's Runyankole music. He describes how in the past women used to leave their husbands and go to mizigo (one-roomed slum quarters) and how the situation has been reversed. Husbands are leaving wives behind for slums to eat *emisikasikye* (fried things), running from women's increasing resistance.

<sup>48</sup> "Financial Times", Monday, 8 October 1990.

<sup>49</sup> See meeting of late Ishaka Musoke's family regarding a kibanja dispute held at Ruharo ward of 11 May 1985, in dispute file no. MB/G/40c Mbarara lands office. Also a letter from RC I Kasharara, Kanyasheko, Nyabwehikye, Ibanda of 17 December 1990, in dispute file, Lands Office Mbarara.

using violent means to get it.<sup>50</sup> The same is true for women bureaucrats, especially those of single parent households. But generally women capitalists, whether bureaucratic or merchants, buy land like their men counterparts. This guarantees them both user and ownership rights. In short women's rights on land are first determined by their being able to produce children. A barren woman has almost no rights - not only to land but even to other property. She even has no right to be a wife since in most cases she is divorced as soon as it is clear that she is incapable of having children. Secondly, the sex of children is vital. A mother of only boys or many boys has more rights than one who produces only girls. Finally, the age of the children influences a woman's rights not only on land but also on all aspects in the home where rights increase as her offsprings grow up. The other two factors that contribute to a woman's rights in a home are education and the financial status of her children and herself.

At some point in the course of my research most peasants, when asked the question: "Do you have land?" tended to answer it with another question: "For what?" If that is the case, if women and men hold land as custodians for their children, pending dividing it up between them when they grow up, then, what is it that women lose by not owning land? This can only be answered by probing into the literature of these areas. You often hear men talk of "my land". They can even sell their land, and will even tell their wives to go away and leave their (men's) homes and land, emphasizing) "my father gave it to me" or "I bought it myself". The implication of all this is that land and other material possessions form the husband's power base for authoritarian tendencies at the expense of the wife and children; despite the fact that most of the labour embodiment, i.e real value added or wealth created on the land, might mainly be of the wife and children.

Programmes on Radio Uganda about women's rights have led to a rise in conflicts about rights over land and what is produced there. One can conclude that slowly but surely, with problems at each step in every direction, these programmes are leading to women's empowerment. This is not to imply that women were not struggling for their land rights in the past, only that the programmes have acted as accelerators and helped as points of reference for gender-sensitive men and women activists. One such incident took place in Kashojwa where a woman caused the imprisonment of her husband for selling her sack of beans. On being released from prison, the man deserted the home. Around the same area, a man hacked off his wife's head when she insisted that, he could not sell the land because they owned it together.<sup>51</sup> In the same area, a

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<sup>50</sup> "The Weekly Topic", 3 August 1990, also "The New Vision", 21 April 1989, Ibid, 13 1989".

<sup>51</sup> But this is progressive in itself, because it is cutting through the base of the dominant village ideologies in defence of men's chauvinism.

village chief resigned his responsibility, in the presence of this researcher because he was not willing to work for Museveni's government, which wants to give their land to women.

In defence of men's monopoly rights in a home and land, men will stop at nothing, including marrying more than one wife, so that they play them against each other in order to retain the loyalty of at least one wife, when the other one rebels. Killing is also a possibility as we have seen above. One man decided to charge open rent from the wife for using his land, if she was to have rights of sale of her products and use of the proceeds.

Another matter which men raised, and which is worth paying attention to was, why a woman should be allowed to own what she did not earn just because she is a wife? In fact in polygamous families land is divided among the wives. What needs to be given backing is women's entitlement to the value she has added to the wealth of the family at the time of divorce and its protection against misuse by the man during the time they are in marriage. This requires increased women's rights and awareness in resource planning, control and disbursement. Due to lack of women's security of tenure as wives, they tend to invest most of their savings in the upbringing of their children, which is one of the major determinants of their rights in a home. The rest is mainly spent on household utensils and clothing. The most detested investment among village women, especially in areas dominated by Bakiga, is cows. The cows are usually used by men to marry second wives.

The idea of a couple sharing property equally on divorce should only apply when, on marriage, a girl is given land or its equivalent so as to join with the man and make a home, an issue that demands re-examination of the institution of bride price and dowry. Otherwise, a situation is going to arise whereby, like in the USA a woman just gets married to a man with the sole aim of divorcing and sharing the latter's fortune. For justice to be done, a woman's and man's rights to land and property should be a question of one's labour input.

The second issue we came face to face with was what women's rights on land are to be among the pastoralist communities. Even men pastoralists do not conceive of the importance of land in individual ownership rights but rather as community ownership rights. On marriage more cows are given for dowry than for bride price. In the herd itself women, including girls, own some cows, which they can sell off and use the money as they like. On divorce they are more easily accepted in their homes as daughters than in cultivators' families. Even as wives they have greater control over cows' products.<sup>52</sup> They also do lighter

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<sup>52</sup> Milk and cow ghee and the proceeds from them were under women's control, but this factor has been seriously undermined by the structural adjustment programme whereby the

work than their counterparts in farmers' families. This is not to suggest that among cattle keepers men do more work than their counterparts among cultivators. The fact is that the donkeywork done by the woman among peasants is done by children among pastoralists.

But with continued capital penetration and commoditization and individualization of land every where, like among cultivators, it will be required that women's legal rights on land be clearly established. We should also note that among the already settled grazing families women's rights on land are not different from those of cultivators. Lack of women's ownership rights, i.e. insecurity of tenure, is uncondusive to development since a substantial surplus that could be invested on land is spent as consumption revenue. We note that the minimal rights women have on land are a result of struggle and not legislation. Hence the need to reinforce this struggle with legislation, i.e. legal backing.

#### **4. Social Differentiation in Areas of Research**

Mamdani (1984) defines social differentiation as "a process that divides the peasantry into groups whose conditions of life are defined by qualitatively different relations and material conditions". He further observes that "the social differentiation of the peasantry does not have to develop around differentiation in landed property. It may develop around differentiation in any one of the elements of the labour process: land, labour or its implements". In fact differentiation takes places in a multiple of social processes. To take one case, the impact of the Kashojwa rural roads construction on differentiation is very revealing. It was those who had products to sell that benefited by earning better cash when vehicles reached the area. There are indications that the road was diverted several times in order to save plantations of the rich farmers. In fact, the poor peasants were double hit. Not only was the road construction interfering with their few developments, but also they were to lose income as a result of increased prices of the foodstuffs they purchased. The road itself led to a transformation of the crops grown, particularly bananas. People changed from brewing varieties to eating varieties.<sup>53</sup> But the commercialization of eating

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commercialization of milk is increasingly being institutionalized, using dairy units under the control of men. In fact there is increasing contradiction between needs of milk for sale by the man and milk for churning by the woman.

<sup>53</sup> When transport is difficult in a banana growing area, the growing of brewing varieties is advantageous because of carrying out most industrial processes in the village to reduce bulk and increase the value i.e. from tonto (banana wine) to crude waragi which is not only highly priced but can even be kept for long periods. When the road system reaches an area, and

varieties means extra-economic strain on poor people who are forced at times to sell their small land for survival.

There are several cooperative movements in all the areas of research. These are Bataka Kwezika and Bataka Kweyamba, the former being for burials and the latter for credit to members. On top of these two Mushenyi had one for growing and storing food for famine periods and one for mothers aimed at improving family standards of living. Cooperative practices have existed in these areas for many years. They have also been changing qualitatively and quantitatively. Some of these rise and then decay and new ones emerge.

While they are meant to solve the village problems, the unequal access to their resources usually leads to social differentiation. This is because some borrow from them as a result of distress and others out of economic and social pressures. This is done for direct consumption expenditure or indirect social reproduction expenditure (the poor), for sickness and other home needs. The well off usually borrows to invest especially speculation in grain trade, hence getting richer. This gradually leads to a corresponding drift from agriculture and rural life, to urban life and businesses. So apart from the usually reported case of rural-urban migration corresponding to education, the drift from agriculture is also a function of resource accumulation. But the accumulated money also helps them to buy the land of poor people. This land will now accumulate without being used (hoarded) except for a few who might fence it off and keep cows. This form of investment, however, becomes more and more urban-oriented. Those who borrow because of distress end up selling their land to pay back debts and buy other necessities. These lands are bought and accumulated by a few who borrow to invest and make profit.

From the five areas of research we thus distinguish two parallel tendencies in social differentiation, one from below which crystallizes society into organic productive social relations and the other one from above that disintegrates and suppresses emerging organic community arrangements (plunder of social resources by appropriating state reserves or many individuals in community). Accumulation from above produces a social crisis, because it tends to introduce rapid changes out of tune with the social rhythm of society, to which it has no time to adjust. This has, for example, happened in Kaigoshora.

Other presumably social schemes like the aggressive tree planting policy of government, through RCs in some places, end up turning into a big burden on those with small pieces of land. This is because their already small pieces, are taken up by forests, when for some, it is not even enough to grow food for

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vehicles begin to transport matooke directly to urban centres, the prices appreciate in favour of eating varieties. Then people cut down on beer varieties in favour of food varieties.

subsistence. Afforestation is not bad but to the extent it is class blind, and it is a regressive tax on those with already small pieces of land, that pushes them further below on the economic ladder. Some determinants of social differentiation are exogenous while others are endogenous.

Among the external influences on social differentiation include: being a beneficiary of the state privileges, business links, taxation or social reproduction cost shouldered, location from a commercial centre, occurrence of war and environmental crisis (climate and rain) leading to famine. All are external variables, which have benefited the minority in areas of study. This gives few individuals overall command of resources that are used to purchase land and other things at the expense of the majority.

The major internal mechanism that disintegrates the peasantry is the exploitation relations within the community. This is determined by one's position in the production process. These can also be broadly categorized into two: reward to labour and reward to capital. They include wage, rent and profit. It thus follows that mobility of the household resulting from the internal mechanism of differentiation in these areas includes: labour power, assuming that one's bigger capacity to produce is not appropriated by someone else and available family labour which determines the dependency ratio. Knowledge within the household determines the household's advantages in relation to others: gain or loss of bride price and whether somebody drinks beer or not. There are those who drink because they are enjoying their surplus and there are those who drink due to social-economic stress to stem frustration. The latter usually end up selling their land and becoming landless.

The question whether the type of farming is on a capitalistic or a peasantry scale will determine one's position in the differentiation process. Land available to a person determines the amount a person is able to produce and maybe sell. However, in some instances, this depends on varying fertility levels of different plots in a place. The types of crops grown are also a determinant factor. For example, perennial crops tend to have a bigger potential to push up a person, more so if the cash is earned seasonally like coffee. It is the producers of perennial crops (rich peasants) that buy land in most of these villages.

The enclosure and disappearance of communal and semi-communal lands puts undue pressure on the members of the community who might give up keeping certain animals and growing certain foods. However, chance also has a role to play in this. Whether the good agricultural season will come in the year when a person has invested most of his time and energies (and possibly money) in land is sheer luck. A significant accelerator for upward mobility is investment in cows. This is usually a store of financial surpluses from matooke and coffee. But increasingly sorghum, maize and beans, especially for

Nyamiyaga, are crops in which middle peasant also has a chance. At the end of it all, the minority who benefit from the activities mentioned above use their advantaged position to marginalise others from the community resources, of which the most important is land, and concentrate them in their hands. This unequal arrangement then accelerates the differentiation of the village.

#### **4.1 Land Access and Ownership in Areas of Research**

Among all social strata, when land is still plentiful, the major way of gaining access is donation from parents. However, over time, this tends to be substituted with inheritance corresponding to the rate of land scarcity. But as land shortage becomes acute, alongside social differentiation, the youths of poor peasants become completely landless. The only way to have access to land, therefore, is migration. Some young men of Itojo, in Rwampara County, for example, migrated to Kagadi in Bunyoro, at the time of our research, where the state donated free land to them. The other option is to work for money and migrate to purchase land in areas where it is still cheap. Many young men were migrating to Rakai and Tanzania to buy land. Middle peasant youths, are still able to get small pieces of land from their parents, but this is usually through inheritance. It is the youth from rich peasants and bureaucratic landowners, or landlords, who get most of their land, as gifts from parents. These youths usually buy most of the land within the area, as compared to the youth from other social strata. This is because of their being relatively better off in terms of resources.

Table 1

## Land held by different classes and social strata in Nyamiyaga Village

Class/ Stratum	HH No	Acres Held	Av.Acres Held	Borrowed Acres	Rent out Acres
Capitalists	3	420 (67.6%)	14.00	-	30 (7.1%)
R. Peasants	6	90 (14%)	15.00	-	10 (11.1%)
M. Peasants	15	75 (12%)	5.00	14	-
P. Peasants	26	36 (5.8%)	1.40	16	-
<b>Total</b>	<b>50</b>	<b>621</b> <b>(100%)</b>	<b>12.42</b>	<b>30</b>	<b>40</b>

Source: All tables in this paper are from 1991 field work calculations

Key:

R. Peasants - Rich Peasants; P. Peasants - Poor Peasants

M. Peasants - Middle Peasants

HH - Household

Av. - Average

The above key is relevant for all subsequent tables.

The table points to the fact that more and more land is increasingly concentrated in fewer and fewer hands. For example, in Nyamiyaga three people (6% of the population) own 57% of the land and 18% of the population own 85% of the land. Moreover most of the land concentrated in the hands of the minority is not put to any agricultural use. They lend out 40 acres, which is 7.8% of the land held by the land-lending class/stratum - capitalists and rich peasants. While the majority of land poor are interested in putting land to productive use, they are forced to enter into exploitative relations of borrowing land and paying rent for it. Thirty acres of land is borrowed, which is 42.3% of all the land used by the middle and poor peasants who have little land. The table also indicates that in this area borrowing is not necessarily restricted to poor peasants but rather, under specific circumstances, it extends to the middle peasants. Such circumstances include borrowing land to grow crops, which

cannot grow on one's plot because of soil exhaustion. This is one tendency towards subsistence landlessness.

What explains a relatively bigger percentage area of land among rich peasants being rent out, compared to the capitalists, is the smaller resource capacity (capital) of the former to bring land under cultivation compared to the latter. The rich peasants having all their available family labour fully employed on the land can only bring more land under cultivation by exploiting labour and using capital. But then since they are still in transition from peasants to capitalists, the capital is limited. Hence the remaining land is usually rented out to raise more capital. The capitalists have their biggest land outside Nyamiyaga. The same goes for some rich peasants and middle peasants. This is what accounts for more land being rented out in the table above than what is borrowed.

Rent relations avail the rich peasant him some surplus capital for investment. To the middle peasant they provide access to fertile plots of land to grow crops that cannot grow on his land due to exhaustion as a result of continuous cultivation. Finally, they allow poor peasant land to earn him subsistence income since his own plot is usually both too small and infertile.

**Table 2**

**Ways of land access among different classes and strata in Nyamiyaga village**

<b>Class/ Stratum</b>	<b>Donated</b>	<b>Inherited</b>	<b>Purchased</b>	<b>Total</b>	<b>As % 50 HH</b>	<b>As %of the w/v of 138 HH</b>
Capitalist	2 67%	-	1 33%	3	6%	2.2 %
R. Peasants	1 17%	3 50%	2 33%	6	12%	4.3%
M. Peasants	6 40%	5 33%	9 27%	15	30%	10.7%
P. Peasants	5 19%	12 46%	9 35%	26	52%	18.9%
<b>Total</b>	<b>14 28%</b>	<b>20 40%</b>	<b>16 32%</b>	<b>5</b>	<b>100%</b>	<b>36.23%</b>

Key: WV = Whole Village.

Numbers without percentages stand for number of households, while those with percentages stand for the percentage of land acquired. The number of households above represent among households of the class in whole village.

Unless otherwise stated they will be taken to mean those in all subsequent tables, dealing with access of land.

The major mode of gaining access to land in this area is inheritance, which is 40% of the households. Among capitalists the major form is state donation. While among the rich peasants the dominant mode of access remains inheritance (50%). It is this peasant strata that has the highest incidence of purchase (33%). What accounts for poor peasant's main form of gaining access being inheritance (46%), emanates from the fact that, every middle peasant's descendant inherits from him on death, since it is not possible for him in most of the cases to have what to donate while still living. On sub-dividing the land at inheritance, the descendants of the middle peasants become poor peasants. Among poor peasants those who get land by donation have the biggest pieces (19%), while those who inherit it have the smallest pieces resulting from subdivision of whatever land that will be available on the death of the household head.

#### **4.2 Land existing in the area today**

The total area in Nyamiyaga held by those interviewed is 170 acres, which is 54.3% of all the land in the village of 313 acres.

Individual holdings: 125 acres, which is 73.5% of the land, held by those interviewed. Of this, 75 acres (44.1%) is banana plantation. At least 50 acres (29.4%) is permanently under seasonal crops. Other land is mainly used for grazing and firewood collection. Pure common lands of 3 acres is 0.95% of all land in the village. These are mainly roads and water points. The total average land per capita for the whole area is 2.26 acres, which is almost twice the land average (1.4%) or land per capita among poor peasants.

Table 3

## Land held by different classes and social strata in Kashojwa village

Class/Stratum	HH no.	Acres held	Average held	Borrowed acres	Rented out acres
R. Peasants	8	82(65.6%)	10.25	-	14(17%)
M. Peasants	14	28(22.4%)	2	-	-
P. Peasants	26	15(12%)	0.6	10	-
Landless	2	-	-	-	-
<b>Total</b>	<b>50</b>	<b>125(100%)</b>	<b>2.5</b>	<b>10</b>	<b>14</b>

Key: HH - Household

In Kashojwa's case, not only is land unequally owned but two people among those interviewed had become landless. Of the two men one is living in the kitchens of those people in whose gardens he laboured while the second one is married to a widow. He lives on selling his labour. And while the widow is a middle peasant, this man cannot be classified as such. It must be noted that while he is the one with the status of 'wife' in this relationship, he does not, like all wives, even have limited rights of access to land on which to grow food. The widow denied that he was a husband saying, I am only using him. He is more of my "slave" (Omushumba) than anything else. If anything, I am his 'husband'.

Had it not been for migration, many more would have been recorded among the ranks of the landless. But when people become poor peasants most of them tend to sell their small lands and migrate to buy land in areas where it is relatively cheap. Those with surplus land (rich peasants) usually have more land than they can put to immediate productive use and they do lend it out (17%) while the poor peasant who need it for productive use borrow it on rent terms. The land borrowed by poor peasants is 28% of the land they cultivate.

Once again, the figures point to the evidence of unequal land holding in this area, where eight rich peasants (16%) own 65.6% of the land held by all those who were interviewed. The average range between rich peasants (with an average of 10.25 acres) and poor peasants, with an average of 0.6 acres to 9.65 acres, is very revealing. While average land per capita for the whole area of those interviewed is 2.5 acres only 0.6 acres is for poor peasants.

Table 4

## Modes of land access among different classes and strata in Kashojwa

Class/Stratum	Donated	Inherited	Purchased	Total	As % 50 HH	As % of the w/v 128 HH
R. Peasants	2 28%	1 14%	5 58%	- 8	16%	6.3%
M. Peasants	5 35.5%	5 35.5%	4 29%	- 14	- 28%	10.9
P. Peasants	5 31%	14 42%	7 27%	26	52%	20.3%
Landless	-	-	-	2	4%	1.6%
<b>Total</b>	<b>12</b> <b>24%</b>	<b>20</b> <b>40%</b>	<b>16</b> <b>32%</b>	<b>50</b>	<b>100%</b>	<b>39.06%</b>

Key: w/v - whole village

The major mode of access is inheritance (40%) in the whole village, although it differs among strata. Among the rich peasants the dominant mode of access is purchase (58%), because even those who got land gifts or inherited land tend to have acquired big pieces. Among the middle peasants, land gifts make 35.5% and inheritance 35.5% which on average carries the same weight. Among poor peasants, the major form of access is inheritance (42%). It should be noted that the sons of the middle peasants, on inheriting land from their parents, usually drop to the social rank of poor peasants. The figures indicate that purchase as a form of access is increasingly becoming dominant among the poor peasants.

The total area of Kashojwa held by those interviewed is 125 acres while the total land area in Kashojwa village is 389 acres. The land held by those interviewed is 39.06% of the village population of 128 households, and is 32.1% of the land held in the whole village. Individual holdings: 75 acres, 60% of the land held by those interviewed, is mainly under banana plantations. Semi-communal lands: 50 acres mainly for grazing animals which is 40% of the land held by those interviewed.

Pure common lands is 3 acres, i.e. 1.8% of the land in the entire village. This is on top of roads, water points and it includes communal land of 4 acres of grazing land, which is 1% of the land in the whole village. The average land per capita for the whole area is 3 acres.

Table 5

## Land held by different classes and social strata in Kaigoshora village

Class/Stratum	HH no.	Acres held	Average held	Borrowed acres	Rented out acres
Landlords	4	950(87.8%)	237.5	-	20(2.1%)
Capitalists	1	60(5.5%)	60	-	-
R.Peasants	2	32.5(3%)	16.25	-	-
M. Peasants	8	22(2%)	2.75	28	-
P. Peasants	15	17.5(1.6%)	1.2	32	-
Landless	20	0	0	-	-
<b>Total</b>	<b>50</b>	<b>1082(100%)</b>	<b>21.64</b>	<b>60</b>	<b>-</b>

My category of landlords refers only to those with resident tenants on their land. Otherwise it is only one who derives most of his income from landlordism. Two derive their income from capitalist practices, while the fourth gets most of his income from state resource transfer. This one is a bureaucratic landlord and a personal physician to a top government official.<sup>54</sup>

Table 5 points to high levels of concentration of land in a few hands. In fact all the land belongs to the four landlords and one capitalist. They own the whole area in form of land titles. The rest of the peasantry, despite their strata, was not only legally landless but would all soon be physically landless, when the eviction exercise is completed. The amount of land recorded against peasant strata is restricted to their banana plantations since that is the only development for which landlords meagrely compensate when evicting tenants. Houses are not compensated for. The 20 landless people interviewed were part of those who were staying at the churches and those staying with friends and relatives in neighbouring areas, who were chased away by the landlord backed by military-political violence.

