

MAKERERE UNIVERSITY

CONFLICT AND THE LAND QUESTION

IN UGANDA.



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The mailo land system created a land owning class and a land market because land was henceforth a commodity which could be sold. It could also be mortgaged if the land owner wished to get a loan.

Freehold titles were granted to Africans who had been holding land outside Buganda under customary tenure pursuant to the Crown Lands (Adjudication) Rules of 1958.¹ There were also native freeholds peculiar to Ankole and Toro Kingdoms.

Customary tenure was the predominant form of landownership in Uganda. Under the Public Lands Act of 1969, customary tenure enjoyed statutory protection. For example, under the Act, it was lawful for a person to occupy customary tenure in rural lands not alienated in leasehold or freehold. Furthermore, a controlling authority had no power to grant a freehold or leasehold of any land occupied by customary tenure without the consent of the customary occupiers.²

Leasehold estates also existed. The chief forms of leaseholds were two: the private lease and the public or statutory lease. The private lease was granted by an individual landowner to an individual or organisation under the terms agreed on by the respective parties. Statutory leases were provided for under the public Land Act, 1969.

President Amin introduced the Land Reform Decree of 1975 which changed all land in Uganda to be public land and was to be

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For details, read, A.B. Mukwaya, Land Tenure in Uganda (London: Kegan and Paul, 1953) and D.A. Low and Pratt, Buganda and British Overrule 1900-1955 (London: Oxford University Press, 1960).

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Kiddu-Makubuya "Land Law Reform and Rural Development in Uganda" in Apollo Nsubambi and J. Katoto (eds.), Proceedings of the Conference on Rural Rehabilitation and Development, Makerere University, September, 1981, p. 310.

²

ibid., p. 309.

administered by the Uganda Lands Commission in accordance with the Public Lands Act of 1969. Freeholds in land and any absolute ownership, including mailo ownership, were converted into leaseholds.¹ The leaseholds on conversion are for 199 years in case of public bodies, religious organizations and 99 years in case of individuals.²

The security of the customary tenant was reduced because according to section 7 of the Decree, a lessee on conversion was authorised to terminate customary tenure on his leasehold provided he gives the holder of the tenure notice not less than six months with a copy to the Commission.

It must be made clear that the Decree did not abolish private ownership of land and the right to sell land. Indeed, many parts of the Decree were not implemented. For example, the former Mailo land owners do not pay ground rent to the Government. Many parts of the Decree were not implemented because Amin's regime was partly anarchic. Furthermore, once the Decree enabled Amin to grab the land which he wished to take at Bombo, he did not care about the subsequent land tangles and nicities. We must also mention that under Amin's regime, there were no attempts to flirt with socialist slogans. Capitalism was allowed to flourish. Consequently, the 'socialistic' aspects of the Decree, were subsequently ignored.

The six causes of conflict

Conflict in land is inter alia caused by extreme scarcity

¹ The Land Reform Decree (L.R.D), 1975, Section 2 (3).

² For more information on the consequences of the Decree, read A. R. Nsibambi, "From Symbiosis to Antagonism: The Case of the Relationship between the landlord and the tenant in the rural development of Uganda" in Apolo Nsibambi and J. Katorobo (eds.), op.cit., pp.287-300.

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of fertile land which gives rise to landlessness especially as the population increases. This problem is aggravated when new techniques of increasing land fertility are adopted. Uganda, like many developing areas has not yet acquired the appropriate technology and skills to maximise land utilisation. The author has, however, shown elsewhere that Uganda has enough fertile land and that landlessness is not yet a critical issue in Uganda. There are six causes of conflict: The first is ideological, the second is absence of a clear land policy, the third is that of eviction, the fourth is concerned with protecting indigenous people against the exploitation of foreigners, the fifth is related to corruption and the last one is concerned with the high cost of surveying, registration and administration of titles.

The Ideological Conflict

There is a conflict between hard core capitalists and a group of people who range from being Marxists to socialists. The hard core capitalists believe in private ownership of land and they assert that if a person can use land productively, he should not be limited by the amount of land he should possess. As early as 1961, the World Bank Mission observed that private ownership in Uganda created a land market and that the right to own land and conversion of land into a negotiable asset assisted in the emergence of a group of producers who were commercially oriented

1
Apolo Nsubambi, "Dimensions of Rural Poverty in Uganda", a paper presented to a 'Workshop on Integrated Rural Development in Uganda', August 25-29, 1987 held at Lukono District Farm Institute, pp.2-9.

