

Contradictions of Consolidation, Puzzles of Resistance: Understanding the Politics of Land Tenure in Post-Conflict Uganda.

In Sub-Saharan Africa it has been suggested that government reliance on customary authority at local levels is inimical to democracy. Genuine democracy in Africa must address the undemocratic compulsions customary authorities are able to enforce as a result of their de facto control over land and labour. This paper examines the extent to which guerrilla movements are capable of altering existing patterns of authority and control over land use in Africa. While fighting a civil war, the NRA (National Resistance Army) in Uganda introduced democratic reforms to local government in territories under its control. After the war and in government, the NRM (National Resistance Movement) has introduced legislation that has sought to privatize land tenure in the south and elsewhere in Uganda. This paper argues that neither of these institutional reforms threatened the authority of Bugandan notables in Southern Uganda. Democratic reforms introduced during the war did not address the basis of customary authority in Buganda (land). While in government, the NRM has abandoned the alliance constructed with the southern peasantry established during the civil war. In order to entrench its position in government, attempts to privatize land have not only sought to attack customary authority but also to allow clients of the NRM from elsewhere in Uganda to 'legitimately' accumulate land in the south. As a result, defending customary authority over land allocation has become a means through which peasants in the south have safeguarded themselves against land dislocation. In this way, customary law has functioned as an institution around which resistance to authoritarianism and corruption has been based.

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WOW4: Workshop on the Workshop

Indiana University Bloomington, June 3rd-6th.

Draft Paper: Please do not cite without the permission of the author

In contrast to other instances of rebellion in post-colonial African history, the National Resistance Army (NRA), which fought and ultimately over-threw the regime of former Ugandan President Milton Obote between 1981 and 1986, is one of only a few organizations that actively garnered peasant support during combat. Generally, the NRA refrained from employing violence against non-combatants; avoided appropriating food and other resources without consent and even held elections while integrating local groups into civilian governance structures (see Kasfir 2005). For Mahmood Mamdani, the implications of peasant mobilization during the 1981-1986 war were far reaching. In order to integrate a heterogeneous peasantry into civilian governance, the NRA implicitly redefined the basis of citizenship on which community membership rested. "The NRA succeeded in forging such a unity," writes Mamdani, "because it moved away from ancestry and towards residence as the basis for defining individuals rights" (2002:496).

As a rebel group, the NRA distinguished itself from other African armed movements by not only seeking the legitimacy of peasant populations, but also by transforming the institutional bases on which political order in Buganda rested. During the war, the NRA removed customary authorities from power. To fill this void, the NRA set up institutions that facilitated civilian self-governance (Kasfir 2005:285). Yet now long after the war, the National Resistance Movement (NRM), still led by Yoweri Museveni has dramatically altered its position vis-a-vis the Buganda peasantry. First, in 1993 the NRM officially restored the *Kabaka* and the Kingdom of Buganda which had been previously overthrown by Milton Obote in 1967. Second, since the restoration of Buganda, the Kingdom and the NRM have become increasingly at odds over issues surrounding land and property rights in Buganda. Heated public debates over the land

issue have resulted in the use of inflammatory rhetoric by both sides, public protest and even the arrest of some Buganda officials (*DM* 2.11.08). Not only has the NRM abandoned its original alliance with the southern peasantry (in recognizing the customary rights of chiefs) they have appeared to have parted ways with many of its former political allies in Buganda altogether. What accounts for this transition?

The NRA represents an important case in considering questions regarding post-conflict politics (see Dorman 2006, Close and Provost 2007, McDonough 2008). Museveni and other NRA leaders articulated well defined political objectives that governed their behaviour in the countryside and marked their intentions once in government. Nevertheless, the NRA has clearly had difficulty, in the words of David Close and Gary Provost, “making their revolution stick” during the post-conflict period (2007:1). Contemporary debates over land and property rights in Uganda have reflected these limitations.

I argue that the abandonment of the original democratic project begun by the NRA in Buganda, and the current conflicts over land and property rights that characterize contemporary Uganda politics, are a consequence of the original class ‘compromises’ made by the NRA after their ascendancy to power. Original concessions made to Buganda by Museveni in 1993 reflect efforts to defuse political pressures for multi-party elections. However, the autonomy originally granted to Buganda has now come to restrict the ability of Museveni to pay-off a fast growing political coterie by allocating land in the South now under the nominal control of Buganda chiefs. Also, by highlighting popular reactions to these processes, this paper will point to the particular forms of resistance to authoritarian politics that opposition movements have taken. What the case of Buganda

underscores, is that traditional institutions and customary practices may function as an important resource in hands of those resisting against arbitrary and undemocratic rule.