As we can note from the table, there are 20 acres of land rented out. The lender is a landlord with 40 acres of land. He is the one who received his land as a gift from the royal family. The land is part of the former burial grounds of Ankole Kingdom. He got it in return for his maintenance of the burial grounds. He is also the manager of the land of the bureaucratic landlord backed by

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<sup>54</sup> He revealed to the researcher that he was interested in land as a matter of principle. So that peasants should not overlook him, otherwise that he had very little interest in land, since he was a trained doctor who could earn a comfortable living by other means.

military-political violence. Evicted people invaded his land for which he is happy since he gets commodity and cash rent from them. On this land he is supposed to be acting on behalf of Prince Barigye.

But Barigye has, since the NRM Government took power, been allowing all interested people in their mailo land to get themselves out unconditionally. So the manager, too, is owner of the 40 acres. Although he was instructed never to evict a person without due compensation, he is unable to fulfill the condition in the short-run, given his present income level. The prince made the above concession partly because he is a politician and the move bought him political capital as a member of the National Resistance Council (parliament). He is also aware of the difficulties and costs it would involve in the process of evicting the peasant tenants whose grandparents had lived on the same pieces of land for ages. The violent process of evicting these peasants without compensation, at short notice, has destroyed the social fabric of the entire society and has produced hunger, malnutrition, famine and death in some cases. This is one of such changes where the people have neither the time, means or sympathy in form of relief aid, to adjust to the catastrophe. The fact that the land borrowed is greater than that rented out in this village explains how these peasants are depending on borrowed land outside the village.

Table 6

**Modes of access to land among different classes  
and strata in Kaigoshora**

Class/Stratum	Donated	Inherited	Purchased	Total	As % 50HH	As % of the w/v 138 HH
Landlords	1 25%	-	3 75%	4	8%	1.83 %
Capitalist	-	1 100%	-	1	2%	0.5%
R. Peasants	-	1 50%	1 50%	2	4%	0.9%
M. Peasants	2 25%	1 12.5%	5 62.5%	8	16%	3.7%
P. Peasants	3 20%	2 13%	10 67%	15	30%	6.9%
Landless	-	-	-	20	40%	9.3%
<b>Total</b>	<b>6 12%</b>	<b>5 10%</b>	<b>19 50%</b>	<b>50</b>	<b>100%</b>	<b>23.1%</b>

*Key:* HH- Households  
w/v = whole village

All middle and poor peasants above are tenants on mailo land, with no legal rights, in which case they are landless. The 20 in the category of the landless are those who were physically landless, formerly tenants, but were later chased out and at the time of research they were staying on church grounds.

The major form of access indicated by the table is purchase. In fact, the social trend in Kaigoshora dictated that you either purchased land or went without any, that is became landless. Most people had purchased land from the tenants who had always settled in the area. The purchase began in the 1970s and reached their climax in the 1980s. Even the evicted peasants again purchased temporary rights of access (survival) from other tenants on the neighbouring mailo lands. However, the selling was secret and the selling tenant claimed that the buying tenant was a relative, forced by circumstances to come and stay with him. The other major form of access was gifts because

people encouraged relatives to come and stay with them. To these they would donate land for purposes of increasing resistance to the landlord. However, the landlords' major form of access was purchase, because they were bureaucrats and *mafutamungis* (rich businessmen).

From our discussion we arrive at the fact that the land crisis continues to accumulate into a social volcano that will explode from time to time unless land reform is carried out.

The total land area in Kaigoshora held by those interviewed is 1010 acres which is 99.7% of the area in the whole village. Individual holdings constitute 87% of the land held by those we interviewed, which is 989.8 acres, mainly fences of the landlords for grazing and some tenants' plantations. Semi-communal lands make up 2% where tenants grow seasonal crops. This is about 20.2 acres for those who were interviewed. Pure common lands, which mainly constitute roads and water points is 3 acres, which is about 0.3% of the land in the village. The total average land per capita in Kaigoshora is 4.7 acres.

This is a misleading figure, given the fact that 40% of those interviewed were landless and the other 30% of poor peasants had an average of 1.2 acres. In short 70% of those interviewed among the lower sections of society had an average of 0.4 acres.

**Table 7**  
**Land held by different classes and social strata in Mishenyi village**

<b>Class/Stratum</b>	<b>HH no.</b>	<b>Acres held</b>	<b>Average held</b>	<b>Borrowed acres</b>	<b>Rented out acres</b>
Capitalists	5	510(41.4%)	102	70	-
R.Peasants	18	545(44.3%)	30.3	40	10(1.8%)
M. Peasants	8	128(10.4%)	16	-	-
P. Peasants	9	48(3.9%)	5.3	-	-
Landless	10	-	-	10	-
<b>Total</b>	<b>50</b>	<b>1231(100%)</b>	<b>24.62</b>	<b>120</b>	<b>10</b>

Mishenyi presents a social structure very different from the other four areas of research. It has a relatively large body of capitalists (10%) of those interviewed and its number of rich peasants, (36%) of those interviewed, are more than middle and poor peasants combined. However, another interesting feature is that more land is borrowed (120 acres) far greater than what is lent

out in the village (10 acres). Moreover, it is borrowed by the rich peasants and capitalists, strata that lend out land in other villages.

One thing accounts for all these features, i.e the economic mode of the people, which is predicated on cattle keeping. In Mishenyi, and in all other areas of research, it became clear that cattle keeping is a high- income generating activity in which all peasants strive to invest as soon as surplus is available to them. This is subject to availability of land which can be accessed to as personal, semi-communal or communal land.

In Mishenyi, with a relatively larger part of people being former pastoralists, this provided a relatively dynamic force for upward mobility. It is even easier for cattle keepers to mitigate the burden of social reproduction and consumption expenditure that bogs down their cultivating counterparts. It is also relatively easy to sell an animal and raise the critical minimal income to enter trade, which is more difficult for cultivators. The land borrowed by the capitalists and rich peasants is not for the growing of crops but for raising cattle that is in excess of the big land they have. Most of the land is borrowed from the Ibanda Catholic Church sisters (50 acres or 4.3%) and 40 acres or 3.4% from Bihanga Prison Farm and 20 acres from other places, which is 1.7% of land used by those borrowing land simultaneously.

Among those interviewed there is a relatively large number of landless peasants. This body of the landless is also different from those in other areas of research, which tends to be relatively homogeneous. The landless are of four types. One (2%) of those interviewed are from capitalist homes. They are married men with children. Their father has a lot of land (70 acres), but refused to donate part of it to them. They only own a compound but they borrow 10 acres of land from rich peasants. On this borrowed land they employ labour at any one time to grow beans, millet, and maize, which they sell to grain traders who come to the village. They employ a labour force of 10 people and by all accounts they advance on capitalist lines. But they do not invest in the improvement of the borrowed land. In fact as soon as an area is exhausted they demand a new piece of land or plot. If the requirement is not met, they hire land in different places. But they have also realized the limits of capitalist agriculture and by the time of research they had began buying cows, which they were keeping among friends' herds.

The second group (4 people-8%) of those interviewed are proletarianized landless labourers of peasant origin. These work and their payment are in form of food, clothes (on average two pairs of second-hand clothes), graduated tax and medical care. They are permanently attached to the homes of rich peasants and capitalists. They do both cattle grazing and cultivation, but their services dominate in the latter.

The third group (3 people-6%) of those interviewed are proletarianized landless labourers of pastoralist origin. They have no cows and locally they are called Abashabi B'amate (milk beggars) in a mild language, or Abashumba (serfs or semi-slaves) in a crude language. Most of these are people of Rwandese origin while some are Bahima. Their major problem is retaining old pastoralist tastes - need for milk - after losing pastoralist means (cows). They are highly skilled in cattle keeping and are a cheap source of manpower on most capitalist farms in Mbarara District. The payment is usually in form of both for household consumption and cash income for subsistence. Graduated tax may or may not be paid for them. Given the circumstances in which they find themselves, most of them resort to drinking skimmed milk and saving the butterfat, in order to make cow ghee for sale. The wives also sell their labour for food in the nearby villages. In some rare cases, terms might be reached between the omushumba and his employer to give him a cow at the end of a year or two.

The last group of people is the landless or 4% of those interviewed, who constitute former pure pastoralists, but whom time has caught up with, by the enclosing of the land to which they used to have access without restriction. This process, which gained momentum with independence, due to the enclosure movement in the 1960s, worsened with the 1975 Land Reform Decree and the subsequent leasing. In Mishenyi, they had in each household as many cows as 20 but, as many as 100 in ranching areas. They had access to the land of those who had a surplus or access to a ranch and in return they paid in form of their labour. They looked after their cows and those of the landowner, in other words their labour was rewarded by grazing rights.

The poor peasants (18% in Mishenyi) are usually cultivators and they provide wage labour in the area. The middle peasants, in an attempt to advance, save cash and buy cows, usually not more than 10. But since they are relatively land poor, i.e. most of their land is under crops and not fenced off by barbed wire but only land-marked, there are neither common nor semi-communal lands for them to keep animals and they find themselves forced to keep their cows among friends' herds (Okuhereka). This relationship, however, subjects them to a process whereby surplus is continuously transferred from them to the rich, as they all contribute money for animal drugs, pay porters and carry out physical labour e.g. repairs and tick removal. In the end it is the capitalist and the rich peasant, but mainly the rich peasant, who enjoys the milk. The middle peasant is supposed only to benefit when his cow produces a calf. However, in some cases the calves are stolen or heifers are exchanged for bulls. It was also found that, usually the children of the middle peasant are in most cases required to provide labour on public holidays when both the cattle porter and the rich cattle owner are unwilling to go out to graze, e.g. on New Year's Day, at Christmas and Easter.

Table 8

**Modes of access to land among different classes  
and strata in Mishenyi village**

Class/Stratum	Donated	Inherited	Purchased	Total	As % 50HH	As % of the w/v of 68 HH
Capitalists	-	1 20%	4 80%	5	10%	
R. Peasants	1 5.6%	7 39%	10 55.5%	18	36%	26.5%
M. Peasants	1 12.5%	3 37.5%	4 50%	8	16%	11.8%
P. Peasants		7 77.8%	2 22.2%	9	18%	13.1%
Landless	-	-	-	10*	20%	14.7%
<b>Total</b>	<b>2</b> 4%	<b>18</b> 36%	<b>20</b> 40%	<b>50</b>	<b>100%</b>	<b>73.5%</b>

*Key:* HH- Households  
w/v = whole village

\* One of the landless is a capitalist who gets access to land through hiring.

Again another specific feature, which Mishenyi displays, is the fact that, the dominant form of access is purchase. And, as earlier explained, this is due to the fact that most of the people are former pastoralists with relatively many head of cattle. Cattle provide substantial incomes which can be used to buy land but the owners are reluctant to reduce their animals by keeping them on small pieces of inherited or donated land. They either resort to adding to the number of animals by buying, or, if they find it difficult to get land in their area - either because nobody is selling or because its expensive - they sell and migrate to other areas. The pressure of buying and selling is itself caused by lack of an open land frontier. Lack of an open frontier rules out the possibility of keeping many cows when you have a small piece of land, which according to them means getting access to communal or semi-communal lands.

Donation as a means of access is very limited. This is because predominantly grazing families with a recent history of pastorism, tend to use their land by grazing together. This happens usually when people are of the same parentage. They tend to use the family "common" land to accumulate

cows, after which individuals go out to purchase land and begin independent homesteads. This is after the number of cows has increased beyond the sustaining capacity of the land available to the bigger family that might be constituting several households. This process of acquiring new lands and setting up new homesteads is called Okushorora in Runyankole. But as already observed, this is possible because a substantial amount of their labour embodiment (cattle keepers) and hence value, is in cattle and not in land like the cultivators. Cattle present the advantage of being easily movable, identifiable and divisible. This presents a possibility of accumulating on the land of a relative with a surplus and later going on to purchase your own. Except by growing seasonal crops, this option is non-existent for cultivators. The growing of the most crucial crops in peasant accumulation, like bananas and coffee, can only be accepted at the cost of donating the land where they are grown.

The total area in Mishenyi owned by those interviewed is 1272 acres, which is 87.6% of the total area in the village of 1452 acres. Individual holdings amount to 1259 acres, of which 881.3 acres (70%) is for grazing, while 377.7 acres (30%) is for cultivation. Semi-communal land is 10 acres, (0.8%) of the land for those who were interviewed. This land belongs to the Church and it is used by middle peasants in this area to graze cattle. Pure common lands comprise 3 acres, mostly roads and water points. This is 0.2% of the land in the whole village. The total average land per capita is 21.4 acres.

It should be observed that among all the landless people in Mishenyi, save for the landless capitalist, no one is indigenous in the sense that he or she has lived there for long. The earliest of these people came in 1973. Others have spent time ranging from 3 years. The landless that are of peasant origin are single while those of pastoralist origin have families. The analysis reveals an acute shortage of subsistence means, for the poor peasants in form of land. Middle peasants lack land on which they could produce a substantial surplus that could be disposed of in the market to either improve their technological base or their quality of life. While most of the rich peasants are not land poor, they lack enough resources, a substantial investable surplus resulting from poor terms of trade for agricultural produce, which would enable them to hire enough labour and appropriate machinery that could lead to full utilization of all available land.

### **4.3 When does the land market develop?**

The Buganda Agreement of 1900 provided for the grant of freehold land (mailo) to about 1,000 chiefs. By the time the allotment was completed in 1909, over 3,700 titleholders had been registered. By 1926, these had multiplied to

10,000, primarily as a result of inheritance or sale (Mamdani, 1976). The land market in Buganda must have developed immediately with the 1900 Agreement as a result of introducing individual land rights by privatizing land tenure to title holders. It, therefore, becomes clear that the land market develops with the establishment of private rights on land, although in Buganda this developed in response to the 1900 Buganda Agreement and in Ankole after the 1901 Agreement and subsequent registration in some other instances. Private rights and land markets can develop along other lines like putting up of permanent developments like perennial crops, the ability to dispose of the surplus, linkages to a transport network - in our case a road - as we saw in Nyamiyaga. An increase of population and immigrants bring new values as we saw in Mishenyi. This clearly dispels the wrong view that the land market awaits land registration.

In the 1970s, as inflation shot up and incomes became concentrated into hands of an upstart business community without business tradition and with strong peasant origins and links, they tended to invest more of their money in land and this increased its value. In Mbarara, land is fully commoditised and its exchange relations involve cash at each level. This is not to simultaneously suggest that land is fully registered, as would be implied in the wisdom of those who advocate for registration as a pre-requisite of land markets. The land market does not wait for land registration or surveying or legal sanctioning, but develops in relation to specific conditions contrary to views of the dominant class.

Furthermore, it should be noted that the land market developed after those who inherited it from the State had donated it to their favourites.<sup>55</sup> This is for those to whom land was donated by the State up to the 1950s. This was in response to population increase. For post-independence government donations, the markets were always available immediately on donation. The market of land settled by the time of colonialism in Mbarara emerged immediately after the Second World War. This itself was closely related to the increased cash incomes, which were from coffee and cotton introduced in the 1930s.

But in all cases the emergence of land markets is closely linked to road construction which helps market the produce.<sup>56</sup> This experience is not restricted to Uganda. For example in "Liberia new rural roads were followed by

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<sup>55</sup> This is for those areas where the colonial state donated land up to the 1950s. The land donated by the post-independent state, especially to the imaginary modernizing elite, could as well - and it would have been better that way - have been sold off, for the market existed, and those to whom it was donated never deserved any donation for they needed the land not for survival, but for profit so they should have paid. That is why the land, after being donated, was sold by some.

<sup>56</sup> In order for the land market to develop, there must be a prospect for a road in the area.

speculators rushing to acquire deeds and to buy and displace local farmers” (Robert, 1988).

### **5. Politics and land in Mbarara**

In a country like Uganda where the major means of production is land, it is inevitable that politics at some point must be expressed as politics of land. The 1900 Buganda Agreement, marks the beginning of the politicization of land issues in Uganda. This marked the beginning of the closure of the land frontier. The process was extended to Mbarara in the then Ankole Kingdom by the 1901 agreement, but the agreement itself favoured mainly the Bahima and Bahinda chiefs or elites as compared to the Bairu. In the mid-1940s this led to the Kumanyana Movement, which was solely for the advancement of Bairu interests. Its strongest base was in Shema, Igara and Rwampara counties where the Bairu had been turned into tenants on mailo land of Bahima chiefs. As a result of emerging Bairu middle class, or petty-bourgeois demands, the colonial government introduced freehold adjudicated titles, which mainly benefited Bairu Protestants who dominated the leadership of Kumanyana movement at the expense of their Catholic Bairu counterparts.

This was later to have an impact on the politics of Uganda by influencing the formation of the Democratic Party (DP), which acted as a front for the marginalised Catholic elite trying to struggle for a share in state privileges. In Ankole, matters took a dramatic turn after independence as people petitioned the exclusion of DP members from being represented on the land committees. In response, the Chairman Ankole Land Board had this to say: “in choosing the names, the board was not following parties”.<sup>57</sup> Earlier on, a letter from Tibayungwa had noted (Ref. No. VIET.1 of 5 June 1964) that the Uganda Land Commission had been instituted and people could apply for membership.<sup>58</sup> Yet another petition seriously complained that, after electing their 12 muruka land board members, of whom 11 were DP members and one was a UPC member, the Ankole Land Board was influenced and five of the elected names were dropped in favour of new ones who were all UPC. The petition accused them of trying to make the number of DPs and UPCs equal in an area that was dominated by DP.

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<sup>57</sup> People of Rubingo, Ihunga, Kajara protest letter to the Administrative Secretary, Ankole Kingdom of 2 January 64 filed as No.204 in Ankole Kingdom Native dispute file, Mbarara District Archives.

<sup>58</sup> Ankole Kingdom Native Complaints file of 1964. Tibayungwa was Administrative Secretary Ankore Kingdom.

At the centre of politics and land there is a central question of democracy and popular control. While at present the Resistance Council (RC) system has done a lot in dealing with land cases, there were similar institutions in the 1960s which almost performed similar functions.<sup>59</sup> However, the accountability was bureaucratic. For example, where lower land committees were a party to the conflict, or thought that an issue was above their authority to handle, it was usually referred to a chief in upper circles or next level of the land board committee.<sup>60</sup>

Their subsequent liquidation is what led to absolute and paramount presence of the court in almost all land cases and increased land troubles.<sup>61</sup> This was worsened with the abolition of the Ankole Kingdom in 1966 which marked the end to people's democratic dialogue in land matters, as the language of communication radically changed from Runyankole to predominantly English.<sup>62</sup> As a result, it increasingly became easy to administer injustice in the land allocation matters.<sup>63</sup>

It is such factors that have over time led to the rancher-squatter problem. In 1990, as a result of this land issue, the Minister of State for Defence, Major General Tinyefunza, told the National Resistance Council (parliament), that he had "sent army men in those areas, after it had come to his notice, that a campaign of insurgency was going on".<sup>64</sup> "The Financial Times" observed that, "by politicizing land issue, (sic) the NRM government has fallen into a trap

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<sup>59</sup> There were land committees from parish to Ankole kingdom level, which checked abuse of land. See Lan. No. 8/3/A of 18 August 1965, also ref. 8/3/A of 24 August 1965 both in Ankole Kingdom Natives complaints file from the district archives.

<sup>60</sup> See letter of 7 August 1965, stamped 26 August 1965, filed as No. 24; also ref: no. 8/3/A of 3 September 1965, also ref: no. 8/3/A C/A.KB, 28 June 1965. All in Ankole Kingdom natives complaints file, from the district archives

<sup>61</sup> Yet it is clear that land disputes have never been pure legal or court issues. Even in the 1960s, during the Ankole Kingdom, the land board acted as a popular channel of appeal for those without money to buy justice. See Lan.8/3/A of 17 October 1963 from Binaisa, Lubowa & Ibingira, advocates to the chairman Ankole Land Board. Also lan. 8/3/B of 19 January 1964 to the chairman of Land Board, Ankole kingdom both in Ankole kingdom, natives' complaint file from district archives.

<sup>62</sup> During the district archival research, it came to the notice of the researcher that before the abolition of the Ankole Kingdom communications to people by government officers and communication to government officers from the people was in Runyankole, the native language. Files after that period indicate that the language of communication for both parties became English with very many of them written by and in threatening legal language of lawyers.

<sup>63</sup> Ref: Lan. no.8/3/A of 24 July 1965 and ref: Lan. 10/1 19 July 1965 both in Ankole kingdom natives' complaint file from district archives.