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The Pastoral Karamojong compete for land with the game parks and sedentary farmers. Shortage of space has made it impossible for us to discuss this matter. Cf Apolo Nsubambi and P. Byarugaba, "Problems of Political and Administrative Participation in a semi-arid area of Uganda: a Case study of Karamoja", The African Review, vol.9 No.2 1982.

and who specialised in production for the market.¹ The East African Royal Commission argued that the individual tenure gives an individual a sense of security in possession and facilitates purchase and sale of land.² It must be added that individual ownership of land per se cannot enable the landowner to perform miracles. The landowner must have credit facilities, business acumen and other facilities. The capitalists are not a homogeneous group but the factors which unite them have been sketched. Some are opportunists and others are respectable and they are interested in uplifting society largely through individual initiative. They include Dr. S. Kisekka, the Prime Minister of Uganda, the author of the paper, Dr. Alier, an eminent Dentist. So far they form the majority of the Ugandans who for generations have grown up under a capitalistic system.

The 'Marxists - Socialists' are also a varied group. However, the most vocal ones include 'oral-documentary' radicals and those whom Nabudere has called left wing opportunists.³ He argues that the left wing / opportunists are teaching a hotch-potch of neo-Marxist, neo-Trotskyist fabrications and are trying to hide the militaristic character of the Ugandans situation.⁴ The 'oral-documentary' radicals include Chango Machyo, a Minister of Water and Mineral Resources in the NRM Government, M. Mamdani, an Associate Professor of Political Science, Obol-Obola, a Lawyer, Nabudere, a

¹ The Economic Development of Uganda (Entebbe: Government Printer, 1961) p.167.

² East African Royal Commission, 1953 - 1955 HMSO, London CWD, 1975, p.323.

³ D. Wadada Nabudere, "The Uganda Crisis: What Next", UPAHAMU, Volume XV, Number 3, 1986/87, p.64 Cf. D. Nabudere, Imperialism and revolution in Uganda (London: ONYX Press, 1980) pp.204-210.

⁴ Ibid., pp.64-65.

former Minister under the Lule Government and a scholar and I. Fendru, a Lecturer in the Department of Rural Economy at Makerere University. They give public lectures and write in newspapers exaggerating the plight of the peasants. They do not necessarily practise what they preach.

They are opposed to the individual ownership of land and argue that land should be fully nationalised and re-distributed to the tillers of land. For example, Chango Machyo has argued,

the individualisation of land tenure develops socio-economic relations in the rural areas which become obstacles to genuine development in the countryside hence the development of the class struggle in that sector.

He advocates communal ownership of land. To use his own words again,

The African land tenure concept of communal ownership with the individuals enjoying the right of use only is more relevant to developmental philosophy and needs than individual tenure.²

M. Mamdani attributes what he calls the 'wretched condition' of the peasantry in Buganda to the exploitation of the landlords.³ He wrongly asserts that the average landholding of the landlord in Kitende Village is 2560 acres or 4 square miles while the poor peasant has 0.66 acres. The information which the author gathered from the Land Office of Kampala on August 16, 1986, was that there were 204 landowners in Kitende Village and that the biggest landlord owns only 814 acres of land. Mamdani's false

¹ Chango Machyo, "Communal Land Tenure and Rural Development" in Second Mawazo Workshop on 'The Agrarian Question in Developing Countries, Makerere University, 10-2, 1984, p.8.

² Ibid, p.8.

³ M. Mamdani, "Analyzing the agrarian question: The case of Buganda Village" a paper presented to the Mawazo Workshop, No.2, Makerere University, February 10-12, 1984, p.24.

figures were aimed at exaggerating the class war between the landlords and the peasants. Since Kitende is only 8 miles on Entebbe road, it is easy for serious scholars to establish that the peasants whom he describes as leading a wretched life, are much more prosperous than the peasants who live in areas where private ownership of land does not exist.