Democracy, Social Movements, Resistance

One of the key lessons of Mamdani's (1996) *Citizen and Subject* was that in Africa, as elsewhere, for formal democracy to have any real effect in terms of empowerment, procedural changes at the national level must be accompanied by the emancipation of 'subjects' from coercive institutions at local levels. In the African context, Mamdani argued that one of the principal legacies of late colonial rule was the bifurcated structure of the colonial state. While citizens, usually defined by non-native status (European or Asian in origin) were to be governed by civil law and the formal institutions of the colonial state, native Africans were subjected solely to the local customary power of 'indigenous' authorities (1996:16-19).

For Mamdani, the organization of state power in this way would have a number of implications for post-colonial African politics. First, the native authorities to which Africans were subjected were organized along "tribal" lines. Thus, ethnic identity in the colonial and the post-colonial period would come to define community membership at the local level including the rights and obligations associated with such membership (1996:111-125). Second, the customary institutions to which Africans were subjected were not democratic. The colonial state fused legislative, bureaucratic, judicial and coercive powers into the hands of indigenous authorities that were complicit with the colonial project. In this way, indigenous authorities were able to employ local 'custom' to coerce tribal members to pay taxes and to work on economic or infrastructural projects

initiated by the colonial state (1996:126-128). Given the tendency of post-colonial leadership in Africa to reproduce rather than reform the local institutions of the state inherited from colonial rule, Mamdani argues that until such reforms are carried through, the potential for truly democratic politics in Africa remain inherently circumscribed.

However, the extent to which the general arguments detailed in *Citizen and Subject* describe *all* local politics in Sub-Saharan Africa is debatable. First, it is debatable as to whether colonialism left *one* institutional legacy, rather than a multitude of varied local institutional forms. For instance, Catherine Boone has suggested that state building strategies followed by African post-colonial leadership was determined in part by the variation in institutional configurations at local levels, either invented or reproduced by the colonial state (2003:33-37). Local political orders varied in terms of their geographic breadth, their ability to raise revenue and their relative dependence on the central state for material and coercive support. In particular, Boone makes an important distinction between those rural leaders whose rule has some historical depth or rootedness in the communities over which they govern and those areas where leaders were "parachuted in" or where institutions supporting indirect rule were but mere constructions on the colonial state (2003:325). Where local leadership represented some continuity with the preceding pre-colonial order, leaders were able to retain some legitimacy amongst their followers despite their association with the colonial state.

Despite the contrasts that worked to differentiate the local political orders appropriated by the colonial state through the system of indirect rule, many local leaders effectively straddled the line between state functionary and legitimate local representative. While many used their position to accumulate wealth and further colonial

ambitions, they also at times functioned as a 'resource' for social subordinates, shielding individuals from the arbitrary coercive power of the formal institutions of the colonial state (Schneider 2006:99, see also Berman 1998:329-330). Finally, changes to local institutions over time have worked to either entrench or undermine 'despotic' patterns of governance described by Mamdani (Schneider 2006:99). This is especially the case in Uganda where during both the colonial and post-colonial periods, the Kingdom of Buganda has undergone a series of institutional reforms (to outright banishment and restoration) initiated by the central state that either enhanced or curbed its 'customary' powers. Over time, these changes have contributed to a 'multitude' of legacies left by colonialism in Africa.

The implications of institutional variation at local levels when considering resistance to authoritarianism in Africa and elsewhere is that these institutions are not necessarily something to be *overcome* in the midst of democratic struggle. For instance, given his argument concerning the undemocratic character of local institutions in Sub-Saharan Africa, Mamdani stresses the democratic potential of locally based movements of resistance despite their geographic limitations (1996:189). The localism of the kinds of movements Mamdani defends mirror his earlier arguments regarding the 'despotic' character of the local institutions inherited from European colonialists. Others, such as Joshua Forrest (2004) have emphasized the long on-going democratic tradition of regional inter-ethnic alliance building in Africa that has historically served as a popular response to illegitimate rule during the pre-colonial, colonial and post-colonial periods. The point here is not to minimize the importance of these forms of movements, but only

to point out that such resistance does not have to be intra-ethnic (Mamdani) or inter-ethnic (Forrest) to be effectively democratic as these writers have claimed.

The extent to which social movements are ethnic, intra-ethnic or trans-ethnic is to a degree beside the point, because all social movements, irrespective of their actual content face the same dilemma. On the one hand, in order to ensure some degree of political effectiveness, any social movement generally requires a point at which it 'crystallizes' itself into some sort of semi-permanent form that defines membership, frames objectives and constructs something of an organizational structure. Yet, this necessity can be inherently undemocratic because in doing so these movements demobilize the organic social forces that saw it into existence in the first place and effectively exclude non-community members from participation (Harvey 2001:192). "This points to a singular and important conclusion" writes David Harvey, "although community 'in itself' has meaning as part of a broader politics, community 'for itself' almost invariably degenerates into regressive exclusions and fragmentations" (2001:193). The extent to which to which social responses to land-grabbing in Buganda reflects or overcomes such contradictions will be the subject of the final section of this paper. What follows is a brief history of the politics of land tenure in Buganda leading up to the beginning of the civil war in 1981.