<sup>64</sup> *The New Vision*, Friday, 24 August 1990.

where it will find it difficult to extricate itself.”<sup>65</sup> Moreover, land politics increasingly expresses itself in the nationality question. For example, the anti-foreign sentiments against the Banyarwanda, and increasingly the Bakiga, in Ankole is a point to note.<sup>66</sup> But even at the national level in 1990, “the house was taken by storm when some members alleged that Government was using the issue of ranches to settle Banyarwanda”<sup>67</sup> The cry was that they have taken over their land. In one such case it was noted that, “they are saying that Banyankole want to take away the land of Baganda. But if you look at the report, only few ranches are owned by Baganda while the rest are Banyankole”.<sup>68</sup> Earlier on, the NRM Government had been accused “of taking away the rights of Buganda through allocating land in Buganda to people from other areas”.<sup>69</sup> The same can be noted of the expulsions from Lake Mburo in 1983 and of people of Rwandese origin in 1982. The other similar case is the expulsion of the Bahima and Banyarwanda who were settled in eastern Uganda, as a result of Lakwena Holy Spirit Movement. The year 1991 saw Ugandans, most of whom had gone to Tanzania after being landless, being expelled. Uganda had done the same thing to people of Rwandese origin in 1983.<sup>70</sup>

But as we have observed in case of Kaigoshora and Mishenyi, political violence related to land was not restricted to either the Amin or the UPC government whereby leaders did what they liked. In the case of the UPC for example, Rwakasisi a UPC cabinet minister expelled Banyarwanda, and he and other UPC functionaries grabbed their land. Reference can be made to the fact that “the district authorities in Mbarara are at the moment trying to reconcile about ten families that have portioned out the land reported to have belonged to the expelled Rwandese in 1982. But official records show that the new disputed land belongs to Mr. Chris Rwakasisi, who got a land title for the same”.<sup>71</sup>

This trend has all the same continued in the NRM government. One such case cited that “the historical NRC member has chased the peasants out of the land they have been tilling for over 40 years. She fenced virtually a whole village in Namuganga, made the families vacate and graded their plantations

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<sup>65</sup> *Financial Times*, newspaper, Thursday, 30 August 1990.

<sup>66</sup> See letter addressed to Dr. Patrick Rubaihayo of 23, June 1982, Also ref: No. 8/3/5 of 17 February 1964, also Ref: Lan.8/3/A of March 1964 all in Mbarara lands office complaints file.

<sup>67</sup> *The Weekly Topic* newspaper, 7 September 1990.

<sup>68</sup> *ibid.*

<sup>69</sup> "The Star", Thursday 10 August 1989.

<sup>70</sup> *The New Vision*, June 1991.

<sup>71</sup> *The New Vision*, 8 February 1990.

without compensation".<sup>72</sup> This is similar to Kaigoshora where an entire Resistance Council 1 with its committee was being chased away. Where popular intervention would have been a solution it was observed, "in some instances, RCs and local chiefs have been arrested and a couple of cases are pending at Mubende Magistrate's Court".<sup>73</sup> In yet another incident it was reported, the presidential advisor, on the other hand, allegedly bought land about 400 hectares from Dr. Magembe in 1988. Recently, the advisor demarcated his piece. In the process, he destroyed people's crops and houses in Lutunku parish. He directed over 50 families to vacate without compensation. He also closed Lutunku Primary Seven School that is located in his gazetted land.<sup>74</sup> In another development, the government chief of protocol was evicting peasants and fencing land in Nyabushozi.

The 1975 Land Decree promulgated under Amin, which is still in existence 13 years after his removal from power, serves to show the extent to which we have gone democratic.<sup>75</sup> It has been pointed out that if peasants knew how insecure they were there would be an insurrection (Kasif, 1988). In fact what is helping today is that people, especially those on customary land holdings, have a false sense of security. Otherwise there would have been chaos and violence.<sup>76</sup>

The co-opting of RCs from being organs of the people to being organs of the State by earning a salary has made them a target of bureaucratically interested people. They have moved from being people's representatives to intermediary state agents, subservient to its regulations. Yet it is clear that neither the hierarchy of chiefs, nor the judicial hierarchy of courts, or the various district land committees, allow for popular intervention in their functioning. They cannot because these are precisely the state organs tied up with the regimes of labour controls reproduced through extra-economic coercion (Mamdani, 1984). This has halted the popular democratic intervention in land. RCs only remain as the strongest grip of the State on peasants, given their being locally resident all over the area. In fact the RC system has made the State a permanent resident in every village.

The 1975 Land Reform Decree is one of the political actions that have had accelerating effect on the land question in Mbarara, which has provided a base for violent politics. For example, 30 residents of Bugarama village, Ibanda

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<sup>72</sup> *The Weekly Topic*, 3 August 1990.

<sup>73</sup> *ibid.*

<sup>74</sup> *ibid.*

<sup>75</sup> It is surprising that a government, whose leaders consider Amin to have been a buffoon, have used the law promulgated by the same buffoon that affects the life of majority of people for six years. See, *Citizen* newspaper.

<sup>76</sup> See Kisamba - Mugerwa, *The New Vision* newspaper, 27 March 1991.

County in Mbarara, decided together with a highly placed NRA combatant to repossess 80 hectares of land in a dispute with the Catholic Diocese of Mbarara ... residents accused the scheme for having started with support of the governor of the area during Amin's regime without their consent. And that scheme took their fallow and grazing land, plantation and their cows' water.<sup>77</sup> This becomes clear in relation to the question of the rancher-squatter problem. In any case, the historical origin of the squatters was also in the modernisationist politics of the 1960s post-independence governments that created ranches without any regard for pastoralists who were using the area for grazing. The beneficiaries were Ankole political notables. These were both DP and UPC members vindicating what Doornbos and Lofchie (1969) have observed that

perhaps the most important reason why local resentment of the scheme did not find adequate expression was that leaders of both national political parties had an interest in the project.

The way politics and legislation are used to determine access to land ownership, determines the nature of the next round of politics. The more unjust land laws are in the present political phase, the more explosive will the land question be in the next political phase.

## **5.1 Land alienation and land question in Mbarara**

### **5.1.1 Areas of research**

The relatively serious land conflict in Nyamiyaga was between two merchant capitalists in the late 1970s. One of the merchant capitalists had sold part of his land neighbouring a trading centre to his counterpart. But later, after using the money, he changed his mind and insisted on returning the friend's money, who refused. The buyer took the matter to court. The conflict involved enlisting the support of relatives and friends on either side. In the meantime, the buyer had proceeded, silently, to get an offer from the Department of Lands, who secretly surveyed the area and gave him a land title. Realizing the implications of the land title, the seller gave up the case. The land involved was 2 acres.

The seller, however, began contesting a piece of land against his brother in another area where he claimed that they had got the land together as a donation from the State. His brother surveyed it during the time he was in prison in 1981. At one point he had to fight the wife of his nephew whom he

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<sup>77</sup> *The New Vision* newspaper, Wednesday, 3 January 1990, 30.

accused of instigating the husband to conspire with his brother to cheat him. The issue was, however, resolved at RC one level. This was because it was thought bad manners for the woman to accuse his step father-in-law. The brother who happens to have the land title insisted to the researcher that the land was his. He claimed that the Government had offered each one of them 1 square mile, 10 miles away from each other's place. This was in Nshenyi Game Reserve and that he had surveyed and got his land title. The brother's land, together with that of another man, was grabbed and surveyed by a Muslim apparently who had only been allocated 3 square miles. This Muslim wanted five square miles like what had been allocated to other Muslims who got land in the area.<sup>78</sup>

The complainant claims that in the past he had used his money and labour on the contested land so he must either be given part of the land or be compensated for his labour in form of money. The brother counter argues that he compensated himself by renting out land to cattle keepers who were paying him in form of cows. On top of that, he had sold several of his cows in 1982. The other one defends himself that he could not have remained in prison because of debts when he was the one managing the cows. He in any case argues that the other one also sold one of his cows to cattle traders. The brother denies this. The brother, who owns the title, says if they cannot resolve the issue as brothers then the court will. The case is in fact before court, whereby the accused has defied all court summons. He has stated it categorically to his brother that court or no court if he cannot be compensated, or given part of the land, the only way to push him out is when he is a dead body.

But behind the stubborn land stand of this man is gradual impoverishment and desperation. The fact is that he has been selling parts the land which he had accumulated in earlier years. Those who have been buying his land are middle peasants willing to buy very small portions, not neighbouring their own land, for the purpose of growing their crops, which need rich soils. This periodical selling itself puts him in conflict with his children and wife. The researcher was informed that some of his former tenants, who had bought portions of his land, had not been given receipts. When contacted to confirm the allegation he denied having sold any land to his former tenants. He also continues to have about 30 people with a semi-tenant status on his land. His distress began when he fell out with the government, when there was change in political leadership in 1980.

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<sup>78</sup> All the Muslims who got land here in Amin's time had tried to modernize their ranches but when Amin was overthrown most of them in most cases had to pay back bank loans. After all most of their cows had either died during the war period or were looted and eaten by people and during the 1979 liberation war.

Most of the land conflicts common in the village concern boundaries resulting from mistakes or intentions to grab when digging. These form about 60% of the land cases. Some 30% are cases either in form of disagreements among family members or a conflict between seller and buyer over sales. At least 5% originate from inheritance and donation rights while 5% are of various causes e.g. conflicts on use, trespass etc. Compared to other conflicts in this village, land conflicts constitute 30%.

Kaigoshora was one of the mailo land areas given to the king of Ankole during the colonial times. There used to be tenants on this mailo land who paid rent to the king. In 1967, when kingdoms were abolished, this looks to have made the king insecure and led him to begin selling his mailo land. In 1972 he sold off the mailo land of Kaigoshora to different people. Later the mailo land was abolished by the 1975 Land Reform Decree together with rent. This land was supposed to have turned into leasehold on conversion. But one condition of the decree stated that those lands were to be developed within 8 years or else the owners would forfeit their interests. This resulted in landlords evicting peasants in the name of development. This then resulted into conflicts, which have persisted up to today.

According to the respondents, the evictions were initiated by Government, since its officials came to this area and told people to accept compensation because the land was not theirs. The period for vacating after notice depended on the compromise between the landlord and the tenants. In theory, compensation was supposed to be arbitrarily determined by the RCs, landlord and tenants. But in practice it was the landlord and his manager who determined how much to pay as compensation. Respondents noted that those on good terms with the manager got better payment. Some tenants were bribing the manager to get good compensation. By the time of research, some people were still resisting compensation because it was too little for too much damage and inconvenience caused.

The landlord who succeeded in evicting the tenants was assisted by violence, given his connections within government, which can be testified by the fact that other landlords had not succeeded in evicting their tenants. When one tenant refused money for compensation, the landlord brought labourers to cultivate the tenant's land. The tenant chased away the landlords' labourers with a spear. The landlords' manager reported the case to the magistrate, but before court action was taken, the landlord arrived from Kampala and beat up the tenant.<sup>79</sup> By the time of research, this tenant was still admitted in Ishaka

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<sup>79</sup> This information was given by the landlords' manager and tenants in the area and was later confirmed by the landlord himself. The landlord is a bureaucrat in Entebbe. The landlord claimed that the tenant had also poisoned his brother's son aged 5 with acaricide.

Hospital. The tenants revealed that after this incident they got scared and started to agree to whatever money they were given as compensation.

Some 164 households are to be affected by these evictions covering 780 acres. Respondents pointed out that no person was given more than shs.100,000 as compensation although the landlord put the amount at shs.200,000.<sup>80</sup> Some people were refusing to be compensated because they were given little money. Rich people sold their properties and added on the small compensation and bought small lands where they now live. Those who did not have other property to sell and were given little money are still stranded. The landlord at times goes in army uniform with soldiers when he is going to evict people. The whole village is gripped by fear and some people hide.<sup>81</sup> The eviction began in 1988 when the landlord came back from outside Uganda.

In the same case people were only being given 30 days in which to leave without even harvesting their crops, contrary to the laws of the land and the directives of the District Administrator, Mbarara. Reference can be made to the Assistant District Executive Secretary in charge of lands' letter to the District Administrator where "reference is made to your ref: DA/LAN/1/2 of 21 May 1990 addressed to the Hon. Minister (of the ministry) of Lands and Survey in which you recommended principally that the above three tenants leave the land of..... within 6 months. This vacation however was to be done only after those people had been duly compensated by Dr.... and his brothers. Meanwhile these three tenants have not been compensated and they have been stopped from using the land. This is an issue, which is worrying them because the time of planting is drawing near but they are not free to prepare the shambas like the other peasant farmers elsewhere are doing. The purpose of this letter is to request you to allow these people to continue growing their crops on the land they now occupy until such a time when they are compensated; even then after compensation is duly paid they will have to be given 6 extra months to leave."<sup>82</sup>

RC 1 tried to protest to the District Administrator (DA) but it could not work. Tenants organized with the RC I chairman, who was also to be chased out, and forwarded their ideas to the DA stating that, they were refusing to go because they had bought the land by paying tribute to the king over many years. The letter read, Sir with much pain resulting from your letter of .... when you sent us that, they solve our problems up to now they have never been solved. They have never helped us in any way. We are now faced with famine

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<sup>80</sup> Even if the claim of shs.200,000, was true it is still very small, given that on customary land tenure, it can not even buy 1 acre of land planted with bananas in the area.

<sup>81</sup> Note that this landlord is not a soldier. He is a practising physician with political connections.

<sup>82</sup> Ref: Lan. 10 of 16 July, 1990 from office of the district executive secretary to district administrator's office Mbarara, in lands office file.

crisis and cows and goats are dying because they cannot get anywhere to graze. Sir we committee members Kaigoshora RCI having nothing that we can do for those people we have decided to send them to you.<sup>83</sup>

The RCs have been very successful especially in solving boundary conflicts. However, it was noted that there are cases, which are above RCs' authority like surveyed lands. Yet these affect the lives of very many people seriously. In some cases people rush their cases to courts. In other cases, RCs have failed because of being corrupt and inactive. Those who tried to refuse to go away were chased out immediately, while the others were given a period ranging from four months to a year to vacate. It is claimed that the violent landlord corrupted the RC II chairman with whom he moves around the area without other committee members and pays tenants very little money. The RC II chairman comes from outside the mailo land area. People are forced to accept this little payment because the landlord goes there with armed people in military uniform.

The pay can be as little as shs.2,000, although when a person is compensated and he has old sons with independent homes they are given a total not exceeding shs.10,000. Some of the evicted peasants now live with relatives. Others stay on church land where they are given plots to till. Some of the people were in the area before independence while others have spent 20-30 years and the majority came in the 1970s. The latter moved due to the combination of pressures of Amin's Economic War and his 1975 Land Reform Decree. Other tenants came claiming to be brothers and sisters of those who were there and would end up sharing land which they claimed belonged to their grandfathers who had lived in the same area. Payment depended not on when the tenant wanted to leave, e.g. after identifying an opportunity of buying land somewhere else, but rather when the landlord brought money. People who were poor accepted the money and refused to go. They were fenced in and are now growing crops on borrowed land.

There was also controversy as to whether Kaigoshora land belonged to the king or kingdom. In a letter written to Dr.Patrick Rubaihayo, the area's Member of Parliament in 1982, its author observed that regarding the allocation of mailo lands in Ankole and Uganda as a whole since 1900, particularly in Ankole there were two kinds of mailo lands: (a) freehold land. (b) life land. I fail to understand whether the whole estate belonging to Charles Gasyonga was freehold land. But from my observation I understand that most of the rest of the present mailo land belonging to him was a life land. Mr. Minister Sir, we request you to approach the minister of lands and natural resources, to clarify

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<sup>83</sup> Letter from Kaigoshora RCI to the District Administrator of 30 October 90, copy from RC 1 file Kaigoshora.

when most of the land got the land title during the reign of Kahaya or during his own regime, by copy of this letter is sent to the honourable minister of lands and water resources for information."<sup>84</sup>

On the second mailo land, tenants were uprooting crops of the landlord because for him he did not have enough force behind him. He claimed that the number of his cows was reduced from 88 to 30 because of tenants' overgrazing, failure to spray their cows and their bewitching them. 40 households would be affected if this land is to be cleared of tenants. 58 hectares of land is involved. This landlord had compensated owners of two acres of banana gardens at the rate of shs.100,000, and 1 acre at shs.80,000 1/2 acre at shs.50,000. Others were not compensated, he said, because he had no money. Those compensated entered another piece of mailo land and bought banana plantations from other tenants and settled, but they were also being chased away from there. Tenants who were refusing to cooperate with the landlord were saying they had the right to use the land because they had bought it from the king by paying him tribute for several decades. They argue that the landlord had bought also it from the same person.<sup>85</sup> By the time of research people were calling relatives to stay together so that the landlord might give up the idea of compensating them.<sup>86</sup>

When we turn to Mishenyi, the most remarkable land conflicts in the area include the common land covering 100 acres on which about seven families were living, which was grabbed by a rich man in 1975. The families were displaced without compensation and were left to live on small plots.<sup>87</sup>

Another case involved five peasants whose land and karandaranda was leased. The leased land was 120 acres and the grabber came from Ntungamo in Ruhama county. The five peasants were poor cultivators but the grabber was a rich cattle keeper. This explains why he defeated the peasants easily, since they had no money. When they put their case to Ibanda County in Amin's time, they were instead imprisoned and from that time they gave up the case. The situation has not changed a lot since. Another one who grabbed land was a teacher with cattle and the five affected were poor cultivators who were also illiterate. The grabbed karandaranda had 10 families, five of whom remained on their small plots. The others, who were cattle keepers, went to Lake Mburo,

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<sup>84</sup> Sezi Busasi's (one of the first three founder members of Uganda National Congress in Ankole and the UPC area's district councillor in 1981-85) letter of complaint on behalf of Kaigoshora villagers to the area Member of Parliament Dr.Patrick Rubaihayo of 15 July 82 from Mbarara lands and survey office dispute file.

<sup>85</sup> Interview with tenants, October 1991.

<sup>86</sup> Revealed by both landlords and tenants during the interview, October 1991.

<sup>87</sup> These families by the time of research were a source of cheap labour to capitalist and rich peasants in the village including this grabber.

which is now a national park. In both cases mentioned above, those peasants who remained on the small plots, ended up becoming a source of cheap labour for the grabbers' farms. Also, another case of arbitrary grabbing of land was effected by a man who in 1975 threatened five households and took away about 30 acres of their land. Those whose land was grabbed were peasants, while the grabber was a big farmer. When the peasants protested they were also imprisoned. The eviction was initiated by Government involving the court and police.

However, the most prolonged and fatal case in Mishenyi involved two men who were initially friends. Their conflict erupted over a land boundary in 1965. The case was handled by court up to 1967. It was resolved when one lost to the other. When the Obote I government was overthrown the one who had lost seized a chance to revenge by having the adversary imprisoned. In 1975 the case was again resolved such that the loser in 1967 was the owner of the land, but also the defeated one this time could not agree. Conflict escalated and "they reached extent of using witchcraft against each other".<sup>88</sup>

Later when Amin's regime was removed in 1979, surprisingly the friendship of the two resumed during the UNLF Government. This was evidenced by one giving the other a cow, but this did not last long. The original winner in the first Obote Government resumed the case in 1982. During the Obote II regime the man who had won the case in 1967 won it again in 1982, but instead of the court brokers being brought in to remove the fence of the loser, two policemen were brought instead. This was because court brokers were expensive.

Unfortunately the policemen did not know the home of the man whose fence they were supposed to uproot. So they sought the guidance of the UPC militiaman, who also happened to be a carpenter. The policemen had first boozed at the trading centre. The man whose fence was supposed to be uprooted was friendly to the militiaman. The militia thought that the policemen had been hired to kill his friend. So while on the way going, he pulled out a knife and stabbed one to death, before the second one could shoot him. He was also stabbed but he did not die. The following day police came and arrested the militiaman who was taken to the sub-county headquarters where he was beaten to death. The fence remained until 1983 when the court brokers came and uprooted it. Once again the case temporarily ended.

In 1986, when Museveni took over, the case resumed. It happened that the loser in 1982 was a father of a commander in the National Resistance Army with at the rank of lieutenant colonel, who used his position not only to grab

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<sup>88</sup> Among rural people witchcraft and prayer are considered the last and superior authorities of appeal for the weaker or weakened party, than courts and personal violence.

the land in conflict but also to chase away and take the lands of neighbours. In the meantime, the father of the commanding officer was killed in May 1988. In turn the army officer killed 14 people from the other family. In the family of 14 people, 10 households were affected since the commander wanted to know who had killed his father. The conflicting parties were all cattle keepers. Whereas the conflict was formerly over boundaries, as regimes changed, the land involved increased and in the end was 20 acres of land with a dam in it. In this particular case none of the two had a leasehold.

The land in conflict kept on increasing because every new regime would favour a new party among those in conflict.

The commander grabbed all the land around that area which was about 30 acres. The family which lost land and people was not compensated and it was chased away and went to another district. The bodies of some of the people who were killed have never been seen up to now. Others were handed over for burial after they had rotted. A military convoy was sent to arrest the officer but he claimed to be sick and they went back. Then he was ultimately airlifted by a military helicopter. He later fell sick and died.

This was before any legal proceedings were taken against him. This is on the basis of the fact that the bereaved families had not been contacted by the time of research. Once again the case has temporarily ended temporarily, because the people confided to the researcher that they are waiting for the NRM Government to go, and that it will take them hours to recover their lands, which were grabbed and were still fenced by the time of research. This is land on which they could not take any legal action because of fear of military-political violence, from the deceased's commander's friends.

The discussion so far mainly highlights how the peasants' lack of economic, political and military power, led to their deprivation of land by the stronger forces in society and subjected them to a lot of suffering. The power base of these practices is at times the unjust laws like the 1975 Land Reform Decree that would need to be repealed and replaced with legislation that takes interests of the majority who derive their livelihood from land as first priority.

### **5.1.2 The Ankole/Masaka Ranching Scheme and the Land Question**

We interviewed five ranchers to grasp the origin of the rancher/squatter problem. These had a total land area of 25 square miles. They got it between the years 1965-1968. By the time of research, they still had the same amount of land despite the fact that population had been increasing over the last 25 years. They had a total of 4162 cows. Among them beef cattle ranged from the Ankole long-horned cattle to borans with some crossbreeds. Also, a significant number of

Fresian cows, which are supposed to be dairy breeds, were kept and their cross-breeds too.