What are the consequences of the ideological conflict between the two groups? The major consequence is that this conflict complicates the task of the broad-based ¹NRM Government in formulating a comprehensive and clear policy. We must now describe this problem.

Absence of a clear land policy

The ideological conflict which we have described is also represented in the broad-based Government. We must make it clear that, the NRM Government is not a 'communist' Government as some irresponsible foreign papers have represented it. It is a broad-based Government which has embraced the various ideological shades. The Government which is grappling with a weak economy that has been mismanaged since 1966, cannot afford to antagonise 'landlords' because they are economically and politically well organised. At the same time, the Government cannot "ignore" coming to the rescue of the peasants who are sometimes irresponsibly evicted by the ruthless lessees. Worse still, the ideological conflict between the two major camps complicates the task of ascertaining what is really happening on the ground because the Government tends to get an exaggerated account from antagonistic camps. The Government is also reluctant to endorse the land Reform Decree which was arbitrarily imposed by President Amin. Under these

¹ NRM means National Resistance Movement.

circumstances, some Government Ministers have made pronouncements which have suspended the eviction of the tenants and yet the existing Decree allows the lessees to evict the tenants. This situation has caused conflicts and confusion on the ground. For example, January 20, 1987, the Minister of lands declared in a press release the following:-

The Government would like to state that it has learnt with dismay that some former Bailo Land owners are engaged in an act of evicting customary tenants (bibanja owners) from their bibanja. Government would like to inform these landlords that under the 1975 Land Reform Decree, any such eviction is illegal unless approved by the Minister of Lands and Surveys. No bibanja owner should therefore agree to such forceful eviction unless the landlords can prove through the office of the District Administrator that the Minister gave consent to such eviction.

The Minister's statement was legally faulty because according to Section 7 of the Land Reform Decree, the lessee does not require the Minister's consent in order to evict a tenant. When the author interviewed Mr. Ben Okello Lwama, the Minister of Lands and Surveys, on 7th September, 1987, he admitted that his statement was legally questionable. However, he added that it was politically necessary to protect the customary peasants who are a source of the Government's power. His statement provoked a sharp reaction from the landowners (the lessees).² It was also alleged that the Minister had said that most of the people of the District of Mpigi and Mubende are no longer interested in private ownership of the land.³

¹ Source: Ministry of Lands and Surveys.

² Technically, the landowner now is the Commission but for the sake of communication, we shall refer to the lessees as the landlords

³ Ngabo, a Luganda newspaper, May 4, 1987, P.1.

The Minister was challenged to disclose the names of the people who were not interested in private ownership of the land. Mr. E. Mulira, the Chairman of the Namirembe/Bakuli Parish Resistance Council II, Rubaga Division District of Kampala, asserted that the 'Baganda and land are interwoven and that the Government should not rush to tamper with the established land system.¹ The sub-county of Kira in the county of Kyadondo, passed a resolution requesting the Government to handle land matters most carefully.² The Minister conceded that his tours of Buganda sensitised him to the fact that the land question is very sensitive. It should be pointed out that there are many non-Baganda who have acquired private ownership of land in Buganda. Equally other groups have acquired land outside Buganda. And thus the issue is much larger than Buganda which the Minister toured.

For purposes of our discussion, we should note that absence of a clear land policy has caused a lot of friction between the lessees and the tenants. For some tenants who are supported by the Resistance Councils behave as if they are the actual owners of the land. And yet according to the Land Reform Decree which has not been amended, customary tenants can be evicted by the lessees. This paralysis must be resolved soon otherwise it might explode.

Conflict and eviction

Our discussion has already shown that eviction causes conflict. It does so because of several reasons: It entails uprooting

¹ Interview with Mr. E. Mulira, 10th September, 1987.