The Politics of Land Tenure in Uganda, 1900-1981

The history of land tenure in Uganda dates back to its founding as a British colony with the signing of the Uganda Agreement by the British and the Kingdom of Buganda in 1900. The conditions of this agreement divided control over land in Uganda between a

small group of Buganda elites and the British colonial government. The Kabaka, other members of the royal family, and a handful of county chiefs were granted control over a total of 8,000 square miles of land in Buganda (what would come to be termed 'mailo' land). The remaining land, approximately 9,000 square miles, would come under the control of the Ugandan colonial government as Crown Land (West 1972:17).

There were a number of social and political effects of the 1900 land settlement. First, the agreement gave the colonial state a willing set of local collaborators. However, given the continued threat the Kingdom of Buganda posed to the maintenance of the colonial order, British colonialists took some additional measures to assure political control. First, the government assured that the power of the new Bugandan elite would be rooted in their control over land rather than their connections to the monarchy. In this respect, the power of the Kabaka (to distribute land and to evict) and the traditional *bataka* (clan heads) was greatly reduced. In the end the Kabaka became one of many landlords (West 1972:28, Mamdani 1976: 43). Also, British colonialists exploited divisions within the Bugandan elite by allocating land to a majority of Protestant rather than Catholic landlords (Mamdani 1976:44).

The 1900 agreement also had a number of broader social implications. Most importantly, where tenants in Buganda previously had reciprocal rights to land bestowed upon them by the Kabaka, the 1900 agreement did not imply any reciprocal arrangements between landlord and tenant (Hunt 2004:175). This, coupled with the elimination of any payments or dues owed to the *Kabaka* by landlords, had effectively been privatized (land could be bought and sold with consideration of customary rights, West 1972:43). Thus, landlords used their unchallenged position and their de facto control over the *Lukiko*

(parliament) to appropriate surpluses through tax and rent from the peasantry. The problem for the colonial state was twofold. First, increasing landlessness as a result of tenant evictions threatened political stability and the colonial project as a whole. Second, high levels of taxation imposed by landlords impelled peasants to reduce export crop production and thus the revenues accrued to the state (Mamdani 1976:124). As a consequence, the colonial state introduced the *busulu* and *nvujo* laws in 1928. These acts set restrictions on the amount landlords could demand from tenants and provided some security of tenure to tenants as long as they remained engaged in export crop production (Mamdani 1976:124). However, these acts did not guarantee security of tenure in the longer term (Hunt 2004:175).

By independence, the autonomous power of Bugandan elites became a point of contention for the emerging Nationalist movement. Initially, the United People's Congress (UPC), led by Milton Obote and the Kabaka Yekka (YK), the party representing Buganda in the national political arena, formed a coalition opposing the Christian Democratic Party. Upon the dissolution of the party immediately after independence, the coalition between the UPC and YK fell apart. In 1966, Obote suspended the constitution, removed federal powers held by semi-autonomous regions within Uganda (specifically Buganda), and ultimately attacked the royal palace sending the Kabaka into exile (Apter 1995:161). After attacking the Kabaka, Obote sought to then undermine the autonomous power of Ugandan landlords. In 1969, he introduced the Public Lands Act which disbanded the Bugandan Land Board (BLB) and vested control of all public lands (which included only customary land, not mailo, freehold or leasehold land) into hands of the central state (Hunt 2004: 176, Green 2005). This act gave some

security of tenure to customary tenants, but given its limited reach (the land to which this act did not apply), it left the existing land tenure system basically in tact.

In 1972, Obote was overthrown in a military coup led by Idi Amin. Soon afterwards, Amin introduced the 1975 Land Reform Decree, which went further than the 1969 Public Lands Act in declaring all land in Uganda to be public land. The Law converted all freehold and mailo land into leasehold land controlled and administered solely by the central state. In principle, the 1975 Decree went far in undermining the power of undermining the power of landlords in Buganda. Land could now be bought and sold without their consent (Hunt 2004:176). David Apter has argued that Amin's intentions were to "establish his own land-owning oligarchy in Buganda" (1995:161-162). However in practice, the 1975 Decree was not fully enforced and was for the most part ignored by both bureaucrats and landlords. As a result, its impact on social relations in Buganda was minimal. This was the last major policy introduced by any Ugandan government before the start of the civil war in 1981. Amin was eventually toppled by the Tanzanian Army in 1979. It was in response to the 1980 (allegedly fraudulent) elections, in 1980 which brought Milton Obote back to power, that a small group which included Yoweri Museveni began their guerrilla campaign in Southern Uganda.