We also interviewed 20 squatters. Of these one had become landless when she divorced, five were formerly using karandaranda and became landless when it was grabbed during Amin's time and six had very small pieces of land, which they sold, migrated into reserves and karandaranda until they were chased away by Government and those who leased simultaneously. Eight had never owned land at all. One of the eight was a widow whose husband never had land. The other one among the eight had a father with a small piece of land, which was grabbed by his stepbrothers and their mother. He was forced to migrate with his mother and settled in the reserve until they were chased away. The other six of the eight were landless labourers who turned into squatters when the squatter resettlement policy was announced.

Out of the 20 squatters, 10 wanted to hold land individually and the other ten wanted it as a group. The two women belonged to the group, which wanted to hold land individually. Those who wanted land as a group had various reasons: being poor and unable to develop the land alone; wanting to use the land with other relatives; a person having never stayed alone and having always lived with other people whom he found helpful even in other problems; and those who thought that as a group it would be easy to ask for government assistance. The reasons of those who wanted to own land individually were: to avoid conflict in future. Those who had many cows and land which was used commonly would be responsible for its development.

Reasons as to why these squatters had never bought land varied. The woman divorcee who had 120 cows said she could not sell cows to buy land because she wanted the number to increase so that she competes with her former husband. Seven others said they used to think it unnecessary and a waste to buy land since they were supposed to go away if and when their cattle met misfortune. Six others said that since there was government land to use they never saw the need of buying land. While the rest (six) said they were too poor and had few or no cows to sell and buy land.

Some of these squatters have been chased up to four times before finally settling here. However, they entered this place at different times. One of these squatters migrated to this area in the late 1960s, six migrated in early 70s, six others in the late 70s, and six in the 1980s. The woman divorcee had been living on Ranch No.32, and paying a rent of two cows per year but she moved to Lake Mburo when the landlord wanted to increase the rent, until 1990 when free land was made available and she entered the ranch. The squatters interviewed had a total number of 1264 cows.

Before the NRM Government's policy to restructure ranches, rancher and squatter conflicts were mainly restricted to stealing grass and water. This

caused the problem of disease for big ranchers, but to manageable levels. The problem was solved by employing more labourers to defend the farm and talking to ranchers who rented land out to squatters. Ranchers were asked to control their squatters from stealing ranch grass, which they had not hired. For ranches where there were squatters, the conflict was mainly over the type and amount of rent to be paid. The solution here was to renegotiate the terms, and where a compromise could not be reached, the squatter would be chased away.

The problems faced by ranchers during the crisis between them and squatters vary from ranch to ranch. In some cases squatters' cows brought disease. In others cows on ranches lost weight as a result of overgrazing the area and this reduced the market price. In some ranches, cows would be moved long distances to get water from other ranches as a result of water getting finished. Also, squatters stole drugs from dip tanks and damaged dams. At times exotic cows, usually bought by loans, died thus posing the problem of loan repayment to the ranchers. To avoid the death of more animals, some animals were sold off. And more still would have been sold had the qualification for retaining a bigger share of the ranch in restructuring not been the number of cows the rancher would be owning on the farm.

On the other hand, squatters faced grass and water shortage. In the last dry season of July to October 1991 they lost many of their cows due to a shortage of water. The water problem in particular resulted from the unplanned overstocking of ranches and destruction of some dams by squatters' cows. On one ranch alone, squatters had 2000 cattle on top of those of the rancher. The severe dry season worsened the situation. The problem of disease became acute due to unrestricted movement of cattle.

RCs tried to help solve the crisis by identifying genuine squatters, stopping new people from coming in and telling squatters not to steal drugs from dip tanks. However, ranchers denied that RCs had done anything to help since they were the squatters. There was also intervention from Government through the deputy minister of education and sports by 1990 and some army men in an attempt to avert the crisis. Government requested all squatters to move the cows near River Rwizi but some refused and resorted to stealing ranchers' water. Some ranchers were so harassed that they abandoned their farms. Formerly before the restructuring policy, if a person was caught stealing water or grass a fine of a cow had to be paid. Later, a Ranch Restructuring Board was instituted to work out a solution although it had not yet produced a report at the time of writing.<sup>89</sup>

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<sup>89</sup> When it eventually produces the report it is unlikely to solve the problem since the incident is a manifestation of a bigger land problem in the whole country that cannot be dealt with piecemeal.

Although on many ranches developments were destroyed, some were not touched e.g. Ranch Number 15. But in ranches Number 9 and 21, cows were killed, breeds of Friesians died and crops were grazed when squatters' cows entered these ranches. It was indicated that this selective destruction was a result of squatters being used by army men targeting specific individuals. For example, one lieutenant told squatters to destroy some ranchers' property in case they refused them entry. The same issue was raised by members of the National Resistance Council (NRC), and the Minister of State for Defence, Major General Tinyefuza, had to be rebuked in the NRC by the President.<sup>90</sup> It was also noted that, these squatters were armed local defence units who had power to destroy if and when they liked.<sup>91</sup> However the loss was not restricted to the ranchers. For example, one squatter lost 33% of his herd. It should be noted that this rancher - squatter problem is one of those where RCs have interpreted it as a class question and class interests have been defended. When cases of offending ranchers are reported to RCs, the only penalty to the squatters is to tell them to stop, and no prosecution is carried out.

There are various categories of squatters when they are grouped according to the periods when they entered the ranches. The first major entry of squatters into ranches began after the 1979 liberation war in Uganda when some of the destroyed farms were entered by fleeing people who never went back. Cows, especially those of Muslims, were eaten and others died, so eventually they had to rent out the land. A case in point is Ranch No.32 where cows were eaten and developments were destroyed which led to the penetration of squatters. But in others, squatters entered the ranches because they were neglected.

New squatters began entering ranches in October and November of 1990 when they heard that they were to be allocated free land. The third category was those who were originally labourers on the ranches and turned into squatters when the policy of giving land was announced. Some other squatters came in, when they were displaced from Lake Mburo, at Kanyaryeru, to settle those who were displaced from Luwero by the war between 1981-1985. Others were just hiring land from ranchers.

However, some of the squatters are as old as the ranching scheme itself. When this area which they were using for grazing was turned into ranches they entered the ranches as porters to look after ranchers' cows, and kept their own cows to be grazed alongside. What made easy entry for these people was their superior skills in looking after cows and their tested experience of managing in very tough and harsh environment with little or no food and little water. These

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<sup>90</sup> *The Weekly Topic*, 7 September 1990.

<sup>91</sup> *The Citizen*, 12 September, 1990. Also *The New Vision*, 24 August 1990.

are qualities, which the planners of the scheme never considered. The RCs worsened the situation by inviting people from such areas as Kazo and Buniya who sold their lands, came and corrupted RCs to allow them to be squatters. This was an effort by the privileged group to get free land. Some of the squatters, especially those who came from distant areas to enter ranches, were Abashumba. Since the government restructuring policy, they have become very scarce which has caused cattle labour shortage as expressed by some capitalists in Mishenyi. When people and RCs over time realized that with the continued coming of other people the share they would get would be too small, self-interest forced them to become vigilant against new entrants. This shows how the Government had underestimated the level of land hunger and landlessness.

This was in disregard of the law, which stipulated that some managers would ask people for money and put them in ranches as squatters. However, a good number of people came in as a result of negotiation with the ranchers who would give them land where to settle on a rental basis. The squatter would give one or more cows per year depending on the number of animals he had. On average, a herd of 100 cows would yield a payment of two cows a year. And whereas one cow does not look like a big gain to a rancher, he would put several squatters on one part of his ranch which means he would collect several cows a year. However, there was no uniform rate on a proportional basis for cows owned. This varied from ranch to ranch. Both ranchers and squatters invited relatives to come and settle on ranches and claim to be squatters in order to benefit from the sub-division of ranches, when policy restructuring was announced.

Each regime has contributed its own share to the problem. In the first Obote government, it was mainly those with political authority who were given the ranches. These were the same people who had money, hence the policy disregarded, and alienated a big area of land from hands of, those whose survival depended on this land i.e. Bahima pastoralists. During Amin's regime, more so after the 1975 Land Reform Decree, karandaranda, which was commonly used especially for grazing cattle, was leased by few individuals; hence marginalising people further into otherwise controlled areas, game and forest reserves. The 1979 UNLF war against Amin added to the problem, more people were pushed from Isingiro and Bukanga counties into these reserves. In the second Obote regime these people, together with those whose grandparents had lived in these reserves were chased out. This was despite the provision that "... no holder of a customary tenure shall be terminated in his holding except under terms imposed by the commission, including the payment of

compensation and approved by the Minister having regard to the zoning scheme ...."<sup>92</sup>

This was done in two phases. The first was under the cover of expelling Banyarwanda, and the second in the name of creation of a national park to develop the tourism industry. In the same period another group of people had been displaced from Luwero, Mpigi and Mubende by the infamous skirmishes of Luwero Triangle between guerrilla and government troops. Left with no other possible alternative, most of these found their way into the ranches as squatters.

In 1985, when the control of the Western Region was under the National Resistance Army of Museveni, the people decided to vote with their feet back to their former areas of settlement. It was not until 1986 that the government turned its sword on them and chased them away in favour of the game park, contradictory enough only to resettle some people displaced from Luwero on one part of the game park. Most of those displaced over time became roving pastoralists or squatters paying rent on ranches. The explosion was sparked off by government when it announced the policy of restructuring ranches that immediately unveiled the level to which the land crisis had reached. A civil war situation at one time almost obtained, which confirmed an acute land crisis.

All our respondents held the Government responsible for the crisis. They accused it of announcing policies whose consequences they did not first fully evaluate. This had led people to enter ranches before the government had done enough investigation on the issue. As a result, squatters and ranchers alike had misunderstood the intentions of the Government. Some ranchers blamed the government for inviting squatters to destroy their developments. Others accused the Government of failing to distinguish between those who were properly utilizing the land and those who were only exacting rent, while squatters accused it of lies and lack of plan.

Ranchers wanted the government to spell out a proper land policy, which would benefit both squatters and ranchers. Given the degree of social pressure, ranchers came to realize that in a situation where very many peasants were landless they could not hold such big pieces of land indefinitely. To them the solution would be for government to first send its representatives to find out what exactly was taking place on which ranch, how many squatters there were, who came after the policy in order to decide who should get land or ranches which were not utilized. This had to be done after the rancher had got first priority and enough for himself. This also had to be done in an orderly

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<sup>92</sup> 1975 Land Reform Decree 3. The eviction of the people was done under the close supervision of Chris Rwakasisi who was acting Minister of Tourism and Wildlife in Obote's Government. He was also Minister of State in Office of the President during the Obote II regime.

manner, without destroying the developments already on the farm. The remaining landless people had to be taken to sparsely populated areas such as Ssinga and Bunyoro (sic). Some argued that the settling of these people in sparsely populated areas would solve regional imbalances. They argued that Mubende, Kabarole and Masindi were less developed than Mbarara and Masaka which the government was concentrating on and in process destroying even the developments already made. Their argument was that the population would help develop those areas. They further urged government to fully implement policy once it was decided. By the time of research, neither squatters nor ranchers were investing due to the uncertainty of who would get what after restructuring. On the other hand, squatters proposed that all those with more than a 100 cows be made to sell some and buy land.<sup>93</sup> This contrasted sharply with the government's own recommendation ...that families with larger herds of cattle (i.e more than 30 cows) should sell some and buy land elsewhere. This would reduce overgrazing in the area.<sup>94</sup>

To achieve its intended objective, any development effort should consider the people of the place where it is to be resident as beneficiaries and not victims. It should also seek to utilize their wealth of experience accumulated over years, seeking to know why they do what they do and in the way they do it, if it is to avoid harvesting surprise failures. This requires painstaking investigation of what obtains on the ground and as much as possible attempts to predict the possible consequences.

We observe that government policy which created ranches without regard to those who were using the land - the Bahima pastoralists - was misguided and was responsible for the first seeds of the crisis in the area. It promoted interests of the speculative minority at the expense of the productive majority. And although the 1990 NRM initiative of ranch restructuring had a popular perspective, it fell short of making an overall assessment of the possible consequences which led to serious conflicts and destruction of property.

### **5.1.3 Lake Mburo National Park and the Land Crisis**

In pre-colonial Uganda, land everywhere was held under customary ownership. During the colonial times ownership began to be individualized, especially since the 1900 Buganda Agreement. However in Ankole, where

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<sup>93</sup> It is a popular view among Ankole cattle keepers, but mostly pastoralists, that any person with less than 100 cows is poor. This view of theirs is informed by their social economic experience.

<sup>94</sup> Ref: C(c) of 16 June 1987, meeting on Lake-Mburo Resettlement Scheme, in Mbarara Game Department file.

Mbarara is located, alienation was a result of 1901 Ankole Agreement. Part of the land was alienated as mailo land to the chiefs of Ankole and the rest was termed as Crown Land. In 1960 three major incidents took place. A big area was alienated for ranching, the enclosure movement pushed mainly pastoralists out of Bushenyi and southern Mbarara on to the margins of ranches and Mburo area was turned into a game reserve although the local community was allowed access rights. The three social processes crowded most of the population on the remaining land.

After the 1975 Land Reform Decree, because of the further grabbing of whatever still remained of the communal lands, many people were further pushed into these reserves. The encroachment was further intensified with the fall of Amin in 1979. The people who were forced into Mburo by the war from Isingiro never went back. In 1981-83 when Obote's government began to evict them from the game reserve, a few of them went back to Isingiro, mainly those who had come from the same place. But the majority, because they had nowhere to go, moved into Rwoho Forest Reserve despite the fact that other people had already been chased from the same place. These were subsequently also chased from the forest reserve. Most of them then found their way into ranches as squatters. In 1985, however, following the NRA take-over of Mbarara District, most of them returned to their former areas in Mburo as already noted, only to be evicted again in 1986 by the NRA government which instead settled there internal refugees who had been chased away from Luwero Triangle by the war. But other than a few who were resettled in the degazeted zone, most of them again entered ranches as squatters.

Government or state reserves are protected by and for the interests of the dominant classes who also control the state. On top of providing pleasures for them, they are a source of foreign exchange that is so much needed if the appetites of the same classes are to be satisfied. They also help to satisfy the foreign hangover of wanting to make friendship with those from their master countries in "civilized" societies.<sup>95</sup> Put on a balance sheet, it remains doubtful if they are net foreign exchange savers to the country, since whatever tourists use here is usually imported.

It becomes much more serious when people begin to suffer in favour of animals and forests, presumably being preserved for the good of the same people. When the presumed benefits are carefully weighed against the costs of establishing Lake Mburo National Park, one concludes that it was the populist practice of a government without popular support, attempting to bask in the glory of international community, as a success in tourism, just by adding one

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<sup>95</sup> Refer to minute 2.4(c) of the meeting of Lake Mburo task force held in Mbarara on 19 May 1986 in Mbarara Game Department file.

more national park to those that were already existing. It was at the same time a political punishment to pastoralists who dominated the area since they were known not to be strong supporters for the government of the day.<sup>96</sup> While the government expelled people from Mbuoro, it was particularly harsh to pastoralists saying, ...our first major task is to get the thousands of cattle out and sort out this problem later as we become more mobile.<sup>97</sup> One wonders why pastoralists were so harassed under the claim that they are a danger to game when in fact pastoralists are not a big danger to animals except lions, which eat their cattle.<sup>98</sup>

In another letter the Game Warden, Southern Range, to the District Commissioner, Mbarara (Ref: G/SR/46 of 31 March 81) stated "at this juncture I appeal to both district commissioner and district veterinary officer to assist the department in this exercise as some might be aware that, this is not [an] easy task for an individual to evict those troublesome herdsmen from the area". This is what increased the squatter problem.

The large-scale deforestation that took place in the wake of this development can only be understood in relation to the search for new pastures in the context of expanding human and cattle population. Unequal land ownership is an environmental stress, which can trigger off social and environmental catastrophe, even when population is not so big, especially in a situation where industry is not dynamic to absorb those pushed off the land. When these areas are eventually opened for settlement (e.g. Nshenyi game reserve) they are made a monopoly of those who are thought to have capital to develop these areas, i.e. the same interests which the game parks were serving.

They are usually allocated not to those who have interest in using the land or have animals to keep there, but those with the money and knowledge to lease these lands. This class of beneficiaries, once they have the land titles, keep them for speculative motives and never carry out any development. The donations go to these people just because the state class forces have vested interests in building an economic and social base, so partly the land donated is a political reward.

Unlike in colonial times, when land was allocated to those who wanted to utilize it but did not have it (the one given to the kingship, the king and his political appointees excluded), post-colonial governments give land to those who already have more land than they are able to put to productive use, while

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<sup>96</sup> Ref.: cc 69 of 9 July 81 from Chief Game Warden to Ag. DC in Mbarara Game Department files.

<sup>97</sup> Ref:GAM 3 of 16 June 1981, Also Ref: cc 69 of 9 July 81 from the Chief Game Warden to Acting DC in Mbarara Game Department file.

<sup>98</sup> Interview with Game Warden Southern Range at Mbarara Game Office in June 1991.

those whose survival and advancement depend on land (peasants and pastoralists) continue to be landless tenants.

There is nowhere else the government's class character and policy inconsistency comes out more clearly than in dealing with lands which are gazetted as reserves. While they use the preservation of species argument, saying that "Lake Mbuoro National Park is unique in possessing a diversity of rare plants and animal species of great tourist attraction,<sup>99</sup> it is clear that these species had always co-existed with the people. The meeting held at Mbarara on 19 May 1986 argues that "degazetting the whole Lake Mbuoro National Park because of human pressure might set a dangerous precedent for more demands on other similar conservation areas in the country.<sup>100</sup> The above fear is an acknowledgement of the level of land crisis in the country. It is also an open secret that each minister in Uganda wants to head a big ministry because of advantages accruing to it. However, the most unfortunate statement revealing the nature of the forces controlling the state run thus: ...the international community concerned with protection of wild life and the environment might develop a negative attitude to Uganda if the whole park was degazetted and converted into ranching and cultivation.<sup>101</sup> This is due to a dependency syndrome since Uganda like many other developing countries depends on foreign aid. It also shows how the land question can be influenced by foreign interests (Doornbos and Lofchie 1969). International opinion matters much more than national opinion.

The meeting further advanced a view that, ...Human use of the area would inevitably destroy the vegetation leading to soil erosion,<sup>102</sup> as if human use automatically led to erosion and not other controllable factors like the method of use. In any case, is non-use a method of controlling soil erosion? As if there was a greater benefit than a nation providing for its nationals, they suggested that, ...the cost benefit of retaining the national park as a tourist attraction vis-a-vis human settlement be considered.<sup>103</sup> They also argued that, ...Man and game cannot co-exist indefinitely owing to increasing human pressure, ultimately leading to extinction of the game.<sup>104</sup> But their solution was bitter: that of evicting people to be roving paupers instead of creating alternative forms of employment. This is land gazetted by government to keep plants and animals. On the other hand, individuals also gazette huge tracts of

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<sup>99</sup> Refer to minute 2.4(b) of the meeting of Lake Mbuoro Task Force held in Mbarara on 19 May 1986 in Mbarara Game Department file.

<sup>100</sup> *ibid*(a).

<sup>101</sup> *ibid*(c).

<sup>102</sup> *ibid*(d).

<sup>103</sup> *ibid*(e).

<sup>104</sup> *ibid*(f).

land by leasing to protect their money from inflation and ensure the welfare of their posterity. Consequently the majority of people are forced to scratch a living from the remaining limited land. Continuous cultivation, under conditions of technological deterioration, leads the soil to getting exhausted as crops use up every nutrient it has. Naturally, soil erosion follows and an ecological crisis increase in momentum.

When they sought a compromise of resettling people on part of the land from which they had chased them in 1983, the bigger portion was reserved for animals.<sup>105</sup> However the Ag. (Acting) Commissioner of Veterinary Services and Animal Industry explained in detail the increasing demand for land for livestock and farming practices, adding that the problem has become increasingly serious. It is government obligation to find land for human settlements not only in Mbarara but in several other districts.<sup>106</sup> This is part of the evidence of land scarcity and the solution by government can not be extensive. Those options are closed; it has to look to inward and not elsewhere for solutions. It was also pointed out that, ...In order to provide land to the people, consideration was being made to reduce ranches from the current 3000 acres to 1000 acres, and to provide water to ranchers to improve pastures through irrigation and other amenities.<sup>107</sup> So whereas the restructuring of the ranches took an unco-ordinated turn in 1991 the need for it had been realized by 1986.

It was further observed by the meeting how, ...owners of these ranches, wandering cattle keepers, pastoral farmers, subsistence cultivators, small-scale fishermen and hunters who had been evicted in 1983/84 returned to their former areas of the park following liberation of Mbarara District by NRA late 1985".<sup>108</sup> They had carried out a popular move, since they had been unjustly kept away only by the might of the sword. The government made a concession to the effect that.... In order to achieve amicable compromise between the people who suffered eviction and the national park authorities, it was recommended that the area designated as A, C and D on appendix I be degazetted from the park and returned for direct human settlement cultivation, grazing and other uses.<sup>109</sup> But as to who would have access remained a question, that was resolved not by giving land to the most needy but settling those who were displaced from Luwero during the guerrilla struggle and

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<sup>105</sup> *ibid*(h).

<sup>106</sup> *ibid* Min. 2.5.

<sup>107</sup> *ibid* Min. 2.6.

<sup>108</sup> *ibid* min. 3.1(b).

<sup>109</sup> *ibid*(e).

others who were considered to have been settling in the area by 1983. This meant that many others who were landless did not get land.