² Ngabo, May 4, 1987, p.I.

people from a familiar environment where in some cases they may have ancestral burial places. It also poses problems of adequate compensation especially for peasants who may have lost the physical and intellectual capacity either to construct or buy new houses. And yet eviction is sometimes required in order to make a plot more economically viable for large scale production. Eviction may also be necessary in order to consolidate fragmented land, a problem which is afflicting Kigezi.¹ For whose development should people be evicted? Marxists might argue that since land is a gift of nature, people should not be evicted in order to satisfy the needs of a few individuals. The capitalists will answer that it is sometimes necessary for a few enterprising individuals to evict peasants so that the enterprising man may produce a lot of food which will feed even the evicted peasants who should be assisted to find jobs in the urban areas. Industrialisation is therefore essential to create job opportunities in the urban areas. Ultimately, the method of evicting and the objective of doing it will assist us to determine whether or not eviction should be sanctioned.

As already noted, the Decree made it possible to evict customary tenants. It must, however, be noted that the safeguards in the Decree tended to be ignored. For, example, the Commission is expected, as far as possible to resettle the evicted tenant.² The Commission is expected to settle any dispute regarding the sufficiency of the notice of quit the land.³ Dissatisfied parties are allowed to appeal to the Lands Tribunal which consists of a Magistrate or other Advocate and two other persons all of whom should be appointed by the Attorney-General in consulting with the

¹ G. Kanyeihamba, "Land fragmentation" in J. Obol-Ochola, Land Law Reform in East Africa (Kampala: Uganda Press Trust Ltd., 1969), pp. 137-148.

² L.R.D., Section 7 (4)

³ L.R.D., Section 7 (2)

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Chief Justice, However, peasants lack the money and the knowledge to appeal when they are illegally evicted.

TWO IMPORTANT CASES OF EVICTION

Hbale Peasants versus Bugisu Co-operative Union
(B.C.U.) Ltd.

The B.C.U Ltd. bought 800 acres of land from Miss Nakibuka of the Kakungulu family at 200 million shillings and the title deed passed to B.C.U. Ltd. Nakibuka, is a descendant of General Kakungulu, a muganda warrior who helped the British to incorporate other areas in the East into Uganda and also spread the Kiganda system of administration in the Eastern region. He came to Hbale around 1905 and as a reward for his effective administrative and military acumen in the East, he was granted 20 square miles of land by the British. Subsequently, the Baganda who assisted the British control, were resented and regarded as 'sub-imperialist'.

The Baganda were held responsible for the harsh colonial measures because some of them had assisted the British in the administrative penetration of Uganda. The British who were the sponsors of the colonial administration, turned round and started posing as 'impartial arbiters' by removing Baganda from the areas where they had acted as colonial agents. The indigenous people were thus diverted from identifying their fundamental political adversary, for the Baganda were made to act as the 'political shock-

¹ L.R.D., Section 12 (2).

² Weekly Topic, Uganda February 25, 1987, pp 5-8. See also Weekly Topic, April 15, 1987, p.1.

³ K. Ingham, The Making of Modern Uganda (London: George Allen & Unwin Ltd., 1958) pp. 116-119.

absorbers' of the British. This was a system of divide and rule. It must be noted that even after acquiring independence, there is a residual anti-Kiganda feeling which is attributable to the spread of the Kiganda culture and forms of administration to other areas of Uganda. The anti-Kakungulu sentiments can be discerned from the Weekly Topic which describes Kakungulu as 'a mercenary' of the British, a thief and a traitorous man!¹

It is against this bitter political background that the people of Mbale learnt on 3rd October, 1986, from Mr. Nagimesi, the Secretary Manager of BCU, that the Union was their new landlord. The BCU which is at least potentially a people's organisation of Mbale, had plans of evicting some peasants especially those who were not staying on the land so that it could inter alia establish mixed farming in the area on a large scale.² The evicted people were to be compensated in accordance with Section 7 of the Land Reform Decree. The author has information that some peasants suspected that the scheme of the BCU was intended to benefit the elites and not the peasants.³ There were also opportunistic politicians who misrepresented the facts to the peasants. It was also widely known from the statements which were being made by politicians in power, that some sections of the NRM Government were against eviction of the peasants. We discussed the absence of a clear land policy and its consequences. Clearly the politicians and peasants were taking

¹ Weekly Topic, February 25, 1987, p.5.

² We have deliberately said that the Union was potentially a people's Organisation because some Unions have been misused by their leaders.