Guerrilla Governance: The National Resistance Army, 1981-1986

The NRA began its military campaign against the government of Milton Obote on February 6th, 1981, and although Museveni has his origins in Western Uganda, initiating the conflict in Buganda (or what is known as the Loweru Triangle, Southern Uganda) was logical for a number of reasons. First, as indicated above, both the Obote and Amin

governments since independence have made efforts to reign in Bugandan notables and undermine the basis of their autonomy, their control over land. Thus, initiating the campaign in Buganda made sense because of the resentment towards Obote that had already existed. The Ugandan Army's rather brutal treatment of civilians during the civil war only reinforced these sentiments. As Edward Katumba-Wamala has written, "the behaviour of the government forces made (winning the support of the peasantry) easy as it brutalized the population, which drew nearer to the NRA for protection" (2000:165). Also, the linkages between the NRA and the Bugandan population were strengthened throughout the war as a result of disparity in resources between the NRA and the Uganda Army. From the onset of the war, the NRA was resource poor, it did not have an external patron and as a result relied heavily on the local population for resources and protection (Schubert 2006:101-104, 109). Consequently, garnering their support became essential.

Finally, although many of the founding members of the NRA were Western in origin, the NRA also included a number of fighters from the South. Moreover, there were a number of avowed Bugandan monarchists who joined the ranks. Prince Jjuuko, (Exiled Kabaka Mutebi's cousin) assumed a high ranking administrative position within the NRA and was also highly involved in the fighting as well. Nevertheless, the relationship between the NRA and the Bugandan monarchy was mixed, and at times strained. On the one hand, close relationships with monarchy facilitated elite support and popular mobilization in Buganda. However, close ties to the monarchy would appear embroil the NRA in 'ethnic' politics, something that Museveni vehemently disavowed. However, some of the contradictions between NRA ideology and NRA practice reflected the primacy of mobilizing support for the guerrilla war.

For instance, one of the key moments of the war for many Buganda was the temporary return of Kabaka Mutebi to the areas then controlled by the NRA. Mutebi's visit sparked rumours about his permanent return and the restoration of the monarchy after a NRA victory. However, Museveni was quick to distance himself from the Kabaka commenting that it was he who had "...requested to come, we did not seek him out" (quoted in Oloka-Onyango 1997:177). In other instances however Museveni was quick to make promises to Buganda peasants in order to gain their support despite earlier rhetoric to the contrary. Nelson Kasfir has quoted one now high ranking NRM member as saying that "Museveni had personally promised him that 'he would remain loyal to the Buganda after the war, would restore the Buganda state, restore the kingdom and return the properties of Buganda'" (quoted in Kasfir 2005:283). Thus, in practice, Museveni and the NRA wavered in their support for the Kabaka, at times distancing themselves from the monarchy while at others, supporting its restoration. The reality was probably somewhere between these two extremes. J. Oloko-Onyango has argued that there was at least a "tacit agreement between the NRA and Mutebi" (1997:177). In this way, the way the NRA was able to garner support from Baganda while at the same not alienating minority groups in the South or in other parts of the country. Nevertheless, this put Museveni in a difficult position after the NRA victory in 1986.

Whatever its commitments to the Buganda monarchy, the NRA did implement important reforms to political institutions at local levels. For the purposes of the paper, there were two important features of the reforms introduced by the NRA at local levels. First, the abolished the institution of chieftaincy and replaced it with Resistance Councils (RC's) which were elected and run by local populations. Originally civilian controlled

(but at first unelected) RC's were formed in order to mobilize political support for the war effort amongst the peasantry and secondly, to collect food for the soldiers. These two objectives fed into each other; as peasants became more aware and trusting of NRA intentions, their willingness to give up food and other supplies increased (Kasfir 2005:283-284). Over time, the NRA reformed these groups by introducing elections and specifying roles of committee members pertaining both to issues of civilian self-governance and support for the war effort. Unprecedented at local levels, RCs addressed issues relating to women, young people and well as political mobilization and community defence (Kasfir 2005:286-287). Perhaps, most importantly, the NRA gave RCs some measure of autonomy, to formulate legislation and act as a judicial-cum-dispute mediating body. However, RC's had jurisdiction only over civilian affairs and not NRA strategy (Kasfir 2005:288).

However, despite these tangible improvements to local political institutions, there were limitations to the NRA initiated reforms. Primarily, while RCs acknowledge gendered, generational and ethnic divisions within local communities, these reforms stopped short of altering class distinctions within them (Mamdani 1996:215, Kasfir 2005:284-285). Instead of organizing local institutions in a way to mobilize social classes within the peasantry who were interested in reform, RCs became dominated by more powerful actors who were better able to mobilize resources and supporters. The class structure within the RC mirrored the class structure outside of it. Much like the dilemmas confronted by the NRA in establishing a relationship with the Kabaka, the demands of fighting a guerrilla war required other actions that sometimes contradicted its stated ideological goals. In this instance, despite their commitments to "redressing errors that

have resulted in the dislocation of some sections of the population,” initial contacts in local communities were often large landowners because of the resources and political influence they were able to wield (Katumba-Wamala 2000:170, Kasfir 2005:284). The autonomy the NRA provided to civilian decision making bodies played into the hands of dominant actors within local communities. As a result, Nelson Kasfir has argued, “the NRA’s choice of contacts significantly influenced the composition of the civilians networks it created” (2005:284). In the end, despite the limitations of political reforms to local communities, the NRA was able to mobilize broad support across different subsections of Baganda society. How and why this relationship deteriorated so quickly will be the topic of the next section.