As usual it was only the dominant class interests that were to be fully compensated. For example, ...individual ranches with land titles and leases, namely of Mr. Kamugunda (728 hectares) west of Lake Mburo, and 44 hectares close to the swamps of Lake Kachera occurring in area B a park be removed. Equivalent areas be located for Mr. Kamugunda in either area C or D.<sup>110</sup> Whereas the State had taken over the benefactor role of allocating people portions of land, it should be made clear that it was not doing them any favour by giving them back their land. If anything, it had the obligation of correcting the anomaly it had created. For example, ...The Mbarara District Committee on 13th March, 1986, recorded 1565 families, occupying Lake Mburo National Park. These families (see list of names on appendix 3) entered to occupy the land known as Lake Mburo National Park largely during 1961 and 1986. A few hundred others settled in the area between 1890 and 1962 long before the area was gazetted a game reserve. In 1977 the game department, however, recorded 604 families.<sup>111</sup>

And as if people in government are incapable of understanding the degree of landlessness in the district they stated:

it was regrettably observed that several thousands of people who had never lived in Lake Mburo National Park before the 1983-84 eviction moved in to grab land for settlement. These people have caused bitter antagonism with the returnees. In view of this, it was recommended that people who settled in the park before the 1983-84 eviction be considered for resettlement in the proposed Area A, C and D.<sup>112</sup>

Again like Kidepo National Park where the most well-watered points of Karamoja are found so is, Lake Mburo to the cattle keepers in Mbarara District. It was noted that ...fourteen lakes, the most prominent of which are Mburo, Kachera, Kagambirwa, Kajuma and Misyera, occur within Lake Mburo National Park. With the now proposed demarcation of areas for settlement and wildlife conservation, the task force debated with seriousness the use of the waters for fishing.<sup>113</sup> The entire land use policy in Uganda, and for Mbarara in particular, is geared towards marginalising popular productive forces in favour of capital. When it came to Lake Mburo it was concluded that ...From the

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<sup>110</sup> *ibid*(k).

<sup>111</sup> *ibid* min 3.2(a).

<sup>112</sup> *ibid*(d).

<sup>113</sup> *ibid* min 3.3(a). It should be observed that partly as a result of gazetting the natural water points, a recurring water shortage in Nyabushozi has set in, due to unplanned pressure on artificial water sources, i.e. dams and valley tanks in the area by increased squatter cows.

negative influences of fishing and fishing villages on wildlife in Queen Elizabeth National Park, the task force finally recommended that no fishing villages should be established in Area B designated for the park and that fishing in the waters within the area comprising a national park be done under licence issued by the fisheries department in cooperation with the National Park Authorities.<sup>114</sup> Fishing people were to be denied access in favour of merchant fishing capital.

It is important to note that not only do people lack land but food as well. To be precise, that is why in a country which usually boasts food as its actual resource, ...only those rightful people who were evicted during 1983-84 period be considered for land and food allocation.<sup>115</sup> This was to disregard the other hundreds who were coming to the park as a result of landlessness since 1983 from other areas.

It became clear from this comprehensive government report that groups were considered according to their relative political weight. That is why the groups from Luwero displaced by the war were to be resettled and not those displaced by economic need from other areas during the same period. For the same reason, the hunting community, who are the weakest minority never even featured on the consideration table for resettlement despite their having been in the area by 1983.<sup>116</sup>

In a letter to the District Executive Secretary concerning Lake Mburo National Park, (Ref: SDA\GAME\1, 27 June 1986) the District Administrator said that on 13 June 1986, a ministerial sub-committee, chaired by the President at State House, Entebbe, resolved certain issues concerning Lake Mburo National Park:

1. That only people who had lived in the game park up to 1983, or up to the time when it was gazetted as a national park - and consequently such people were told to leave, are the only people who will be reconsidered for resettlement, and can therefore temporarily (until a clear policy is made) be allowed to stay in the national park.
2. All people who have taken advantage of war situation to acquire land and settle in the game park and did not leave in this place as specified in (1) must leave the national park and go to their former residences where they have always lived without any precondition.

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<sup>114</sup> *ibid*(c).

<sup>115</sup> *ibid* min 3.4 a(iv)

<sup>116</sup> *ibid* min 3.1(b).

Despite the fact that the highest authority in the land had intervened, the Government decided to resettle these people and also the refugees from Luwero in an orderly manner. It was confirmed that the families to be allocated land in the 12 ranches are those who were there before the 1982/83 evictions. Those who came in 1986 have been told to leave the area.<sup>117</sup> They were to go back no matter whether they had land there or not. But political interests were to contradict themselves when those from Luwero were to be settled here, in the same place and not Luwero.<sup>118</sup> This alienation of big tracts of land as reserves by government and titles for individuals as registered lands combine to manifest itself in a crisis of various categories. One of the common crises haunting government in relation to the land question is the issue of the environment. The attempt to deal with the issue of environment in the context of saving trees and animals, both of which not only compete for space with man but also provide other immediate services to him, has almost brought the government to war with its people.

But behind the veil of land scarcity that leads many to invade the protected areas, there are huge tracts of unutilized land or badly utilized land by a few who have gazetted these areas using land titles after which they retire to their urban comfort. As some scholar has correctly assessed that "the ecological crisis is most obvious where landlordism is an immediate barrier to the extensive development of agriculture, as in Kitende, and the land question is acute. As an expanding peasant population is hemmed in by relatively restricted land frontiers, attempts are made to intensify production, but without a corresponding development of farm technology. Periods of fallow become shorter, as the same land is 'mined' over and over again. It becomes tired and yields less and less" (Mamdani, 1984). This increasing concentration of land in a few hands at the other pole reproduces people who are physically landless at a rate the urban sector is unable to support. This has led to both increased rural lumpenisation and rural-urban migration leading to open unemployment in towns with all the potential for social conflict that it generates.

Some of these, while they might still have a small piece of land each, can no longer stay on it because it is exhausted due to continuous cultivation, leading to the destruction of both the soil structure and soil fertility. As a result, soil erosion sets in and this may take one or all of the following forms: inward erosion, which results from the collapse of soil texture; downward erosion which is a result of leaching of soil nutrients like in Buganda due to heavy rains (and the same problem occurred in Nyamiyaga); outward erosion resulting

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<sup>117</sup> Ref: C(c) of 16 June 1987, meeting on Lake-Mburo Resettlement Scheme, in Mbarara Game Department file.

<sup>118</sup> *ibid.*

from the removal of nutrients by plants; and sideways erosion, a result of washing away, usually by wind or running water. Such people are faced with both subsistence and economic landlessness, with the latter preceding the former. Those who suffer from subsistence landlessness over time join the ranks of the physically landless as distress forces them to sell their land patches.

The most understood problem of land fragmentation itself is a result of the majority being continuously squeezed on smaller pieces of land. Some of these have resorted to open encroachment of forests. Others have also invaded game parks. In the villages, struggle over land has resulted into fighting and killings among the population. The most elaborate case is that between ranchers and squatters which almost lead to an insurrection in 1990-91. At the climax of it land has led to political conflict, expressed in anti-foreign nationalism especially against people of Rwandese origin, but also increasingly the Bakiga. We, therefore, observe that alienation of land in the Masaka/ Ankore Ranching Scheme and Lake Mburo National Park and the others monopolized by a few individuals from majority use, has over time expressed itself in form of an ecological crisis, land fragmentation and social conflict as these people compete to scratch a living on the remaining land.

## **6. General Land Conflicts in the District**

The relationship between landlord and tenant, which is a relationship between the oppressor and the oppressed, is a contradictory relationship characterized by antagonism and conflict<sup>119</sup>- contrary to arguments of some authors like Nsibambi and Katorobo (1981) who argue that landlords and tenants were living in harmony until the 1975 Land Reform Decree which brought conflict between them. As early as 1970, Sub-county Chief Kitagata sent a woman to whom tenants had refused to pay rent to the Ankole district land commissioner. In response, the commissioner informed the chief that failure to pay rent could lead to prosecution since law recognized mailo land.<sup>120</sup>

Land conflicts in Mbarara District are of various dimensions. Contrary to those who believe in the economy of affection, based on the extended family, this ruptured long ago due to capitalist influence; and where it is assumed that it exists at least in Mbarara, it can only serve to bring tension.<sup>121</sup> Yet conflict also exists between landlords or two titleholders laying claim on the same piece of

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<sup>119</sup> Refer to letter addressed to Dr. Patrick Rubaihayo on 23 June 1982 by tenants, in Lands Complaints file Mbarara. Also refer to Bishop's House, letter to the District Administrator Mbarara of 4 August 1988 in Mbarara District Lands office.

<sup>120</sup> . Ref No.Lan 1/ 21 September 1970.

<sup>121</sup> Refer to RC V Councillor and Chairman RC III Ndaija submission to district commissioner, Mbarara of 22 October 1990, in file of Department of Lands and Survey Mbarara.

land.<sup>122</sup> Land conflict extends even within the same family, where an educated brother invokes his family's solidarity to survey land put together when actually the title appears in the names of only one.<sup>123</sup> Conflicts vary qualitatively and quantitatively. They also vary with various historical modes of settlement and between classes. In land settled by the time of colonialism, the major form of conflict today is inheritance, given that it is also the major form of access to land.

In those areas settled during colonialism, inheritance and donation conflict carry the same weight. Here, the major forms of land access are by donation (father to son) and inheritance (on the death of the father), because of the relative availability of land as compared to the areas, which were settled before colonialism. In those lands settled after independence, however, the dominant form of land conflict takes the form of grabbing, either using lease and fencing or digging across boundaries. One major cause of this is the relative plentifulness of non-individually used land, i.e semi-communal lands and disappearing communal lands, to which different people try to lay ownership claims, around such times. It should also be noted that, these are areas where the incidence of upper and middle class interests is high. They happen to have not only voracious class appetites for accumulation, but also the knowledge and the means to try and satisfy them, through channels such as grabbing using fencing, lease etc.

The mode of accessibility to land here, for the first generation of owners, is mainly through state donation. The second phase is characterized by purchasing, the sellers being those who will have got this land for speculative purpose and those who might be getting impoverished due to loss of state patronage, as a result of change of regimes and the buyers being the new state beneficiaries (with a major tendency of people wanting to sell what is not theirs). The third phase is characterized by outright grabbing of the areas of those who failed to survey their state allocations and semi-communal lands, held under customary land tenure.<sup>124</sup>

In most cases, the usage and ownership of these pieces of land is divorced whereby the former is carried out by the landless peasants or pastoralists and the latter, by absentee landlords, who are either state bureaucrats in towns or village big shots with other huge pieces of land elsewhere, usually in their villages of settlement.

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<sup>122</sup> Ref. no.8/4/ of 15 April 1985 in Mbarara Lands and Survey office, also Ref. No. lan 8/4/7 of 19 February 1985 lands and survey office, Mbarara.

<sup>123</sup> Ref. lan 8/4/4 of 17 January 1991 report compiled by the ADC in charge of lands, Mbarara District in Lands and Survey Office.

<sup>124</sup> The grabbers here are people who have links with the government of the day, who will have missed the chance of being donated by the State.

It is these places, which are areas of conflict, especially between legal owners (mainly called ranchers) and users (mainly pastoralists, but in some cases cultivators too). This is in relation to the Ankole/Masaka Ranching Scheme and Nshenyi, Kikagati ranching area.<sup>125</sup>

There is another dimension to these areas. They have become a serious political issue, i.e. owners and users are increasingly becoming hostile to each other. It is in these areas that the 1983 expulsions of “Banyarwanda” began and it is in the same areas today that conflict has reached the levels of armed confrontation between the rancher class (owners) and the pastoralist class (users). The swelling of numbers that led to the 1990 squatter-rancher conflict, was mainly a result of those displaced from Luwero during the guerrilla war and the creation of Lake Mbuho National Park<sup>126</sup> (conflict between government and people). This resulted in displacement of settlers who were in these places, the majority of whom were pastoralists. The displaced resorted to entering the devastated ranches where they became tenants, paying rent mainly in kind (cows), but also at times in cash.

Land disputes had increased since 1988 and this was attributed to increase in attempts to get leases.<sup>127</sup> The complaints were bi-modal. On the one hand there were people with means, i.e. money and know-how (education) trying to survey and on the other there were a mass of rural people forming the complainants' group. But what explains the incidents of land conflicts becoming dominant since 1988? Educated people cannot be an explanation because they had always existed. There are two possible explanations, which are rather complementary. The first is that the educated rushed to acquire titles and try to develop the land because of their insecurity, resulting from NRM politicians' populist rhetoric about land reform and the intellectual debate about the appropriate land reform during that time.

Secondly, the conflict looked to have increased in 1988 because in 1986-87, the same conflicts were still being handled by resistance council courts that were created by the NRM government. Before 1986, land conflicts reaching official circles could not attain that magnitude since there was complete suffocation of the majority by the managers of governments of the day and their

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<sup>125</sup> Nshenyi was a game reserve until 1975 when the government decided to turn it into a ranching area. It was donated to people with means to survey it, without considering whether they had the cows to put there or the interest to acquire them. The only productive work being done there is by squatters and a few people who already had cows by the time they got the land. It falls within Kagera River Basin Development Organization's domain.

<sup>126</sup> The creation of Lake Mbuho National Park, was done by the Obote II Government without taking into consideration the fate of the people who lived there. The year was 1983.

<sup>127</sup> Interview with a Lands Officer Mbarara Lands and Survey Office. The same information could be verified by the dispute file of 1988-89, MB/G/40c in Mbarara district lands office.

allies. The biggest culprit for land grabbing here was the State and its managers. So one other explanation is that disputes were on the increase at this time because of the atmosphere of popular democracy, which ushered in popular grievances over injustices accumulated over a long period. Mbarara also has donation conflicts, challenging the right of entitlement by the recipient. They range from part, or the entire family challenging donation to, for example, brothers, sisters,<sup>128</sup> a relative, a friend of the family, to State and Church.

Inheritance conflicts, like in the above examples involve the whole or part of the family against the "right" of the supposed beneficiary to inherit land. The most prominent protests here are those against heirs, daughters, and wives of the deceased, usually by the sons.<sup>129</sup> In cases where the deceased has only girls, their rights to inherit land tend to be at times challenged by their male cousins. Other less common cases are, when the heir is not a child of the deceased. In cases where the man does not sire boys, there tends to be disagreement between mother and daughters as to who should inherit land. Other common cases include disagreements between brothers on how to share the land once the father is dead, especially if they are stepbrothers.

Sale conflicts vary. Family members can stand against the household head who wants to sell his land. In some other cases relatives of a person might refuse him to sell at all, usually where the seller is a young man. There are instances also where relatives do not want a person to sell to a non-family member. Yet another person will sell and later change his mind that either the money was little or he or she no longer wants to sell. These are people who usually sell under stress, and when the most pressing need is solved they change their minds.

Boundary conflicts, are the most common among peasants and they are mainly solved amicably among villagers.<sup>130</sup> Land title conflicts, laying claim to the same piece of land, also exist. However in most cases, there are titles being used in conflict with peasants/pastoralist land being grabbed.<sup>131</sup>

Eviction conflicts predominate on lands whose legal owners were beneficiaries of the state donation. The most recent among prominent ones is

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<sup>128</sup> Refer to meeting of the late Musoke family regarding Kibanja dispute of 11 May 1985 at Ruharo ward in Mbarara dispute file MB/G/40c.

<sup>129</sup> See D.A's report of 17 December 1990 at RCI at Kasharara, Kanyabwehiky, Ibanda. in dispute file Lands Office, Mbarara.

<sup>130</sup> See Ref: No. Lan 8/4/5 of 13 August 1985 of County chief Bukanga to the DC. Also Ref: Lan 1, a letter from the Ruti trading centre to the town clerk Mbarara of 10 September 1985. Also Lan. 8/4/8 of 29 May 1986, DC to chairman RC Bukanga, all in dispute file Lands Office.

<sup>131</sup> Ref: MB/GF/2/117 from D'Bango and Co.Advocates to the senior staff surveyor on 24th July, 1985. Also Ref. No. Lan 8/4/7 of 19 February 1985 from Rukoni Ruhama to the senior staff surveyor.

that of rancher-squatters in the Ankole-Masaka Ranching Scheme.<sup>132</sup> Others include those of encroaching on government game and forest reserves by pastoralists and peasants simultaneously.<sup>133</sup> But in some cases, they extend to conflicts where the government is trying to initiate new development projects.<sup>134</sup> Religious institutions also use their popular reputation, economic muscle and obscure identity (no individual can be targeted by people's wrath in the majority of the cases) to grab people's land. In one such interesting case the Church tried to evict people who had built it in the area.<sup>135</sup> The Church was the intending evictor in all cases surveyed but one.<sup>136</sup>

Land use activity conflicts are of various types. They range from conflict over different investment alternatives, given the limited nature of land available to the majority of people. This one is not conflict between people but a contradictory state one finds himself in. For example, the case of a peasant whose only plot still fertile enough to produce crops like millet and groundnuts, is put under goats, such that, production of those crops is only possible on the loss of his goats. The same type of conflicts, however, occurs to government.<sup>137</sup> However, they could also occur within a family as to what the land should be used for. Some of these included conflict over what to grow on the land or whether it is proper to lend out land or not. Under this category we

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<sup>132</sup> Ref. Lan. 10 of 16 July, 1990 from the District Executive Secretary to District Administrator Mbarara. Also office of RC I Kaigoshora, Ruhanga, Rubaya, Kashari of 3 October 90 to District Administrator Mbarara, in dispute file lands office Mbarara.

<sup>133</sup> See Ref. CAM 11 of 5 December 83 D.C 1980 from Chief Game Warden to Commissioner of veterinary services, Ministry of Animal Husbandry and Fisheries. Also Ref:G/SR/46 of 31 August 81 from Game Warden Southern Range to District Commissioner Mbarara, all in file Game Department Offices at Mbarara.

<sup>134</sup> Ref.8/4/7 of 18 June 1986, Also see, ref: Lan 8/4/9 of 15 April 86, both in Lands Office dispute file.

<sup>135</sup> The District Land Committee meeting on 12 January 1987 handled six land disputes, of which four involved churches. Also see, Ref:no. 2465 of 20 December 86 from Bujaga parish Ndejja Rwampala; also Ref:38 5 October 87 of 10 March 88. Ref:505/2/A of 7 March 1990, all in lands office complaints file.

<sup>136</sup> It is only in Ref: 505/2/A where the landlord in Rukoni, Ruhama, Bubare had tried to evict the Church and he had succeeded in evicting the school. In Lands Office Mbarara District, letter by Baguma-Isoke, Deputy Minister of Lands and Survey to District Lands Officer. In all other cases either the Church had evicted or was in the process of evicting people refer to: ref:38 5 October 87 of 10 March 1988, also c(c)1260 of 15 December 1983 from the Department of Lands and Surveys to District Commissioner Mbarara. Also Bigirwa's letter of 22 January 1964 to the District Commissioner and Ref: no.lan 8/4/9 of 4 October, 1988 District Executive Secretary to District Administrator. All in Lands Office Mbarara. Here cases refer only to those read by their research in district archives and the ones he came across during research.

<sup>137</sup> Ref.AK/13/3 of 15 January 1988, The Uganda Gazette, from the Forestry Department, Mbarara. Also Ref:LMNF/CED/2 Kamena 1, 1986, from game warden Mburo. Also min.2.1 of the Lake Mburo National Park Task Force held in Mbarara on 19 May 1986.

also have state and people conflicts. These arise from the way a peasant would have wanted to use his land as opposed to government forced crops, usually coffee but now increasingly trees. As a result of increasing land scarcity to sustain the formerly co-existing modes of living, or production, conflicts over land use between cultivators and cattle keepers have increased. This is mainly on the remaining communal and semi-communal lands. They are a manifestation of land scarcity in the area to satisfy both modes of use or production. This tallies with the contradictory situation an individual finds himself in, given the different needs he would want to satisfy using the same piece of land, usually crop growing and animal keeping.

We discern from our research that land alienation and resultant scarcity, lack of a clear and just land policy lead to social conflict. The result is that access to land is left to the principle of might is right. The might could be political, military, financial, physical or legal. This situation demands reform.

### **6.1 Determinants of Presence or Absence of Sharp Land Conflict**

Accessibility is one of the variables that determine the nature of conflicts over land, for linkage to transport system and distance from a commercial centre determine the profitability of the land. If it is near these facilities the area tends to be characterized by sharp land conflicts. This is also true where there exists of open land to grab e.g. (a) opened reserves, (b) semi-communal lands as people extend uphill, digging and fencing and down plain as people begin fencing. There is also a tendency for areas of sharp land conflict to be those with fairly well educated people, especially where they also happen to be the same people with money and the majority are poor. These people tend to be from upper classes. It usually takes one person to survey the land, fence it or drain swamps. Then many others in the area begin the scramble to do the same, which results in serious conflicts.

In areas where land is clearly scarce, there are few conflicts because all land is under use such that the fields and farms act as automatic borders and are taken for granted. The relative absence of conflict does not mean that in the past they were not there. In most cases they were common at the time of deciding which part belonged to who. But once solved, they did not remain issues to remember in the minds of the majority of peasants. Even where boundary conflicts break out once in a while, it is usually when semi-communal lands are being taken over for individual use, and especially since boundaries are less clear. However, moments come when due mainly to cattle interests a rich peasant wants an unfair share and this results into a conflict.

In the same areas grabbers are less common because:

- (i) The case looks more than clear as to who owns the land.
- (ii) The grabber is avoiding the burden of compensation.
- (iii) He is aware of the militant struggle and stiff resistance he is likely to meet, where peasants are many and with their fixed developments on the land.
- (iv) Grabbers are rich fellows, usually not interested in cultivation, a less prestigious activity than cattle keeping especially in Ankole. So they usually prefer less densely populated areas, with big expanses of land for cattle keeping.