³ Interview with an Official of the Land Office who handled the matter but who requested to remain anonymous for obvious reasons.

advantage of the fuzzy land policy. Furthermore, Makibuka was resented for having received so much money as a result of having inherited land which was allegedly 'stolen' by General Kakungulu.

The peasants through their Resistance Councils made the following resolutions:-

- i) The colonial had grabbed their land from them and gave it to Kakungulu. Both of them had no legal right whatsoever over this land.
- ii) This was a colonial error which must be remedied.
- iii) The people will not leave that land whatever it takes.¹ The peasants formed a Land Defence Committee consisting of 12 people to 'direct' and 'deepen' their struggle. The Committee which resolved to work outside the state structures which they claimed were manned by opportunistic tendencies, mobilised all the people on the estate in both Bungokho and Kakaloke sub-counties to fight together. They issued a leaflet calling for all round support for the Musotokoko people. The leaflet linked the 'grabbing' of the peoples' land by the British colonialists to their exploitation through coffee and to their impending dispossession by the BCU backed by foreign capital through the 'infamous' World Bank.

The District Administrator appealed to the people to go through the Resistance Councils who would present the issue to him so that he might send it to Higher Authorities for settlement but his advice was not accepted. The BCU was physically blocked from taking possession of its land. The matter reached the Minister of Lands and Surveys. The author learnt that there is a deadlock which has not been solved for several months. Meanwhile, the peasants are utilising the land.

¹ Weekly Topic, February 25, 1987, p.8.

Assessment

First, this case clearly shows that there is no clear land policy. Consequently, the peasants who know that they have political support from an important section of the NRI Government, have successfully used force to prevent 'landlords' (lessees) from evicting them regardless of the realm of using force. The courts of law and the Political bureaucrats such as the District Administrator, have been politically paralysed.

Second, behind the so-called 'peasants', there is a group of political economists who are agitating that land should be fully nationalised and re-distributed to the peasants who were described by the Weekly Topic as the tillers of land. These people are using political means to force a fundamental change in land relations. They have representative in important newspapers such as The Weekly Topic and in the cabinet. For example in a leading article of the weekly Topic, the following assertions were made:

Politically, the landless rural dwellers and peasants who form a sizeable percentage of the population can never really play an important role in national politics until they are given ownership of the land they work on, particularly their bondage to landlords must be broken. Squatters, these modern serfs must be 'liberated' by giving them land. A move should be started towards letting bibanja owners who till the land or those who pay grazing fees to absentee ranch owners, to legally 'take-over' and possess the same land.... 1

These words are self explanatory. They obviously inspire the so-called peasants to use force and change the land relations.

Third, The BCU has been denied the opportunity to utilise the land which it bought so expensively. The issues are no longer legal because legally it has the title but politically its rights are being frozen. The Ministry of Lands attempted to

¹ Weekly Topic April 29, 1987, p.3

set aside some acres of land for peasants and to allow the BCU to develop the remaining acres but the agitated 'peasants' rejected the mediation.

Fourth, the resolution of the peasants which mounted to dispossessing Kakungulu's descendants of the land which their grandfather had acquired, might have ugly ethnic consequences especially when it is remembered that many people from Mbale have also acquired land in Buganda and other parts of Uganda.

Fifth, the notion of private ownership has been undermined by a situation under which it is not clear whether or not the landlord (the lessee) has authority over the customary tenant.

Mr. Ezekiel S.M.S. Mulondo versus

his young brother, Mr. Fenekansi Semakula.

The second important case of eviction involved Mr. Mulondo, the General Manager of the East African General Insurance Company Ltd., and his younger brother, Mr. Fenekansi Semakula. On April 20th, 1980, Mr. Mulondo received permission from the Uganda Land Commission to develop his land at Namugongo and to evict his brother who was a customary tenant. Mr. Mulondo had initially negotiated with his brother and had allowed him to find another place which Mr. Mulondo would pay for. Mr. Semakula's land was between two plots of Mr. Mulondo and it was thus not possible for Mr. Mulondo to develop his Dairy Farm. And thus his move was aimed at consolidating his fragmented land and to have a viable piece of land for dairy farming. When his brother refused to accept his proposals, Mr. Mulondo served him with 6 months notice to quit the land. Two independent firms of valuers agreed that \$117,599/= be paid to Mr. Semakula who was also given a disturbance allowance and a value for one grave.¹ The money was taken to the

¹ The Firms included Katuramu & Co.