Post-Conflict Politics in Buganda

Despite the moderate successes it had in mobilizing popular support in Southern Uganda during the war, the NRA faced a number of political threats during the consolidation phase of its rule immediately after taking power in 1986. This was in part a consequence of the fact that even at the height of its success during the civil war; the NRA controlled no more than half of the country. As a result, upon the war’s conclusion, it relied upon a very narrow political base for support. Moreover, this was the first time in Ugandan history that a Northerner had not been President; as a result many from the North were initially sceptical of Museveni’s government (Mamdani 1988:1168, Kasfir 1998:53). Also, the initial political vulnerability of the NRM was compounded by the fact that unlike the UPC or DP, the NRM’s principal rivals, the NRM was not organized

nationally and did not have an institutionalized support base that could be easily mobilized for the purposes of electoral competition (Carbone 2005:12).

Over time political tensions mounted as a result of Museveni's simultaneous efforts to check both rural and urban based opposition movements to his government. Regionally, the North and the South presented different challenges to the consolidation of NRM rule. In the North, ruling elites previously affiliated with the UPC were limited in their ability to oppose the NRM. After the war, many Army Generals that had returned to the North looted and attacked peasant populations along the way. Thus, in terms of political leadership, this group lost whatever legitimacy it previously had and as a result was incapable of mobilizing popular support behind them. Filling this void was the emergence of the Holy Spirit Movement (HSM) led by Alice Lakwena which sought to mobilize peasant disenchantment with both the leadership of Northern elites and the absence of any attempts by the NRM to incorporate the Northern peasantry into its political project (Mamdani 1988:1170). The HSM was never able to reconcile political differences internal to the North and thus effectively challenge the NRA militarily. However, this period represented only the beginning of a long drawn out period of armed conflict in the North, which would be sustained for over 20 years by the Lord's Resistance Army (LRA), led by Joseph Kony.

The South presented different problems for Museveni. One of ironies of the war, as Green has pointed out, was that the defeat of Obote's regime allowed landlord's to return to Buganda to collect rent on land they had not been able to for over 20 years (2005:7). Thus, the dilemma for the NRM was whether to follow through with their commitments to the Baganda peasantry by enacting land reform that would undermine

the customary authority of landlords in the South, or shore up the political backing of regional elites by supporting indigenous institutions including the monarchy and the customary rights of landlords over land. It was along these lines that initial schisms within the NRM were based. As stated earlier the NRA included a number of prominent Baganda monarchists who pressed for the restoration of customary and monarchical authority. Others, such as Chango Machyo and Mahmood Mamdani (now functioning as Chair of the 1986/87 Commission of Inquiry into the Local Government System) urged the NRM not to abandon their wartime alliance with Buganda peasantry and enact land reform that would break the customary authority of the landed class (Green 2005:7-8).

In the end political priorities won out over the introduction of any progressive reforms in Buganda. In 1993, the Constitutional Amendment Bill (*Ebyaffe* Bill) was introduced by the NRM which allowed for the restoration of all traditional institutions in Uganda. More specifically with respect to Buganda, the *ebyaffe* facilitated the crowning of the new Kabaka (Ronald Muwenda Mutebi II), the returning of Buganda assets seized in 1967, the opening of Buganda's *Lukiko*, and 1995 Constitutional Changes that officially recognized traditional leaders and institutions. For the NRM, acknowledging traditional institutions and Buganda specifically represented a favourable trade-off: the NRM granted federal privileges to these leaders in exchange for the support of their followers and lessened pressure for the opening up of national politics to multi-party elections (Olaka-Oyango 1997:180). In all of this however, the NRM effectively jettisoned whatever progressive commitments it had vis-a-vis the Baganda peasantry, a group that not only supported the NRM during the war, but who in the end "died for the freedom of others" (quoted in Olaka-Oyango 1997:184).

Recognizing Buganda as legitimate ‘cultural’ institution was, as indicated above, a part of a larger political strategy to minimize political threats against the NRM. Granting some federal powers to traditional rulers to a degree muted objections to Museveni’s initial refusals to hold multiparty elections. Museveni’s official objection to multi-party politics is that democratic political competition is inappropriate for societies that remain organized along “vertical” (or “ethnic”) lines rather than horizontally based on class. For Museveni, masses in societies that remain “vertically” organized along ethnic lines are susceptible to manipulation by self-serving elites during multi-party elections (Kassimir 1999:654). This, coupled with the NRM’s dearth of institutional ties to much of the Ugandan electorate meant that one of its first acts upon seizing power in 1986 was the outlawing of opposition parties and multi-party politics altogether.