Land is seemingly plentiful in areas where the population density is relatively sparse, especially in grazing areas. These are usually mountains, hills and plains giving the impression that it is "no man's land" and at times the false appearance of under-utilization or no utilization. More so, if such areas are not fenced, then to the grabbers using class considerations to interpret things there is no serious sign of authority to fear. This is what makes these areas ideal for those who grab in the name of development. The other reason is that grabbers find it easy to struggle against a few individuals, some of whom might be partly affected, than a big population.

In such areas, the existence of other semi-communal lands within the locality which the affected people could gain access to for some time, makes it less compelling for them to resort to a bitter prolonged struggle. This tends to lure in more grabbers to take over these lands at times using the argument that there is a lot of undeveloped "public" land in the area, which interested people can still use. By "public," the grabber is usually referring to peasants' and pastoralists' land, held under customary ownership. There are fewer fixed developments that would constrain a grabber when it comes to compensation.

If the affected people are grazing communities, they find it easier to adjust by moving their wealth somewhere else, than waging bitter struggles, except where the option of an alternative place is out as it is increasingly becoming common. This is to be compared to peasants, whose developments are fixed in the soil and immovable so that necessity dictates their protection at whatever cost. Even for the inhabitants of the place, the boundaries are less clear such that, as usage pressure gains momentum in the process of deciding what belongs to who, bitter conflicts erupt. The extensiveness makes them attractive to the big shots' greed or hope for profit. That is why the bitterest conflicts are about communal lands and semi-communal lands.

The stake the victim has in the grabbed land also determines how long they will struggle. For example, if it is the only means of livelihood available to the victim, e.g. when physical developments like houses and plantations are located there, as compared to semi-communal or communal lands, the resistance

tends to be militant and prolonged too.<sup>138</sup> The grazing communities are, at times, easy to displace from land because their main capital and labour power embodiment is in cows, which are movable and not land. For peasants even former fields where no crops exist, but their labour has been put and they are thus a capital embodiment, continue to be valued.<sup>139</sup> A peasant mainly stores his labour power value in land and pastoralists in their animals.

The emergence of an organizer (leader) in the process of the struggle, capable of keeping the members united, is an important factor. This usually is a person with some good knowledge of urban affairs. Resources of the victim, either individually or pooled, are also a big determinant. The resources can be financial or otherwise.

The nature of the government of the day is also an important factor. If people suspect that the government policy is against things like mass evictions, they tend to be militant against evictors. Under the NRM government, for example, people were firmer against their would-be evictors because, they expressed hope for a new land policy. Where the population density is high, the victims tend to successfully resist the evictor, by mobilizing their economic resources and militant action against the evictor (except where the evictor is an institution like a school or a church). In sparsely populated areas, this is rare.

If there is a backing authority, like a politician or military fellow encouraging the victim, the resistance tends to be prolonged. Actual or potential, political and military brutality of the evictor determines how long it takes to resolve any land conflict. That is why, for example, people could be easily evicted from the Lake Mburo area without much resistance other than petitioning. Economic resources of the evictor also determine how long he can sustain a conflict. Cases are many in Mbarara where some landlords who have insisted on legal means to evict tenants have ended up bankrupt and have either resorted to co-existing with peasants or even selling the lands to new landlords.

## 6.2 Modes of Land Grabbing and Security of Tenure

Grabbers tend to survey and fence semi-communal lands which they refer to as individually owned land, but to which the rest of people still have some use rights. They avoid areas where there are permanent developments

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<sup>138</sup> We saw in Kaigoshora that even after compensation poor peasants refuse to vacate land compared to the rich peasants, who sell other products and buy other pieces of land somewhere else. In Mishenyi, we witnessed how peasants gave up the land struggle when they were left with their plantations, following intimidation by imprisonment.

<sup>139</sup> During field research we found that formal rent (open rent) for former cultivated fields (*entabire*) is higher than rent for a new piece which has to be opened up.

for fear of stiff resistance. Fencing land, which is being used as semi-communal land increases pressure on the rest of the community. This results into conditional sales due to lack of grazing areas or firewood. This is at times followed by punishing anybody caught trespassing fenced land. This itself is in disregard of the fact that they fence off paths and do not allow even goats to graze, under the pretext of disease control.

Grazing a neighbour's crops is a common tactic, which cattle keepers use against peasants who refuse to sell.<sup>140</sup> The peasants' land, especially if it is in the category of semi-communal lands, is usually included in the title when surveying.<sup>141</sup> It is not uncommon to buy all land surrounding a peasant who has initially resisted sale but who in the end is forced to compromise. Harassment of a person and his family members is a major tool for grabbers.<sup>142</sup> The exercise takes several forms, e.g. direct confrontation, threatening to use magic, armed soldiers or robbery gangs, organizing the village against a person by accusing him of being a thief, a witch or rain killer. In some instances, a peasant is coerced to sell by first making him become indebted to the potential buyer.<sup>143</sup> This takes a form of lending him money whenever he asks for it until it accumulates. The usual way of paying it back is by selling part of his land to his debtor. Besides this, a person is at times induced by an attractive cash offer with a promise for a better place to settle and advice on of how he will use the money to earn a better living.<sup>144</sup>

Boundary posts are also at times removed.<sup>145</sup> This is usually followed by digging across a boundary, under the pretext of making the boundary straight.<sup>146</sup> There are cases when survey mark stones are removed or adjusted.<sup>147</sup> The most subtle method involves tampering with boundaries inside

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<sup>140</sup> Ref. Lan.8/4/9 of 1 July 1983 in Mbarara Lands Office Dispute file.

<sup>141</sup> Ref. Lan.8/4/9 of 1 July 1983 in Mbarara Lands Office dispute file.

<sup>142</sup> See Ref. No. Lan 8/4/7 of 4 August 1981, dispute file Lands Office Mbarara.

<sup>143</sup> This was from group discussions with people in Kashojwa and Nyamiyaga villages.

<sup>144</sup> Interview with two people in Nyakayojo, in Rwampara where most peasants looked to be selling voluntarily to one rich family. They revealed that refusal was followed by harassment by grazing crops and at times beating and demanding immediate payment of the debt. See Ref: No. Lan 8/4/7 of 4 August 1981, dispute file Lands Office, Mbarara.

<sup>145</sup> Refer to case of 14 November 1981 in Land Dispute file of Mbarara district lands office.

<sup>146</sup> Ref. No. KZ/GEN.2/82 of 3 April 1982, Also lan.8/4/9 of 12 January 84 Secretary District Land Committee to Commissioner Lands and Survey, Kampala, both in Mbarara Lands Office dispute file.

<sup>147</sup> This is usually done by peasants who remove the survey mark stones and usually forward them in an attempt to form a new boundary and extend their lands for cultivation, especially where the land is not fenced. Though peasants looked to be pleased with that method, the information got from lands office revealed that it is of no consequence since boundaries are easily reopened. See Ref: Lan.8/4/5 of 2 April 1986.

the fence posts where culprits claim to be clearing weeds. When the fence posts fall down and are erected again the boundary advances in favour of the digger. Fence posts cannot easily be put where the old boundary was as it would mean their falling down again very quickly due to water erosion.<sup>148</sup>

Land adjacent to communal lands is bought with the aim of grabbing part of it over time. For example, in one such case a person who had been given 40 hectares tried to use it to grab 400 hectares adjacent to him.<sup>149</sup> Putting a common property, e.g. road, government offices, sports field, water points etc., on a person's land is one way of grabbing it.<sup>150</sup> Crops and especially trees are grown in the boundary, such that when the seeds taken by wind grow on the bordering land, claim is made that the part where trees have grown forms part of the land of the owner of the trees where seeds came from.<sup>151</sup>

At times family members are convinced to lease together the land but the land title ends up appearing in the names of only one person.<sup>152</sup> Parallel to the above is leasing as a cooperative, especially for communal lands and yet have the title in names of an individual or a few people.<sup>153</sup>

Research also revealed a method whereby a water source in one's boundary with neighbours is dammed so that all the area submerged by the dam water, including part of the neighbour's lands, is claimed by the dam owner.<sup>154</sup> Planting perennial crops and setting up other fairly permanent structures on communal land, especially trees, is a step towards its being grabbed.<sup>155</sup> Bribing influential people who would resist encroachment on the

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<sup>148</sup> Informal discussion with cattle keepers with fences and peasants who border fenced land, and field observation.

<sup>149</sup> Field observation, conversation with people in areas of research about the advantage of buying land bordering swamps, plains and mountains. See c(c)1101 from Commissioner of Lands and Survey to all district commissioners, also Ref: Lan. 8/4/7 of 29 November 1984 from office of District Commissioner to Senior Staff Surveyor Mbarara, Ref: No. Lan. 8/4/9 of 2 November 1984 from sub-county chief Bubare to the District Commissioner, also civil suit No. 19/85 magistrate's court Rukoni, Also ref:no. LW/5451 and LWM/7427 of 6 July, 1983 from Mulari to the secretary, district land committee, all in complaints file, lands office Mbarara.

<sup>150</sup> Ref: 505/2/A of 7 March 1990, see Ref: 8/4/7 of 18 June 1986, Also refer to letter MB/G/40c of 6 May 1986 in land complaints file by Senior Staff Surveyor, Also Ref: Lan 8/4/9 of 15 April 1986 from Nyamityobora ward to Town Clerk, Mbarara in lands complaints file.

<sup>151</sup> RC I file Nyamiyaga, Kigabagaba, Kikagati, Mbarara 1989.

<sup>152</sup> Ref:Land 8/4/4 of 17 January 1991 ADC in charge of lands and district land committee report in Mbarara lands office dispute file.

<sup>153</sup> See case of 3 December 1990, Also letter from lands and survey office Mbarara of 5 February 1986 to the secretary district land committee both in dispute file lands office Mbarara.

<sup>154</sup> See Lan. 8/4/5 of 3 July 1984 in Mbarara lands office dispute file.

<sup>155</sup> See a case of Kaitogo of 7 April 1967 Bugamba court file No. 8/3/A, Also C(c) 1260 of 15 December 1983, from the Department of Lands and Survey to the District Commissioner,

communal land, in order to win support to lease among the victims, is also common. In one of the controversial cases, aerial survey was used to avoid confrontation with the peasant victims.<sup>156</sup> Private surveyors, instead of those from the Lands and Survey Department, are used to hasten land grabbing.<sup>157</sup> This at times involves night surveying to avoid being seen by the victims.<sup>158</sup> It is also possible to survey land by mere estimation, especially if within the area there is another piece of surveyed land. Later on when the person presents this type of inaccurate land title in court, the issue would end up being that of opening up the boundaries and not land grabbing through survey.<sup>159</sup> Cases of backdating agreements of sale and land titles and stealing evidence from lawyers' files, were cited.<sup>160</sup> Cases of surveying without passing through proper channels of application also exist.<sup>161</sup>

In most instances, one case of fencing sets off a chain of others and this increases pressure on the rest of the society. This easily results in chasing away those who live by grazing cattle. Gradually the advantages of a balanced diet become phased out. When people begin encroaching on public land they establish things that will make it difficult to compensate - the rich go for dams, and the poor go for trees, since most of the area is plain. All these modes of

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Lan.8/4/9 of 18 November, 1983' District Commissioner writing to the Secretary, Uganda Land Commission, all in Mbarara lands office disputes file.

<sup>156</sup> The case noted here was of Prof. Rukare of Makerere University.

<sup>157</sup> Ref. Lan. No. 8/3 of 10 January 1973 the District Commissioner Ankole to district land committee. Also Lan./1/83 of 26 July 83 from the headmaster of Isingiro Secondary School to the District Commissioner Ref:8/4/9 of 15 September 1983 from office of the district commissioner to their sub-county chief, Kakiika-Kashaari, Also MB/G/400 of 6 August 1984, senior staff surveyor to the district commissioner in Mbarara lands complaints file.

<sup>158</sup> Ref. Lan.8 of 13 October 86, from office of the chairman Buremba, to the District Executive Secretary in complaints file lands office Mbarara.

<sup>159</sup> See LWM/8096 of 8 October 1986 in dispute file MB/G/40c, Also refer to surveyor's communication to the secretary, district land committee, Mbarara, of 25 February 1986 in dispute file No. MB/G/40c, in lands office, Mbarara.

<sup>160</sup> In one such a case, the person who used two of the methods is one who informed me. In both cases the father of my informant had mailo land, but during Amin's regime he became impoverished. So he began selling part of his land in order to keep his children at school. Those who bought it were never transferred from the title but were given written agreements and receipts from the sub-county office pending transfers through the lands office. When my informant finished school and got money, he connived with his father and chased away the buyers. The buyers took the matter to court, but my informant bribed secretaries of their lawyers and agreements were stolen from files. After this he contacted the buyers and they were forced to accept back their money back plus compensation. One victim confirmed the report.

<sup>161</sup> See letter of complaint to ADA lands of 15 June 1989, where they accused Kafiire for having no title LWM 7817 VINE 1336 Folio 3, plot 10 block 27 of 13 October 1984, though land offer had not been granted after finding the land in dispute.

grabbing generate insecurity of tenure especially for the socially, economically and politically weak elements in society. Insecurity thus generated is not conducive for investment by land users since it leads to forced sales either from direct or indirect pressures.

### 6.3 Land Struggles

Land struggles take very many forms in Mbarara District ranging from the most mild to explosive cases. These include: cutting the fence of the grabber at night in most cases but in some cases during day time<sup>162</sup> killing his cows either by hacking them or by poisoning them, beating up porters and other family members of the adversary. There are also occasional attempts by the weak at bewitching the opponent.<sup>163</sup> At times people organize not to elect opponents to village leadership.<sup>164</sup> Crops might also be directly destroyed or grazed.<sup>165</sup> Those who have a surplus try to organize support in the struggles by being charitable. Open fighting between warring parties at times takes place.<sup>166</sup> Some go to church or mosque to pray for assistance so that their land is not taken away, despite the fact that religious institutions also evict people. Some go to government to seek justice although the government also evicts some. The village is at times organized into boycotts, e.g. against marriage and burial ceremonies. Other damage to immovable property that may be put up includes destroying newly constructed dip tanks by refilling them with soil. During the dry season the burning of farms take place. Night armed attacks are also carried out; although going to court is a weapon usually used by the rich, while the poor rely more on RCs, protesting and struggling as a family against a grabber. Occasionally a family gangs up against one member who wants to sell off land. There are cases of agreements getting stolen, especially from lawyers, or of mortgaging land and intentionally defaulting on loans so that the bank is

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<sup>162</sup> This is usually done at night by peasants resisting a grabber but by the time of research in Kaigoshora the violent landlord was using the same method in day time. ,

<sup>163</sup> This is usually done mainly by the poor who publicise the threats of their intent to bewitch, in order to scare the rich.

<sup>164</sup> This has become a big weapon ever since the establishment of RCs as courts. See ref:Lan. 8/4/4 of 17 January 1991 from the assistant district executive secretary in charge of lands, Mbarara in complaints file lands and survey office, Mbarara.

<sup>165</sup> See letter of 14 November 1981 and one of 4 August 1981 to the district executive secretary in charge of lands in complaints file, Mbarara lands and survey office.

<sup>166</sup> In one such case the conflicting parties wounded each other using matchets. One was wounded on the cheek and the other one on the head. Also see letter of 17 February 1982 and one of 5 February 1982, both in complaints file lands and survey office, Mbarara.

obliged to evict people in order to sell the land title to another person capable of defeating the adversary.<sup>167</sup>

### **7. The Impact of the 1975 Land Reform Decree**

The decree had contradictory effects. Whereas it made the peasants more vulnerable, as Mugerwa argues, most of them do not know about its existence.<sup>168</sup> For those who were tenants, the decree stipulated the abolition of rent and not conversion to the 99-year lease.

Those who owned land under customary ownership were made vulnerable since it was now possible for the grabber to get a title and evict them. But reality was made much more complicated by the peasant's ability to wage a militant struggle against intending grabbers, usually in those areas where the peasant had his permanent development. In fact, it became almost impossible to grab land using that clause and get away with it, unless one had forces of coercion or political leadership and even then, such leases ended up not benefiting the grabber. This is because, with the change of government, in a matter of minutes, developments on it are brought down as quickly as they are put up.

The frequency at which regimes change in Uganda deterred many grabbers from taking full advantage of the decree. Those not backed by political and immediate military brutality find it difficult, and often expensive, to struggle against peasants who tend to bring down most of the developments as fast as they are brought up. The compensation clause itself in the decree, did not make matters easier for the would-be evictors, as peasants tightened their resistance by putting up many developments that would demand compensation without any meaningful benefit to the evictor, e.g. trees for firewood, fruit trees, banana and coffee plantations, sisal, kraals, and wells.

The law could not have been less effective, if we are to go by the resultant law per that decree which stipulated that, "Commission exercises forfeiture for non use after 8 years".<sup>169</sup> Most of the landlords are supposed to have forfeited their interest in the contested lands, since they did not adhere to the only conditions that would qualify them to retain ownership interest in the same. The decree further stated that, "a piece of land shall be deemed to be unused land if it is not occupied by customary tenure or developed substantially in fulfillment of the objectives or purpose for which any lease or

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<sup>167</sup> In such a case the buyer is usually either a government or religious institution.

<sup>168</sup> The New Vision 27 March 1991.

<sup>169</sup> 1975 Land Reform Decree.

sub-lease has been granted".<sup>170</sup> Most of the leased lands, if we go by that definition, are supposed to be unoccupied. The implication of this is that the government has the potential, even within the framework of existing law, to flex its muscle, if it wanted to enforce policies with an investment potential and popular content.

In areas where mailo land existed in Mbarara District, tenants put up developments as a form of resistance. In most cases, peasants destroyed whatever developments landlords would put up, with a result of impoverishing many who insisted on court action to deal with them.<sup>171</sup> This was more common in cases where peasants acted as a group organized secretly. Such landlords became insecure until they gave up and allowed peasants to buy themselves out either collectively or individually, since selling to an outsider itself was met with terrible threats to potential buyers. The decree led to leasing off semi-communal lands, resulting in serious conflicts and insecurity for people within such localities. The resultant pressure due to fencing of the grabbed lands, and hence loss of grazing lands, led some to sell and migrate.

Common lands, especially plains and mountains, were immediately grabbed and surveyed. But depending on who would be grabbing them, at times cattle keepers would attempt to put up a bitter resistance. The decree closed whatever was remaining of the land frontier, by restricting the land-hungry from occupying opened up reserves and making them, a prerogative for those with knowledge and means for getting leasehold titles. In some cases, it led to evictions of peasants. However, in Mbarara this was not the dominant tendency. The attempts were made but they flopped as a result of hostile struggles from peasants. In fact it is pastoralists who suffered most as communal lands were mainly grabbed, leased and fenced. Where tenants were evicted, it required the evictor not only to have law on his side, but a lot of political brutality as well.<sup>172</sup>

Most legal processes, without military-political backing, could never lead to successful eviction. The peasants would lose court cases and win the land struggle in cases where the evictors never had the brutal force to back their interest. We, therefore, observe that whatever novel developments a law might be decreed to serve, so long as it does not serve the interests of majority, it is not only bound to fail but will result into costly social conflicts.

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<sup>170</sup> Subsection (3) of section 8, *ibid.*

<sup>171</sup> One such landlord told the researcher how he had become poor because of the money he was spending on legal advice. He also told this researcher that he built a dip tank for his cows in the 1970s and after finishing it the tenants demolished it to the ground and refilled it.

<sup>172</sup> One such landlord told the researcher how he had become poor because of the money he was spending on legal advice. He also told this researcher that he built a dip tank for his cows in the 1970s and after finishing it the tenants demolished it to the ground and refilled it.

### 7.1 The Privatization of Communal and Common Lands

The common lands were eventually taken over by those whose individual lands were within their proximity. In such case one, the lands committee secretary observed that, ...Mr. Murari, had only a valid lease of 40 hectares and was trying to use it to grab further land especially public land used by customary tenants which he borders."<sup>173</sup> Those whose lands bordered plains, eventually partitioned them among themselves. The same applied to mountains and swamps. The sharing would be sparked off by one person, successfully fencing off a part against the resistance of others, and then a rush by neighbours to get a share would begin. This was in a place where people, lucky and the area was not taken over by one grabber. In some other cases the spark would be set off by a person neighbouring the communal land, who decided to survey his land, including the part of the communal land adjacent to it. However, tough grabbers did not have to be bordering the communal lands. They would just survey what they called government land in the name of development.

This exercise puts pressure on members of the community who do not border these communal lands, especially if partitioning is followed up by an aggressive establishment of individual ownership and user rights. This is by way of fencing and cultivation, which deprives the rest of the community of any user rights to the land. The problem might be in form of lack of areas where to collect firewood, hunting grounds, clay grounds, sand digging, grazing rights, and a long winding distance to the water points. This results in sale and migration by some of the community members resulting into social stress.

The stress is transformed into environmental stress that might breed an environmental crisis. This situation was summed up by the Permanent Secretary for Lands and Survey in that ...the effect of that were serious consequences socially and environmentally. Socially thousands of citizens, especially cattle keepers, were deprived of land hitherto communally used, which was leased to individuals who in most cases really never developed it. These helpless citizens are facing unnecessary hardships. Environmentally, large areas of swamps were destroyed which resulted in climatic changes never known before in most of these swamp areas...<sup>174</sup>

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<sup>173</sup> See Lan. 8/4/9 of 15 September 1983 addressed to the sub-county chief, Kakika Kashari, Also Lan.8/4/4 of 16 January 1984 from the secretary district land committee, Mbarara to senior staff surveyor, Mbarara all in Lands Office, Mbarara.