Gombolola Chief where Mr. Semakula was requested to collect it.

After the expiration of the notice, Mr. Semakula refused to quit alleging that his property was undervalued. He also claimed that Mr. Mulondo had orally withdrawn the notice.¹ Mr. Mulondo filed an action in the Magistrates' Court at Wango for eviction. On appeal by Mr. Mulondo, the High Court ruled that the Magistrate had no jurisdiction to entertain the action. The matter went to the Land Commission which decided that the Notice was adequate and the amount of compensation was fair and adequate. Mr. Semakula appealed to the High Court which dismissed the appeal. He then filed the suit again in the High Court where he lost. He then² appealed to the Court of Appeal at Kampala where he lost the case. It was held in the various courts that a document under Section 91 of the Evidence Act could not be contradicted, varied or added to, or subtracted from its terms by oral evidence.³ It could thus not be accepted that Mr. Mulondo withdraw his notice orally. The submission that the compensation was inadequate was also dismissed. Mr. Mulondo subsequently established a successful mixed farm. He supplies milk to Educational institutions. However, initially, he received a set back because some of his cows were poisoned.

Assessment

This case is significant in the following respects:-

First, it showed, conflict between the Kiganda traditional norms and Western norms of development. Under the Kiganda traditional norms, it was taboo to evict a brother from his land especially

¹ P. Semakula versus E. Mulondo; in the High Court, Civil Suit No. 834 of 1981, p.1.

² P. Semakula versus Ezekiel Mulondo in the Court of Appeal for Uganda, Civil Appeal No.4 of 1982.

³ Ibid, p.3.

when he had a grave on it. Mr. Semakula was paid \$3,80/= to exhume the remains and bury them at another place. A Traditional muganda would have been frightened of being revisited by the spirits of the departed. And yet the western values of development demanded that the superstitious fears be cast aside so that Mr. Mulondo could consolidate his land and produce food and milk on a large scale. The social disapproval of Mr. Mulondo's actions were expressed when his cows were poisoned. But he was able to overcome this hand-cap.

Second, this socio-legal conflict was protracted and expensive but in the long run, it was solved in an exemplary manner. There was no political paralysis because the Government of the day was known not to be vacillating about issues of eviction. The Government was fully committed to the capitalist mode of development.

Third, this case shows an example where eviction was necessary and was accompanied by proper compensation which was upheld by the courts. Eventually Mr. Mulondo's economic venture benefitted the larger society which buys his food and milk.

Protection of the indigenous

people against the exploitation of the foreigners

The colonial and post-independence Governments have sought to protect indigenous people against the exploitation by more skilled and more wealthy foreigners in land and other matters. However, the protection measures cause conflict because they entail legislation which contains racial discrimination. Furthermore, the protection measures may be so paternalistic that they prevent the indigenous Africans from haggling successfully in the open market. It is also argued that the ruthless indigenous Africans are sometimes more dangerous to their fellow Africans than the foreigners. However, if poor countries are mortgaged by

rich foreigners, it can cause a lot of friction.

When President Nyerere of Tanzania was arguing against individualisation of the land, he observed,

In a country such as ours, where generally speaking, the Africans are poor and foreigners are rich, it is quite possible that within eighty or a hundred years, if poor Africans were allowed to sell their land, all the land in Tanganyika would belong to the wealthy immigrants, and the local people would be tenants. But even if there were no rich foreigners in this country, there would emerge rich and clever Tanganyikans. If we allow land to be sold like a robe, within a short period, there would be only a few African possessing land in Tanganyika when all others would be tenants.¹

Nyerere was thus raising the twin problem of protecting the poor indigenous Africans against the exploitation by the rich and skilled foreigners and Africans. His solution of nationalising the land, raise the problem of lack of incentives where there is absence of private ownership of property. As he retired from the Presidency Nyerere admitted that his socialist experiments, faced problems of failing to ensure that incentives existed in Tanzania. We should also add that those who allocate the nationalised land tend to favour the elites by allocating to them fertile areas.