Instead, the NRM institutionalized systems of representation that would work to reinforce Museveni’s control over national political life. First, although the NRM banned political parties from participating in national elections or in any way mobilizing the Ugandan electorate (which was automatically deemed ‘sectarian’), political participation was not banned altogether. As an alternative to multi-party politics, “movement” democracy or “no-party” democracy was established as a tiered structure linking democratically elected Resistance Councils (RCs) at local levels to the National Resistance Council at the national levels (see Carbone 2003, Kasfir 1998, Human Rights Watch 1999). The political logic of this system was that by encouraging political participation through RCs the NRM would retain the democratic legitimacy they first established in encouraging civilian self-governance during the war, while at the same time undermining the ability of any actor to mobilize a political following along party

lines (Carbone 2003:486). Moreover, as long as political life remained individualized, the power of specific representatives would remain wedded to their ability to garner close ties with the political executive, Museveni.

The RCs themselves have also been slowly emptied of their effectiveness and autonomy as a result of NRM influences at local levels. The consequence of banning political activity (mobilizing supporters, campaigning) has meant that candidates running for election in RCs were limited to advertising their personal qualities and social acceptability rather than any substantial platform (Rubongoya 2007:106). This furthered the personalization of political life in Uganda by making the comparative ability to distribute patronage to political clients the primary basis on which representatives were elected. This in turn (much like the failures of democratic reforms introduced by the NRA during the civil war), favoured village elites and politicians with established ties to NRM patronage networks over political outsiders. When these informal political mechanisms were insufficient, the NRM constructed parallel institutions, Resident District Commissioners (RDCs) that were filled by political appointees and “functioned as government watchdogs at local levels” (Rubongoya 2007:110). Overall, the representative institutions introduced by the NRM worked to insulate the executive from political challenges rather than facilitating the democratic expression of opposition to it.

By simultaneously abandoning its own ideological commitments after capturing power and restricting public debates about alternative political platforms, the NRM has in effect attempted to ‘depoliticize’ national political life in Uganda. Thus, in the absence of any political program on which to structure a ruling coalition or Ugandan political discourse more generally, Museveni has instead consolidated his position through the

construction of an extensive personalized patronage network (Mamdani 1988:1168, Mwenza 2007:29, 32). Moreover, Museveni has manipulated external pressures to liberalize the economy and privatize state institutions so as to expand opportunities for the extension of patron-client ties (Mwenza 2007:30, Tangri and Mwenda 2001, Mwenda and Tangri 2005, Rubongoya 2007:163). This has taken a number of different forms: kickbacks from military contracts for private militias, appropriation of resources through control over newly created 'semi-autonomous' agencies and more generally and the selling off of state assets at discounted prices to privileged clients (Mwenza 2007:30, Tangri and Mwenda 2001:120). In all of these examples, the process of privatization was manipulated so as to direct resources into the hands of key NRM supporters.

The limitations and contradictions of patronage as a basis for the consolidation of dominant classes in Africa have been expressed elsewhere. State centered processes of accumulation and the dislocation of ruling classes from productive processes has generally meant that that the political practices used to sustain the position of this group tends to undermine the productive capacity of incipient agricultural and industrial sectors (Boone 1994:132). In Uganda, the resulting decline in the number of opportunities for the distribution of patronage has concomitantly resulted in a narrowing the dominant class coalition. As a result, since the mid-1990's the NRM has rested on the support of an increasingly shrinking base of political backers, that are primarily Western in origin, or ethnically Banyankore (Rubongoya 2007:120, 163). Consequently, the post-conflict coalition sewed together by Museveni, has since the mid-1990's begun to fall apart.

In 1996, after ‘no-party’ democracy had been written into the Ugandan Constitution, Museveni participated in his first Presidential Election against a former government minister, Paul Ssemogerere. Ssemogerere was the leader of the DP, which had been an ally of the NRM since they had come to power in 1986. However, with the steady decline in the number of DP ministers in the NRM government, and the obvious intentions of Museveni to stay in power for an indefinite period of time, Ssemogerere ran against Museveni in the 1996 elections (Carbone 2003:490). These elections which Museveni won were subsequently challenged by the DP because of allegations of fraud. As John Kiyaga-Nsubugu has argued, further “cracks began to appear within the NRM itself and dissent began to be expressed openly over the manner in which the top leadership was handling public affairs” (2004:102). By 2001, Museveni faced another serious presidential challenge—this time it was retired army general and former member of the NRM, Dr. Kiiza-Besigye. Museveni again won this election handily, however defections from NRM ranks continued. By 2003-2004, over efforts by Museveni to restrict the passing of a bill placing term limits on the presidency, a number of NRM members defected to the opposition. “The so-called *kisanja* campaign shook the Movement camp so deeply,” Giovanni Carbone has written, “that several longstanding members of the NRM leadership who had taken a firm stance against it left ruling organization and formed a new opposition group” (2005:10). As these instances have shown, the support base of the NRM has increasingly narrowed, rendered its rule increasingly precarious.