<sup>174</sup> See c(c)1101 Commissioner of Lands and Surveys letter to all District Commissioners. In Lands Office, Mbarara.

When it comes to communal land use, the peasant in grabbing style would put up trees and sisal in his field after harvest to exert his authority, since these are not easily destroyed by animals. Then he would use them as evidence in a case to prove that the land was his.

Individualization of land in some cases began with perennial crops, e.g. coffee and trees or permanent developments. For example, in one such case the court decided in favour of a group "because they had cultivated *bibanja* on one part, and [a] crush and wells each on the disputed grazing land".<sup>175</sup> The few remaining communal lands, in form of swamps, are being taken over by those who border them. The first sweet potatoes might be grown there even for three years together with some row of maize crop at some point. It is also rotated in second phase with millet. Finally, the rich peasants fence land for animal farming and poor peasants plant eucalyptus trees in order to lay a permanent claim to it. Those bordering mountains, swamps, or plains in communal lands finally take them over. Crops grown in swamps also show similarity with crops, which need new, fertile soils; a proof of productivity falling on other traditionally used land. Some rich people, especially capitalists, might give swamps below them to peasants to cultivate with the aim of coming to plant grass usually for dairy breeds of cattle. The fact that communal use, especially among pastoralists, leads to migration without sale does not mean that they do not value their labour embodiment in communal lands e.g. watering points, kraals or crushes where ticks are cleared. It is a question of rationality after weighing the opportunity cost of loss of cattle where labour embodiment is much more concentrated. The major form of this labour expression on land is not in form of watering points and grass, as a result of past grazing, but in movable wealth accumulated - that is the number of cows.

Among the Bahima if one decided to move, the rights to the former land of occupancy would cease to exist. Demographical changes and social legal practices have sanctioned against this practice. Otherwise there was no monopolization of land use. Personal restriction was limited to a certain area around the homestead (*ekyanya*). This was reserved for the calves, disabled and sick animals. Otherwise the rest was communal land.

Even today a struggle to defend communal lands can be witnessed by people applying for karandaranda as a cooperative, e.g. barisa (herdsmen) and bahingi (cultivators) kweterana (cooperative) etc. The district commissioner, in answering the protest of barisa kweterana said, "And the rwera barisa kweterana surveyed their portion and the remaining part was also recommended for Kirinyegye livestock group, since rwera barisa kweterana

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<sup>175</sup> Magistrate's court Rukoni Civil Suit No.19/85, also Ref.No: Lan.8/1 of 12 April 89, also Ref. no. 8/3/A of 7 April 1967, Bugamba court file all in Mbarara district lands department office.

had surveyed their portion.”<sup>176</sup>As Sarone has pointed out, “there are individuals who obtain land primarily as an investment for their families, descendants or for speculation” (Sarone, 1988). This statement could not be far from the truth in case of Mbarara District as practised by privileged fellows who have access to looted resources, and whose miraculous success explains failure at the other end of society by the majority.<sup>177</sup>

Communal lands constituted common wealth that supplemented the standard of living for the entire community by subsidizing everybody, e.g. free proteins, fuel, herbs etc. Their grabbing by individuals represents the looting of public property that resulted in increased cost of living by those whose access was subsequently denied. Appropriation of some of this common wealth from the control of individuals back to the community, especially where it will not affect production (e.g. hoarded lands), would be a social relief.

## 7.2 Production/Productivity

There emerged overwhelming evidence from both field and archival research indicating that land productivity is going down. One such case reported: “in this valley all the natural vegetation which was left at the time of planting the forest was cleared and the area planted with millet”.<sup>178</sup>

There are those who attribute this to the customary land tenure system, which, they argue, leads to land fragmentation that results into reduced productivity. To this extent, they are in agreement with the 1975 Land Reform Decree whose objective was also to stop land fragmentation in favour of productivity. The advocates of this line disregard the fact that social economic systems and cultural practises are above the laws. The point is simple: laws have neither stopped the charging of rent nor land fragmentation in cases of those with land titles.<sup>179</sup>

Further evidence of falling land productivity is given by the type of crops grown on borrowed land in villages from those who have unutilized lands. These mainly include millet, beans and maize all, which demand relatively fertile lands. The same type of crops are grown on grabbed and

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<sup>176</sup> Ref.No.lan.8/4/9 of 17 August, 1982, from the district commissioner to the sub-country chief Kakika. Also ref: Lan 8/4/5 of 24 March 1984, also Ref: LWM/6519 of 16 May 1984, from lands and survey department to chairman district land committee all in Mbarara District Lands Office.

<sup>177</sup> For example people who entered this country with only their skins in 1986 have already become the richest in the area. What we have to praise about them is not their industriousness in farming business or industry but their skill in the art of embezzlement

<sup>178</sup> Ref.AK/4/10 of 14 April 1983, from Forestry Department, Mbarara.

<sup>179</sup> See Kisamba-Mugerwa in *The New Vision*, 27 March 1991.

encroached on lands and borrowed lands from the game reserves,<sup>180</sup> usually by middle peasants. It is clear that land productivity is not falling uniformly on all pieces of land even within the same locality. The deterioration rate is high on the lands of the poor sections of society as a result of continuous cultivation without any land resting or fertilization by organic or inorganic nutrients. This is mining of land of its natural qualities by means of outward erosion, which, over a period of time, leads to leaching when the soil structure collapses. In turn this leads to sideways erosion, i.e. water or wind erosion, that carries the topsoil away. This, over a period of time, produces subsistence landlessness or physical landlessness if social-economic compulsions lead to sales. This is clear from the type of crops these poor peasants grow on borrowed land, e.g. sweet potatoes, cassava and beans all usually in reserves.<sup>181</sup> These crops were grown in early years by immigrants.

On the same stretch of land, you notice very infertile plots with poor crops, alongside fertile plots with very healthy rich crops. The poverty and richness of the plots of land and crops reflects the income level of the owners. The rich, who happen to have big lands, are able to recover soil fertility by mulching with grass and husks and leave land to fallow in order for it to recover fertility. As a practice, people in Mbarara do not use chemical fertilizers.

What we have said of the land on which crops are grown is also true of the land on which animals are kept. The cows of peasants are grazed on what remains of the semi-communal lands, with very short and unpalatable grass and they are generally unhealthy. The animals do not only suffer from underfeeding but also from disease. For the poor peasants, their goats and chicken are fed, tied on ropes.

On the other hand, the capitalist farmers do not only have big chunks of land where their cows, goats, sheep graze freely, but their lands' productivity capacity is constantly improved by rotational grazing, removal of weeds, ant-hills and at times the planting of improved grass. The animals of the rich are as free and happy as their owners while those of the poor are chained on ropes and they look miserable as their owners who are chained by circumstances. Unfortunately the capitalists are a minute number, dots in an ocean of poverty. Their relative success begins to be understood by appreciating the land pressure experienced by the majority poor in those localities.

The pastoralists also have miserable animals on over-grazed, semi-communal lands, encroached on ranches and reserves. Their encroachment of

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<sup>180</sup> See Rwoho Forest Station communication to the district forest officer, Mbarara of 21 February 1991, from Mbarara Forestry Department, also Ref:MB/40/10, *op. cit.*

<sup>181</sup> See Zirahuka, Kihunda forest station to the DFO/Mbarara, *op.cit.*

the reserves is as a result of failure of the semi-communal lands to support their animals due to falling land productivity. The land-carrying capacity is, therefore, depressed due to overcrowding and overgrazing of animals formerly surviving on communal lands. Peasants who had not ventured into trade revealed that there was a contradiction between trade and agriculture whereby one must falter.<sup>182</sup> Unless the geographic environment is such that technology tamed into social environment is used to boost economic development, talk about natural resources is a waste of words. It has been observed that, "the shift to intensive agriculture, the sine quanon of any development worthy of the name, constitutes the challenge that the African people will pick up" (Gkou, 1987).

Therefore, the productive capacity for the majority of peasants will continue to deteriorate, as it loses its natural qualities under pressure of supporting a growing population, without an investible surplus to reclaim it with fertilizers.

### 7.3 Security and Investment

Whether insecurity or security can lead to investment or non-investment depends on prevailing political conditions. The leasehold owners invest depending on the suspected policy of the regime of the day, especially when there is fear that the undeveloped lands will be taken over by government. This means that among the propertied classes, investment is in response to insecurity from government policy or resistance to government insecurity. For example, the Commissioner of Lands and Surveys noted that, "a number of farmer freehold registered proprietors following the Land Reform Decree on 1 June 1975 have found themselves with little time in which to develop these pieces of land or risk forfeiting their interests in them. Will you therefore advise all landlords who want to fence their land to leave at least ten acres per family for each customary tenant? Lastly I cannot accept a situation where landlords [who] for so long have neglected their lands evict people simply because a new law has changed" (sic).<sup>183</sup>

Among the tenants, investment is a form of resistance against insecurity of landlords. The only problem is when landlords decree and enforce non-

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<sup>182</sup> These peasants had the best plantations in Kashojwa. They indicated that if a person uses hired labour in banana plantation, its quality would decline. The same view was given by widows in Nyamiyaga who argued that their plantations were poor because they were using hired labour which does the work poorly compared to those plantations which were being looked after by their male owners.

<sup>183</sup> From the letter of Commissioner for Lands and Surveys to the District Commissioner, Mbarara District dated 5 May 1982.

investment for some things like perennial crops and the tenants comply. In such circumstances this would lead to non-investment.<sup>184</sup> However, the peasant does not need insecurity as a push force to invest. He will always be willing to invest so long as he has the means, since his livelihood and major source of income is from land.

Those who advocate land registration, as opposed to customary ownership, argue that the land titles acquired would provide means of acquiring loans to invest in agriculture. However, loans given out using land titles either go into transport and commercial sectors, conspicuous consumption of the petty bourgeoisie and never into production. These titles are acquired to guarantee security against intra-class land grabbers.<sup>185</sup> They are for giving out to institutions which disburse loans and they act as security. To get a loan you do not need security but a connection, otherwise men without the latter but who have the former have found their hopes and efforts in attempt to acquire loans very frustrated.<sup>186</sup> Those with connections do borrow land titles and acquire loans.<sup>187</sup> These loans are used for commercial purposes since the borrower might not even be having land.

The Uganda Commercial Bank Rural Farmers Scheme itself demands that you have exploitable capacity by looking on your tax, access to basic infrastructure and some prior experience in the field you want to enter. This results into the exclusion of the majority poor. Finance capital through the Rural Farmers Scheme is required to give priority to women and a number of family members. It is trading for the cheapest possible labour, which labour of the family is never paid for. Family labour forms 90 per cent of all labour. The demise of any unsubsidized capitalist agriculture in this country became very clear with the majority of those who took the loans failing to pay them back. No single factor can bring about increased productivity in agriculture, let alone security of tenure. Whereas those applying for lease offer were supposed to submit a development plan, this is rarely done and where it is done the plans are never followed up and the Ministry of Lands does not check to see if land is used at all.<sup>188</sup>

The only capitalists in the countryside are political, merchant and bureaucratic capitalists who survive by unfair social relations in terms of access

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<sup>184</sup> Ref. No.Lan 2/90, 11 April 90.

<sup>185</sup> This is a major aim among rural farmers, for merchant capitalists, especially grain traders, it is for loans which go to business and not agricultural investment.

<sup>186</sup> This information was given by capitalist farmers one of whom had four land titles totaling 864 acres, whose efforts to get big agricultural loans had come to naught.

<sup>187</sup> Ibid. But the same was confirmed by two people who had borrowed titles to get loans for buying Tata lorries.

<sup>188</sup> Discussion with a staff member at Department of Lands and Surveys, Mbarara in May 1991.

to social resource privileges. And because they rise not through competition but privileged connections, they usually crash as fast as regimes change, marked by sale of lands, collapse of firms, etc.<sup>189</sup> This is because capitalist agriculture cannot pay under the present social economic arrangement. The only way to “capitalism” from below is for those who invest to put their savings in cattle and plantation agriculture. The two tend to bring in money seasonally, in a bunch, and initial investment costs tend to be spread over a longer production and reproduction period. But this also exhausts its potential early at the level of rich peasants and anybody insisting on continued investment along these lines would get ruined. Those seeking to survive at this stage must move into mercantile capitalism and continue to sustain and subsidize agrarian capitalism or else be ruined. This brings us to the question of what type of land reform is required.

Before that, it should be observed that security of tenure is a necessary but not sufficient condition for investment in agriculture. There is a need for push compulsions like tax for unutilized land, the possibility of appropriation of the land after being idle for a certain period and, pull attractions like fair prices, subsidized inputs or fair terms of trade and stable market for agricultural surplus, if investment in agriculture is to be sustained. In short, there is a need for a stick-and-carrot penalty for non-use and rewards for good use. It is only in this regard that we consider insecurity for unutilized land and security for utilization of land to become a worthwhile recommendation.

## **8. Land Alternative use Circles**

During the time when land was still in plenty and population was still sparse, the nature of land utilization in Mbarara District was shifting cultivation and grazing for the peasants and the pastoralists simultaneously.<sup>190</sup> An area would be used and if it got exhausted of its fertility in case of peasants, or grass and water became scarce in case of pastoralists, people would move to a different place that would meet their survival needs.<sup>191</sup> By this time land was

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<sup>189</sup> The most marked case was that of very many Muslims after the collapse of Idi Amin's regime in 1979, and the increasing tendency of the UPC fellows following the take-over of NRM. The new buyers were themselves NRM bureaucrats.

<sup>190</sup> This mode of living was already severely constrained by 1955.

<sup>191</sup> The advantages of shifting cultivation were: mixed cropping produced high density since each crop had different requirements from the soil. Their different heights provided good cover for protection from soil erosion, insurance against disease, pests and bad weather, at least one crop would survive; weed suppressing and water retention in the soil. For animal movements it helped grass to rejuvenate and stop soil erosion. It also worked as a method of escaping from disease and lessened social conflict by people migrating when they disagreed.

still being purely communally used. For peasants, this type of agriculture was closed mainly between the end of Second World War and the coming of independence.

The same possibility began to be closed up for pastoralists in the mid-1960s, with the enclosure movement. However, pastoralists continued to have access to grazing facilities on the semi-communal lands until the early 1970s when the only channel available to use the land became restricted to incoming tenants. These tenants had previously occupied the same lands as communal lands. This was after the rights of use were transferred to a few individuals by way of leasing. In short, land ownership was completely individualized in the 1970s. So from the angle of social use, that is how land changed from the phase of communal lands to semi-communal lands and to individual and private lands. At the level of individual use, land has changed from unrestricted shifting cultivation to settled farming but with the options of land resting (rotational bush fallow), i.e. using plots of land while some are resting (rotating plot use),<sup>192</sup> to crop rotation (when it was no longer possible to rotate plot cultivation),<sup>193</sup> and to crop replacement, with those who can do in less fertile soils (when crop rotation exhausted its potential with some crops). For example, from *enkore* (cow peas), *enkuku* (pigeon peas), beans, millet, potatoes, groundnuts, and sorghum, in the first phase, to bananas, bean, maize, in the second phase, to cassava and *katunkuma* (small egg plants) for some few places as their third phase. This is a clear indication that productivity is declining.

The significance of all this is that under the present agrarian and land tenure arrangement, the majority poor have exhausted all possibilities of making the land provide for both their nutritional and subsistence requirements. Circumstances have forced them to be content with malnutrition, which results into starvation during bad seasons. Any significant improvement in the lives of these people requires a land and agrarian reform as the first necessary conditions.

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<sup>192</sup> Rotational bush fallow replaces shifting cultivation. As the population swells, it is fairly more advanced than the former. Like in shifting cultivation, it employs fire in clearing land and leaves plots to recover fertility, but in shifting cultivation the farmer might never return. In rotational bush fallow, settlement is permanent. Usually at least two years elapse before the plot is used. The period depends on land available to the individual. The land is not allowed to turn to forest or woodland, plots are well defined, permanent, with fixed system of rotation.

<sup>193</sup> Crop rotation has an advantage of different crops demanding different nutrients from the soil and allowing continuous use of the plot.

### 8.1 Types of Landlessness in Mbarara District

It was realized that different forms of landlessness exist. As such this concept of landlessness must be used as an analytical parameter, depending on the level of analysis at which we are talking and the trend or social process we are describing.

Legal landlessness: In this context, we can look at all tenants as landless if we go by the laws of the land, particularly the 1975 Land Reform Decree, whereby all land belongs to the State as the landlord and the Uganda Land Commission as the agent of the State. Looked at from this angle, we can say that all Mbarara people are landless tenants resident on the republic's land.<sup>194</sup> However, the tenancy is of two qualitative categories. The first is equity lease tenants, whom we can call "illegal" tenants. The customary tenants fall under this category. They do not pay rent to the landlord and can be evicted on the landlord's orders as and when he identifies a worthwhile renter to whom he can lease the land. To use the Decree's words: "there shall be no interest in land other than land held by the land commission which is greater than leasehold. ... no holder of a customary tenure shall be terminated in his holding except under terms and imposed by the commission".<sup>195</sup>

The second category are legal lease tenants, i.e those with land titles, whose tenancy is official and contractual for a specific number of years and is subject to conditions of use consonant with the landlord's interest. Whether these in practice are fulfilled or not, is a matter of weakness in policing and enforcement, and do not change the principle clauses of the terms of contract. These pay rent to the official landlord. By the same logic, these legal lease tenants at times carry out illegal sub-leases, by having tenants on their leased lands and charging rent of various categories. But it is also possible to carry out legal sub-lease and, consequently, a legal lease tenant becomes a minor or sub-landlord.

However, sub-leasing is not restricted to those with legal lease. Customary (equity) tenants can also "sub-lease" their land, the contract usually being mutual trust. At times written agreements for a specific period are made, usually not exceeding one season at times extending to a year. In such a case, the rent charged varies from borrower to borrower and also from renter to renter. In that manner, the customary tenant practices landlordism without being a landlord, unlike the titleholders. In the strict sense both equity and legal lease tenants are landless, in a sense that depending on the circumstances, the

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<sup>194</sup> Ref. No. Geo 1/81 of 12 July 1981 in which people who were later deprived of their land had settled in the place since 1980, in dispute file, Lands Office, Mbarara.

<sup>195</sup> 1975 Land Reform Decree 3.

tenancy of either can be terminated and the land used in the way the true landlord [state] wishes.

Physical landlessness: Moving away from legal implications to dairy practice. This physical landlessness still has to be looked at on two levels: (a) Ownership level: This includes all tenants on any land, of another providing authority (landlord) other than themselves, who do not own land anywhere else, for and by themselves. This includes all tenants despite their class from capitalist tenants to wage labourers, who live on land of a second authority. (b) Usage level: (i) Pure physical landlessness - those who have no land for any use (production), beyond shelter such that they survive on their labour and encroachment.<sup>196</sup> Most of the wage laborers fall here. (ii) Semi-physical landlessness: this includes tenants who can only use the land, as described by the providing authority. Beyond those things, which the providing authority defines, the tenant is very landless. For example, when forestry officials want to grow more forest they only allow peasants to open up the bush, grow seasonal crops while the forestry officials plant trees.<sup>197</sup> This is a feature mainly affecting poor peasants. The same applies to pastoralists on semi-communal lands and at times reserves, where they are allowed only grazing rights, but not settlement rights. For example, in ref AK/4/10 of 16 January 1990 the Mbarara district forestry officer, writing to the chief forestry officer, stated: "...there are 50-70 families, the good thing they don't have there any permanent structures except their kraal and grass-thatched huts. Since these people have refused to move out peacefully, some force will have to be applied."<sup>198</sup> The other example is a situation where resident tenants, especially on mailo lands are barred by landlords from growing perennial crops (iii) Subsistence landlessness: All such persons, without land on which to produce enough for their mere biological and social reproduction. In this category, we included mainly poor peasants under the existing technologies available to them. They might even be having more land than the full working hands of the household can cultivate, with the implements of labour available to them. But if its productivity is too low to sustain the family, or the land is too small to produce enough to feed this family, then such a family falls within the category of subsistence landlessness. These are characterized by borrowing land - usually in reserves - on which they grow food, mainly cassava and sweet potatoes. These are crops similar to those, which were usually grown for emergency by migrants on settling in these

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<sup>196</sup> See ref: Ak/3 of 12 July 1983 district forestry officer writing to the forester Mbarara plantations, also Ref: MB/40/10 of 30 July 1991 from district forestry officer to commissioner for forestry. Also AK/4/10 of 2 August 1990 district forestry officer Mbarara's eviction notice for Rwoho forestry, both from files of the forestry department, Mbarara.

<sup>197</sup> Ref: MB/40/10, Ibid.

<sup>198</sup> Ref: AK/4/10 of 16 January 1990, from district forestry department.

areas.<sup>199</sup> (iv) Economic landlessness: This is when, under the available technological means at the disposal of a household, the land is not enough to employ all able, willing capital and hands available to a household that would engage in production on land, having considered alternative time use, or alternative time use preferences and opportunity cost.<sup>200</sup> This can affect a member of any class from wage labourer to capitalist as we saw in the case of Mishenyi.

In all that we are describing so far, we only include such people that have the will, interest and stake in owning and using land in such sense as described, but have no means to do so. Therefore, for example, a worker whose biological and social reproduction depends on his job, or any other person who decides to vest his destiny into the ability of his skill instead of land, cannot be described as landless. Although our description above appears to lead us to a controversial conclusion that everybody is landless, the point of delineating these types of landlessness is to throw some light on the need for different types of intervention at reform level if the agrarian question is to be resolved and economic development realized based on rural prosperity.