Olive Amelia Kawalya-Kaggwa versus

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Joanita Nyanzi Kaggwa.

Two cases will be discussed to illustrate the conflict which has arisen in an attempt to protect the indigenous Africans. Mr. Michael Hamilton Kawalya-Kaggwa died on 9th September, 1971. He made a Will dated 2nd June, 1969, appointing his wife as his sole executrix and trustee of his Will. On 11th February, 1972, a petition was lodged in the High Court on behalf of the widow.

¹ J.K Nyerere, Freedom and Unity (Nairobi: Oxford University Press, 1967) pp.55-56.

² Olive Amelia Kawalya-Kaggwa Versus Joanita Nyanzi-Kaggwa, Administration cause No.21 of 1972, before J. Paul. See The Uganda Land Reports, 1972, pp.126-132.

applying that she be granted probate. On 25th February, 1972, Mrs. Joanita Nyanzi Kawalya-Kaggwa, the sister of the deceased, lodged a caveat. The caveator opposed the probate on the grounds that clause 7 of the Will was void in that it purported to bequeath land to a non-African in contravention of S.2 of the Land Transfer Act. It should be noted that Mrs. Olive Kaggwa's father was a Gaa of Ghana and that her mother was British. Justice Fuzd granted Mrs. Olive Kaggwa the probate. He argued that there could not be successful objection to the grant of probate on the sole grounds that some of the wishes of the testator were, by reason of some enactment, incapable of fulfilment. He further observed that Mrs. Joanita Kaggwa, the caveator, had disclosed no interest.¹ Mrs. Joanita Kaggwa applied for a stay of execution of an order that a caveat on probate will be cleared.² Justice Saldanha argued that a stay of execution would prejudice the estate of the deceased since it would prevent the estate from being developed. The stay was refused³

This was a very important case because Mr. Binaisa, Counsel for Mrs. Joanita Nyanzi-Kaggwa, wanted a ruling from the highest tribunal in order to ascertain once for all whether or not a non-African could be registered as proprietor of Mailo land. He wanted this established not only in the interests of the Widow but in the interests of the many European women married to Africans. But there was also the issue of claiming the Mailo land should the widow fail to be registered as the executrix.

¹ The Uganda Law Reports, 1972, Part 1, P.128.

² Joanita Kaggwa V. Olive Amelia Kawalya-Kaggwa, Administrative cause No.21. of 1972.

³ The Uganda Law Reports, op.cit. p.130.

When the Widow applied to the Registrar of Titles to be registered as the proprietor of the Mailo Land, the application was rejected because she was not African and she had not received the Minister's consent as required by the provisions of the Land Transfer Act. She filed the case to the High Court. She argued through her lawyer that she wished to sell part of the land in order to settle outstanding debts and to vest the remaining land in her two sons: Daniel Kagwa and Michael Kagwa. She also pointed out that she was a citizen of Uganda and that she was of indigenous African descent because her father was of the Gaa tribe in Ghana. She added that her mother was British. Chief Justice Wambuzi held that the word African as it exists in the Interpretation (Special Provisions) Act, must mean a person both of whose parents are or were members of an indigenous African tribe or community. He added, "it must be a combination of two Africans to produce an African." He also ruled that accordingly, the Registrar of titles acted properly in rejecting to register the Widow as the proprietor of the Mailo Land. He hoped that the Minister of Lands would give the Widow the necessary consent.

The Widow appealed to the Court of Appeal For East Africa. Mr. Wilkinson who appeared for the Widow inter alia argued that while the Widow was not a Muganda, she had become a member of the Baganda Community by virtue of her marriage to the

¹ Olive Amelia Kawalya Kagwa Versus The Registrar of Titles, in the High Court of Uganda At Kampala, Civil Suit No.627 of 1974.

² Ibid. p.3.

³ Ibid. p.13.

⁴ Olive Amelia Kawalya Kagwa versus The Registrar Of Titles, In the Court of Appeal For East Africa, Civil Appeal No.38 of 1974.