Property Rights and Conflicts over Land in Post-Conflict Buganda

As Jacqueline Klopp has argued elsewhere, where traditional sources of patronage are scarce, land can become an important asset to political leaders seeking to maintain power. When privatized, land like other assets can be distributed to favoured political clients (Klopp 2000:8). In Uganda, despite the formal ('no party' democracy, RCs) and informal (the politicized distribution of privatized state assets) institutions used to shore up Museveni's position, the coalition he formed after assuming power has become increasingly narrow and unstable. As a result, the control over and the distribution of privatized land has become central to Museveni's strategy to entrench himself at the apex of Ugandan politics. Yet it is here we begin to see the limits of Museveni's original strategy for post-conflict consolidation. In granting federal powers to Buganda elites so as to initially check pressures for multi-party elections, Museveni put limits on his ability to reproduce his regime by distributing the authority over land to political clients. As a result, land has become the praxis around which recent political conflicts between the NRM and the Kingdom of Buganda have been fought. Moreover, although the privatization of land would in effect undermine the basis of authority of the landed class in Buganda (see Boone 2007: 580), peasants have begun to support customary institutions given the threats government sponsored land-grabbing has represented to security of tenure.

When the NRM introduced the *ebyaffe* in 1993 and revived customary institutions in Buganda and elsewhere in Uganda, the autonomous capacity of the monarchy to raise revenue remained circumscribed. While the *Kabaka* was returned control over his 350 square miles, during the negotiations of the 1998 Land Bill, the monarchy pressed the

central government for the return of the 9,000 square miles of publically held land previously administered by Baganda landlords and confiscated in 1967. The rents potentially accrued from these lands would give Baganda some fiscal autonomy from the central state (Englebert 2002:353). In introducing the 1998 Bill, the government had alternative motivations that were at cross-purposes with those of the Buganda Monarchy.

The 1998 Land Bill transformed property rights in Uganda by both formalizing customary rights to land and granting formal title to long-term occupants irrespective of customary law (Joireman 2007:470). The Bill represented a substantive shift away from a property rights regime based on communal rights, towards one based on the rights of users or occupants (Boone 2007:563-564). Indeed, the stated aim of this Bill by the government was to protect squatters and landless peasants from eviction and excessive rental payments demanded by landlords (Englebert 2002:353). Clearly, Baganda elites were sceptical of the intentions and ultimate implications of this legislation. First, it denied the Kabaka control over the 9,000 square miles it had been petitioning for. Second, for many, the 1998 Land Bill would facilitate the occupancy and control of Baganda land by ethnic 'strangers', particularly members of Museveni's group, the Banyankore. Subsequent debates surrounding legislation pertaining to property rights would only reinforce these antagonistic positions. For instance, many Baganda saw the proposed 2007 Land Reform Bill as only reinforcing the tenets of the original 1998 Land Act and furthering the politicization of the market in land in Buganda. In particular, proposed reforms would allow the Government Minister of Lands to grant title to occupants without the consent of landlords. Also, the proposed reform would remove the power to adjudicate land disputes from the judiciary. Instead, disputes over land would be

settled by Presidential appointees including the Minister of Lands and officials appointed as RDCs. Thus, As Kibirige Mayanja has argued "by removing the power to adjudicate land disputes and vesting it in the Minister of Lands and RDCs, land is being turned into a political cake to be dished out to NRM supporters and win votes for President Museveni" (*DM* 12.05.2007).

Beginning in the late 1990's and continuing throughout these debates, the number of highly publicized conflicts over land between Buganda and the NRM has been on the rise. Some of the most common have been conflicts over the selling of Buganda Land to both national or international investors and conflicts over the rights of nomadic Balaalo herdsman to land in Buganda. For instance, in early 2008 a number of Ugandan Asians were attacked and beaten by protestors objecting to the sale of part of the 30,000 hectare Mabira Forest to the primarily Asian owned Sugar Corporation of Uganda (Scoul, *BBC*: 12:04:2007). In other cases, lawsuits between investors and the government have resulted from the sale of land that had been publically transferred to private interests, while under the nominal control of the Buganda Kingdom (*DM*: 16.12.2008). There have also been a number of (increasingly violent) disputes between Buganda and Balaalo herdsman. Balaalo refers to people who live by herding cattle. They are an ethnically diverse group who have origins within Uganda and in neighbouring Rwanda and Tanzania. As a result of conflicts with neighbouring groups, the central government has proposed to resettle the Balaalo near Kiboga, land traditionally thought to be part of the Kingdom of Buganda. Consequently, this proposal has been met by a series of protests from the Lukiiko and a number of Buganda Youth organizations (*NV* 06.07.2007, 04.07.2007).