Instead of giving a solution as to what to do for each category, we prefer to explain that those with a problem of physical landlessness are more vulnerable than those who only face a problem of landlessness; while those with economic landlessness are in a stronger position than the former two. It would, therefore, be disastrous to have a land reform that might begin from a point of giving these groups single and equal treatment on the premise that all are landless. Alternatively, failing to consider a category simply because it is not possible to easily identify the type of landlessness it is faced with e.g. economic landlessness, would at best yield less results than would have otherwise been possible.

## **8.2 Landlordism and Rent**

Rent is charged by both individual people on their lands and government agents on reserves.<sup>201</sup> There are different forms of rent paid in the areas. In some cases rent is paid in cash. On average the charge was shs.3000

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<sup>199</sup> See letter from Kikunda forest station to the district forest officer of 25 March, 1983, in file from Mbarara district forestry department offices.

<sup>200</sup> One case here would be the capitalist in Mishenyi, also in Ibid, tobacco had been planted on a large scale.

<sup>201</sup> The research revealed that reserve officials in the field lend land to hungry peasants and when the officers from high level attack them for allowing people of the reserves they abandon them, referring to them as illegal encroachers. See Ref. MB/4/10 of 17 July 1991 from the district forestry department.

per garden per season. A garden is on average a quarter of an acre for Nyamiyaga and Kashojwa. But Kaigoshora and Mishenyi it is shs.2,000 an acre.<sup>202</sup> In other instances rent in kind is charged (part of the produce) from produce a tenant harvests. On the type of garden described above, a tin is paid on harvest to the landlord or a rich peasant in case for Nyamiyaga and Kashojwa but for the other two areas it ranges between one quarter and one half of the harvest.

Also on reserves people pay in kind. In a letter from Rwoho forest station to the district forestry officer Mbarara, it was noted: when you informed cultivators that they were under Rwoho forestry station and not farm forestry Kabuyanda on 12 February 91, all got surprised and felt they had channeled their masharura (rent in kind) through a wrong point.<sup>203</sup>

Labour rent is the most controversial and most disguised of all rents, yet the most common and exploitative.<sup>204</sup> For example, the lender might demand that on clearing the ground and harvesting, the borrower should take the grass and later on the husks to his plantation. During any ceremony he might also demand his free labour, under the cover of assistance from a friend. At sowing, weeding and harvest he calls on the labour of those whom he will have given "free" land to help him in reciprocation. This labour is both cheap and docile even when the landlord is to hire it. It falsely assumes that it has an objective interest in the property of the landlord. Of all areas of research, this is mainly practised in Mishenyi.

In other cases, every season, the tenant who is given "free" land is given a fresh plot to open up, while the landlord continuously follows from behind, usually with a banana plantation or grazing cattle depending on the interest. At times, crops similar to those grown by the borrower the previous season are put in. There are times when tenants are used as a fence barrier, by a landlord surrounding his crops with those of the tenants. The landlord's crops are usually protected from destruction by domestic and wild pests. Alliance and royalty in time of conflict is also expected and usually granted by the tenants. The most important are these tenants who work as the landlord's intelligence network and also voters during elections.

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<sup>202</sup> Letter from Kihunda Forest Station to DFO *op.cit* stated that shs.100 was being collected per head but tenants respondent from Nyamiyaga indicated that it was shs.2000 per head per season.

<sup>203</sup> Letter from Rwoho Forest Station to the district forestry officer Mbarara of 21 February 91 from forestry department Mbarara.

<sup>204</sup> This is mainly charged by rich peasants and capitalists or landlords from poor and at times middle peasants. In our case also Ref. MB/40/10 *op. cit.*, no more clearing was to be allowed to peasants until the right type of tree seedlings would be available.

Tenants also provide a cheap source of produce for the landlord, since most of the lenders and landlords do some trade in the produce from the area. Another type of rent which is least acknowledged is sex. This is usually demanded by the landlord directly from the tenant if the tenant is a female or her daughters, Or if the tenant is a man, his daughter or wife becomes the victim or the "rent".<sup>205</sup> For the pastoralist tenant, the contract is usually with a man, the same with the case of peasants, only that the man here might openly allow the landlord to have access to his wife under the pretext that the man is his friend (*okwarira*). All the above-described methods might be used singly or in combination. They amount to a big transfer of investible surplus from tenants to their landlords. This acts as a disincentive to investment in the improvement of land and increased production.

We could categorize landlords among those who extract rent and those who do not. However we note that the latter, by monopolizing land and hoarding it from production, lead to increased rent relations on the remaining land. On the other hand, the former erode the means of improving the technological capacity of the tenants. These landlords invest the rent charged mainly in speculative business and real estate like shops in trading centres. Alternatively, if peasants were not losing this rent to the landlord, and if they were to be provided with ownership rights on the land they till, it would be utilized as an investible surplus to improve agriculture by investing in the productivity of land and labour.

### 8.3 Type of Land Reform

To carry out a progressive land reform requires us first to know the form in which land is owned today in different parts of the country. Second, we should find out the means available to people in harnessing it and the limitations of those means. Third, the potential that still exists to increase production by extensive means should be known. Fourth, the limitations to increased land and labour productivity is important and fifth, the type of economy aspired to. Sixth, the social base to support the reform is vital. Seventh, opponents to reform and possibility neutralizing them, and those to benefit or lose from the reform have to be known. We also have to know the needed complementary schemes to make the reform succeed; people's initiatives and how to reinforce them; the forecast negative side effects of the reform in the short run and how to mitigate them; the sharing of the burden of social reproduction between individuals and the state; and have proper assessment of what constitutes the peasants' burden and how to mitigate it.

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<sup>205</sup> This information was given to me by landlords' wives in Nyamiyaga and Kashojwa.

Therefore, land reform would need to be carried out in progression. It would first relate to unutilized land. But in a situation of land scarcity this means that there will be very little pure unutilized land to give to the land needy. This is because land hoarders make a pretentious use of land, e.g. planting trees, fencing etc. or just ploughing (*okubanjura*). For that matter, the second step would be to target at land above a certain ceiling per individual household, also considering the number of household members who derive their livelihood from land.

The appropriated land should be redistributed to those who are landless and those with insufficient land to produce an agricultural surplus. But the nature of landlessness suffered by each group should determine the amount of the reformed land it is to get.

If we should attack even the land being used, what is our aim? To preserve peasantry? No. The aim should be to create a huge mass market for development (increase taxable capacity for the majority) and to benefit many by way of redistribution of accruing incomes from the land. It should also be to organize a social base or political constituency for further popular programmes and bring energies for the majority into play and turn their popular enthusiasm into popular effort for further development.

Is there no possibility of such reform having a negative impact on production, especially on plantation? Yes, it is possible but necessary for people to put those portions under their investment interests as compared to former use and restructure the nature of agriculture. On the other hand, total production for the agricultural sector, even in the short run, should increase since hitherto unused lands, will be able to produce. This may not be reflected in national economic figures because those who had always starved may decide to vote for a full stomach before going to the market, such that the short-run fall of some products, will be compensated for by other new ones in line with popular tastes. This reform in itself would help practically, and intrinsically address the question of popular democracy. It would also deal a telling blow to the colonial structure in the agricultural sector. The reform would aim at incomes redistribution, and there would be no need of compensating the former land hoarders since the reform would constitute a type of real tax on those with wealth above a certain level. Such a reform would inevitably involve survey and registration and issuing of land titles. Registration is vital mainly if middle class elements are to be included among those to be encouraged to invest in land. This would guarantee security of their rights to land as personal property. Registration, therefore, is no doubt for them a necessary condition for investment on land.

Also given that land titles are a legal power relation that can be translated into a social one, to determine whether peasants' land will be

grabbed or not, this service needs to be extended to all peasants and title deeds issued in the name of the household. Together with the maximum sealing of land a household can own, this would check the possibility of distress sales by depressing or checking the extremes of a land market. This measure would ensure that consensus is first sought among all mature household members, namely, husband, wife and other family members described in the title, when they are of voting age. To avoid fragmentation, where a transfer of the entire land to a new owner cannot be agreed, there should exist a possibility of selling one's share or interest in land to the other household members. The government could provide loans for such a purpose, where money to buy out the interest of the selling individual cannot be realized immediately alongside a minimal limit amount of land that can be held would be fixed. Once reached, the owners would be required to dispose of it as a single piece. Rich and middle peasants should be guaranteed either land, implements or a fair market for the agricultural surplus, depending on what the individual lacks, while poor peasants and the landless would need to be availed a combination of all of them.

But land reform without other complementary reforms would meet suffocating circumstances like credit and access to implements. Getting land to farm would not in such a case bring improvement to peasant's conditions of living. If the cost of running the farm remained high, he would continue to manage the farm not as owner, but just as an impoverished farmer/supervisor for the state and controlling class or monopoly finance capital as the case might be, depending on correlation of class forces. For that matter, the terms of trade between agricultural products and inputs would need to be improved in favour of the former. This would be needed to choke a situation observed elsewhere that, "absentee ownership in agriculture is commonly associated with land and the structures that go with land although other agricultural factors also may be the property of persons not living on farms. There are many sun-dry tenancy arrangements. Absentee arrangements are in general inefficient" (Robert, 1988).

A successful land reform policy must of necessity be complemented by an agrarian reform, which must take into account the social relations responsible for the reproduction of the land and agrarian crisis at national and local level, and from locality to locality. In short it would need to look at the relations that reproduce the peasants' impoverishment. In view of the environmental crisis and pressure on land, a possibility of degazetting some reserves, mainly those with natural water sources, should be considered. The control of limited access to them and their regulated use should be turned to the community. Village land can be formed for the purpose.

## 9. Conclusion

The economic and agrarian crises are partly replicated on the land crisis. Land is still the major means of production that must come into contact with labour for any production to take place. There is no way the crisis in land would not have a social-economic round effect. However, this land crisis is a political crisis that needs political interest and means if it is to be solved.

It would be vital to observe critically attitudes of different classes in the crisis, which does not affect them equally. If policies are wrong, yet they continue to be implemented, we must investigate the political state and class interests championing them despite their clear harm to the majority. From this we then proceed to carry out a postmortem of victimised classes and see the sort of realignment and crystallization of interests that can provide alternative leadership to spearhead new and different type of developments, based on a popular land reform.

If the nationalism of any class is the nationalism of its interests, it follows for example that the nationalism of landlord, capitalist, worker or peasant, is nationalism of rent, profit, wage and land products respectively. To recognize this, therefore, is to take a step in the right direction in identifying a social base and designing an appropriate democratic land and economic policy.

Too much security in respect of unutilized lands sabotages the development of the land market and investment on land. Potential insecurity, like the fear that Government is to take all undeveloped lands, or that land where a person has no developments can be leased by a potential developer, leads to investment. On the other hand, actual insecurity where the landlord is already in the struggle with people to be evicted e.g. grabber versus peasants, or government versus ranchers, development or investment is halted. Investment in land is either a result of potential insecurity for the underdeveloped lands (for hoarders), subsistence necessity (peasants), a response to market profit opportunities (usually merchant capitalists and peasants) and immediate and abrupt redundant surplus in form of financial resources which are accumulated from above by political, military and public service bureaucrats i.e. social appropriation for private gain resources transferred from the State. The latter's investment is for prestigious reasons in modern farms.

Our research points to the fact that there exists a correlation between potential insecurity in respect of underdeveloped lands and real investment on the same lands. This is true for both urban land and rural land. There is also a clear correlation between potential insecurity related to unutilized lands and rapid sale and purchase of these lands. The assumption that under customary tenure land market security of tenure and investment do not exist is trash. Our

research findings confirm that the peasant is making the best of what he has under existing circumstances. The “modern” farmers, given the same factor combinations, would not do better. What makes their farms appear better is better or favoured production factor qualities and being highly subsidized by Government.

This makes it imperative to impose the harshest penalty possible to unutilized (hoarded) lands by distributing them to the poor peasants and landless rural labourers who under our circumstances of non-profitability in agriculture will still invest mainly their labour out of necessity. While we wait for a dynamic industrial economy to absorb proletarianized peasants, there is a need to de-gazette areas gazetted by individuals using lease titles from use or, on that land which they have turned others into slaves together with some of the government reserves to pre-empt a serious social-political and ecological crisis. Therefore afforestation should target former common lands and those people with huge tracts of land, especially those gazetted using leases. Alongside this, there is a need to change agricultural terms of trade. An intensive agricultural policy should immediately be adopted for the same reason.

Land is increasingly getting concentrated more and more in very few hands, a situation that forces the majority to mine the small area under their control for purposes of their biological and social reproduction. The cultivation of land without rest or fertilization produces soil erosion, which leads to an environmental crisis. On the other hand, every tree that remains on whatever remains of the communal land and semi-communal lands is cut down for firewood. These processes combine to produce a social crisis as rain becomes less reliable and food production capacity of the area is reduced. Whereas in the short run the rich can sustain their farms by fertilization, and other artificial improvements e.g. land resting, in the long run they will be caught in the net of an environmental crisis with the rest. A drought period in an area will not be selective against the poor who cut down trees and in favour of the rich but will hit all of them.

The environmental crisis in Mbarara is a responsibility of the dominant class forces, which triggered it off by alienating a big part of land from use by the majority in the interest of the minority, by ranching schemes, enclosure movement, leasing and reserve areas which forces the population to put alot of pressure on the remaining land. Those who become landless in a situation of unexpanding modern sector employment put further pressure on the environment as they turn to charcoal burning as an alternative form of earning a living. Land policies devoid of social justice are a basis of abuse of human rights in the countryside and are potential ammunition for social political

conflict. They produce social conflict as seen in case of squatters and ranchers and political trouble in form of nationality hostilities.

Whereas youths in the past were getting land as donations from their clan, parents and State, this is no longer possible due to closure of the land frontier in case of the State. Capital penetration has eroded clan rights in land and especially poor parents cannot have land to donate to their sons on marriage, with the result that access has to be either by way of inheritance on death of the father or earning, saving and purchasing one's own land. A clear case is that of the 1975 Land Reform Decree that provided legal means of administering injustice and abuse of human rights in the countryside where people are ruthlessly evicted in the name of development. This produces social conflict like in Kaigoshora. Its major impact environmentally and socially was the leasing of karandaranda, that denied the majority a source of cheap protein either in form of game or where to graze a few of their cows, goats and sheep. It also deprived the community of a cheap fuel source in form of firewood.

The nature of land grabbing, conflicts and struggle are numerous and vary from case to case but they all point to one fact: that there is a serious land crisis. Historically, land markets developed in response to different factors. Notable among them were land alienation, communication linkage and availability of incomes in the locality pointing to a possibility of earning income from land products; permanent improvements on land like perennial crops and population increase, both related to land frontier closure. Privatization of land itself emerged as a result of various factors *viz* political legal sanctioning like the 1900 Buganda Agreement, the development of permanent structures on land, like building a permanent house, and growing of perennial crops especially coffee and bananas.

Although physical landlessness is the commonly recorded type, landlessness is of several categories among the rural people. All the types observed in this research have serious social economic and political implications. They also have serious implications for those interested and involved in rural planning and development. This demands that the landlessness of all types be grasped in totality if its negative implications are to be pre-empted. Whereas some are faced with one or two of them, the poor peasant (the majority) are faced with a complex combination of all of them. Thus any policy blind to these various forms is doomed to fail.

It was also observed in the course of research that land has passed through two complete phases of use circles. The first began with shifting cultivation and ended with settled agriculture. The second began with crop rotation and has reached crop replacements, i.e. replacing traditional varieties with new or even old varieties but which need less fertile soils. All this indicates a serious decline in soil fertility and labour productivity. Unless this

trend is reversed, the only possible next step is migration to urban centres with all its attendant problems. Paying rent is among the factors contributing to a decline in production, especially in areas like Kaigoshora and Mishenyi where some people were sharing half of the produce with the landowner.

The most dynamic determinant of social differentiation is surplus transfer between sections of society occupying different positions in the production process. However, other triggering and accelerating elements of this process were captured, some being endogenous and others exogenous to the locality in which differentiation is taking place. The one with the most accelerating effect is that of privileged beneficiaries to state resources, both financial and material.

So much needs to be done and done radically if need be outside legalistic confines, so long as it is just, democratic and in interest of the majority. In the long run, if land (the next vital resource to labour) is being catastrophically destroyed due to pressures resulting from minority class interests, the solution will be found in organizing to break the power structure of those interests. While peasants can wait for other things they should not wait for what is naturally available although socially denied - land.

## Appendix

### Methodology

The study was done in five counties of Mbarara District. These were Nyabushozi, Rwampara, Isingiro, Kashari and Kazo. This research was preceded by a pilot study in the same districts by the same researcher. From the pilot study it became clear that, it is not the scientific nature of the methodology that determines the correctness of the results (Mafeje, 1987). In some cases the price of strictly sticking to neat scientificism, is erroneous and misleading results. In fact the need to capture the diversity of land dynamics dictated to combine traditional scientific methodological approaches, with non-conventional styles required to deal with the diverse peculiarities of the place. After all, what makes a method of investigation scientific, if not its ability to produce accurate results? As Ddungu puts it, "what is necessary is the search for what is ontologically real rather than for formal proofs; it does not matter if unobjective measures are necessary in this search" (1991)

Informed by the limitations and findings of the pilot exercise, this particular study was carried out through four vital phases. The first one required the researcher to take a district survey to get the impression of what was where in the district. This included reading files in the district lands office, game department, forestry department, and district land committee files. Other methods included reading RC case files, brainstorming session with leaders and people who have been involved in land conflicts for a long time, informal discussions, observations and newspaper documentary research. The survey lasted two weeks.

On the basis of this survey, four villages were chosen. Two deal with serious land conflicts and the other two with areas where land conflict is "latent". Each village is located in its own county. At village level, both simple random and targeted sampling were used to get 50 respondents in each village. Then a non-structured questionnaire was administered by the researcher to get the data. The field research lasted 14 weeks. Three weeks were spent in each village and two weeks in the ranching area. Data collection from the district archives took three months. Final data collection was library-based at the Centre for Basic Research and at Makerere University which lasted three months.

The squatter-rancher crisis in the Ankole-Masaka Ranching Scheme was dealt with separately. Three factors determined this. First, it was because of increased social-political significance it had acquired as a result of rancher-squatter conflict in the area. Secondly it could not be dealt with as a village, given its extensiveness as a ranching area. But more significantly it forms the

single biggest land alienation in Mbarara District from majority use, for minority benefit, which has had serious social-political and environmental consequences. But in all, 25 respondents were interviewed: five ranchers and 20 squatters using an unstructured questionnaire.

### **Locations of Areas of Research**

Nyamiyaga village, Kigabagaba parish, Kikagati sub-county, Isingiro county; Kaigoshora village, Rwanyamahembe parish, Rwanyamahembe sub-county, Kashari county; Mishenyi village, Mbogo parish, sub-county, Kazo county; Kashojwa village, Rukarabo parish, Mwizi sub-county; Rwampala county.

### **Some concepts used**

- Private individual land: these are lands whose use is purely restricted to the owners. Either the land is fenced or it has perennial crops grown there.
- Private non-individual lands: this is land, which mainly belongs to institutions, theoretically the right of access is defined by membership, e.g. church and cooperative land.
- Common Lands: these mainly constitute wells, roads, market places, playgrounds, government administrative buildings and land. Their use is open to general public.
- Semi-communal lands: They include land individually owned under customary tenure, but apparently its use is open to the community within the locality, but for a limited number of activities, e.g. fallow land.
- Communal Lands: These are supposed to be those whose use was, or is, common for those within common geographical locality, e.g. a clan.
- Landlordism: This is social relation of rent extraction. This might be practised by the landlords as we have described above or, by any one with land which he does not want for his own immediate use, e.g. capitalist, rich peasants and in some rare cases, middle peasants with surplus land above their immediate production needs. These are capitalists or rich peasants still pulling "a feudal tail" (Mao, 1967).

- Capitalist practice: A social process of profit extraction by labour exploitation. This can either be done by capitalists, as we have described above, or by other social classes so long as they exploit labour. They can either be landlords or rich peasants. To paraphrase Mao (1967) these are landlords and peasants developing a capitalist head.

From these explanations we can observe people with a semi-tenant status (those borrowing land, although they might be having theirs e.g. poor peasants) and others with a semi-landlord status those who lend out land, e.g. some capitalists and rich peasants though they do not have tenants resident on their land or deliver most of their incomes from rent.

- Inheritance: Inheritance refers to the process of getting land on death of the former owner.
- Donation: This is where the owner gives out land. It might be from person to another person; relative or non-relative or from state to person; person to institution or state to a person or institution.

Categories of modes of access to land as used in the tables were arrived at by taking the way the biggest part of land was acquired.

### **Social Categorization**

Anybody who had tenants resident on his land, whether he was charging rent or not, is categorized as a landlord. Those resident on land legally owned by a second party formed our tenants. Those who earned most of their income as profit from exploiting labour, either by employing it or through exchange relations, are what we categorized as capitalists. Those who used family land, labour and implements but in addition hired from outside family, either one or all of the three above to produce surplus what is hired depending on what is not available in sufficient quantities we referred to as rich peasant. Our middle class constitutes households which mainly rely on their family labour, land and implements for production of enough food to eat, or incomes to buy what to eat and only selling for profit from surplus of favourable periods, and threatened by food shortage only in adverse conditions like prolonged dry season. Those with land to carry out insufficient production for subsistence, either because the land is physically too small, productivity too poor or the household is implement or labour poor, are what we called poor peasants.

All those households with no land of their own to use as a means of production are landless.

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**About the Author**

Katureka Lawyer is a Research Fellow at the Centre for Basic Research.