Despite these clashes, the popular attitude towards Museveni in Buganda and elsewhere in Uganda has been mixed. Given the insecurity and violence experienced by many in Buganda at the hands of Obote and Amin, many living in rural areas have continued, at minimum, to tacitly support the NRM. As Pierre Englebert has written, peasants "may be unwilling to threaten the peace and relative welfare that they have reached under the NRM for issues such as federalism" (2002:359, see also Rubongoya 2007:176). Maintaining a semblance of peace and security (excluding the North) allowed Museveni to command a large portion of the vote in rural areas in the most recent presidential election in 2006. Nonetheless, Buganda commoners have expressed some discontent with Museveni, especially with respect to legislation pertaining to land. Recent polling suggests that 71% of Ugandans from the central region were dissatisfied with the way Museveni has handled the issue of land. Specifically, it would "seem that the public discontent is rooted in Mr. Museveni's curious decision to dole out choice chunks of valuable public land to questionable investors at no cost" (*DM* 15.11.2008). Moreover, disagreements over land issues have begun to jeopardize regions that have long been critical bastions of NRM support.

Given these changing sentiments, the monarchy has had some success in politically mobilizing Buganda against efforts to undercut customary authority over land. In late 2007, the *Kabaka* established the Central Civic Education Committee (CCEC), led by Betty Namboze in order to orchestrate a campaign against the government's proposed changes to the 1998 Land Act. The goal of the CCEC is to educate Buganda as to the political, social and economic implications of the proposed reforms. The activities of the CCEC were temporarily suspended in 2008 after three of its leaders, including Betty

Nambooze, were arrested on allegations of sectarianism and promoting war (*DM* 09.08.2008). Despite the successes of the CCEC, "the radio is cited as being the most influential in mobilizing people against the ruling NRM government in the central region" (*DM* 09.08.2008). The radio has played an important role in mobilizing a reawakened Buganda nationalism in response to the conflicts between Baganda and the central government. The monarchy has also initiated the Kabaka Land Fund (KLF), a program soliciting voluntary contributions from ordinary Baganda in order to raise funds in support of 'impoverished' landowners who have been forced to sell land to the government (*SM* 30.12.2007). Since its restoration in 1993, one of the strengths of the monarchy has been its ability to garner voluntary donations in lieu of state imposed restrictions on its ability to raise tax revenue (Englebert 2002:355-356). KLF funding will allow Buganda to retain control over land despite pressures from the central government.

While private land tenure is generally considered antithetical to customary authority more generally, it has been promoted by women's movements across Africa because it addresses gendered inequities in power at the household level. Privatized tenure systems "improve women's access to buy, own, sell, and obtain titles on land" and thus augment their subordinate status vis-à-vis men (Tripp 2004:2). In contrast, customary law in its contemporary form is understood to be unfavourable to the interests of women because it cements gendered inequalities. The status of women under customary law demonstrates an important limitation of forms of resistance in Buganda (and elsewhere) based on a 'renewed nationalism' and a reassertion of rights derived from traditional institutions. To what extent do these movements harden some sets of inequalities just as they seek to address and rectify others? These tensions are evident in

the politics of land tenure reform in contemporary Uganda. While many Buganda have *resisted* the introduction of private systems of land tenure, Ugandan women have sought to *modify* government proposals by lobbying for the inclusion of co-ownership clauses (Tripp 2004:5). As indicated earlier, stranger/native distinctions can also be hardened by movements supporting customary systems of tenure.

Conclusion:

This paper has explored two sides of the 'contradictions of consolidation' in post-conflict Uganda. First, despite the fact that NRA leadership, as Mamdani has argued, understood the need for institutional change at local levels for democracy to have any real impact, they did not follow through with their commitments to local change after the conclusion of the war. The NRA/M abandoned their alliance with the Buganda peasantry because granting some federalist powers to Buganda elites was deemed as a necessary trade-off in order to check intra-elite demands for democratization and multi-party politics. However, later conflicts over land tenure systems in Buganda resulted from this initial class compromise. As traditional sources of patronage dwindled and elite demands on the NRM intensified, Museveni has turned to land as an alternative patronage asset in order to pay-off political clients.

Attempts to distribute land as a patronage resource has conflicted with the interests of the monarchy who have in turn mobilized everyday Baganda against government initiatives to transform the institutions governing land holding. As a result, customary practices and indigenous cultural institutions have functioned as an important resource around which elite and everyday Buganda alike have defended their interests

against an increasingly arbitrary and authoritarian regime. However, just as these cultural symbols and practices have been employed as a means of resistance, they can simultaneously harden gendered and ethnic inequalities within such movements. As these struggles continue, as Klopp has argued in reference to Kenya, the key will be that while resistance can take an "ethnic form" they need to at the same time include "a wider and more inclusive civic and national consciousness" (2002:270).

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Uganda Periodicals:

DM *Daily Monitor*
 NV *New Vision*
 SM *Sunday Monitor*