He referred to her having borne his children, living in a house on his ancestral lands and mingling freely with her Baganda neighbours.¹ Mr. Matovu who appeared for the Respondent, replied that this claim had never been advanced in the High Court. Justice Spry, the President of the Court of Appeal, accepted Mr. Matovu's objection. He dismissed the appeal with great regret. He observed,

if proper evidence had been adduced to establish the facts, particularly the way of life of the applicant (The Widow) and her acceptance, if she is accepted as a member of the Baganda community, it might well have been held that she is an African for the purposes of land transfer Act and Possession of Land Law. Such evidence might well have come partly from the applicant herself and partly from some Muganda occupying a position of respect and responsibility. It is not open to us to hold that the applicant is an African without any evidence on which to rely.²

Subsequently, the Minister of Lands and Surveys declined to give consent to the Widow as a result of which she and her children lost the Mailo Land. She left the country with her children in a state of disgust.

Assessment

According to the Kiganda culture, the non-Muganda Widow who was married to a Muganda should not have been excluded from the community of the Baganda. Her children were also Baganda. It was therefore very sad when the Land Transfer Act which should have protected her and the children was used to deprive them of their property. It is thus clear that the applicant of this

¹ Ibid., p.8

² Ibid., p.8.

Land Transfer Act caused a lot of conflict.

Second, it is intriguing to note that Mrs. Joanita Kaggwa played a key role in preventing the sons of her deceased brother and her sister-in-law from acquiring their mailo land. The judges observed rightly that her interest in this matter was not disclosed. It would be unfair to suggest that she wished to reclaim part of the property which her father had bequeathed to her brother. In this traditional Kiganda setting, the eldest son inherited most of the property. This approach minimised fragmenting the land and other types of property. But the heir was expected to feed for the entire family of the deceased. The late Kawalya-Kaggwa who was educated abroad and who married a person who had imbibed British culture, did not accept the heavy clan responsibilities of the heir. It is possible that the conflict between the Western culture and the Kiganda culture strained the relations between the Widow and her in-laws.

Third, this case worried and frustrated many Europeans who are married to Ugandans. They felt culturally and materially rejected in Uganda.

Lastly, we must pose the question, 'Is Land Transfer Act still necessary?' As already noted, the protection of the indigenous Africans shields them taking the necessary commercial risks and it therefore delays the realisations of their economic entrepreneurship. Indeed, Mr. Serwano Kuluuya, who was an indigenous enterprising businessman, leased his land to Mr. Singh an Asian, without getting the permission from the Governor¹ and the Lukiiko (Buganda's parliament). He was thus able to enjoy the benefits of his business deal until a disagreement occurred between him and Mr. Singh. In other words, some

¹ After independence, the Governor's consent was replaced by the Minister's consent.

indigenous Africans used to circumvent the Act in order to transact urgent business with the shrewd Asian businessmen.

However, when Mr. Kulubya tried to evict Mr. Singh at the end of the lease and to re-enter the land, there was protracted litigation in the High Court of Uganda and finally in the Privy Council of Britain. The Privy Council ruled that Mr. Singh was in unlawful occupation of the plot.¹ It is interesting to note that the High Court of Uganda had ruled that both Mr. Kulubya and Mr. Singh had entered in an illegal agreement and that as a result, Mr. Kulubya was not entitled to recover possession of his land. It took the Privy Council to reverse the decision and to allow Mr. Kulubya to re-enter his land.

This case shows that some enterprising indigenous Africans find the 'protection' cumbersome and that they try to avoid it. However, when they do so, they confront legal tangles which are costly.

It is also important to note that if foreigners bought most of the land in Uganda, it would create racial tensions like those existing in Fiji between indigenous Malenesian Fijians and the Indians who were imported to work on the sugar cane fields 100 years ago.² The major cause of the conflict is that the Asians control the backbone of the economy. Indeed, a recent military coup was centred on removing the economic dominance of the Asians.

From what we have discussed, it should be clear that indigenous Ugandans who have not yet even attained national

¹ Hisry Amar Singh V Serwano Wofuhira Kulubya, The Eastern Africa Law Reports, 1963, pp.408-409.

² For details, read Weekly Topic, June 3, 1987.

integration, require some protection.¹ However, after attaining national integration, the Ugandans should cease being protected. A country like Britain has a national economy and has attained a high degree of national intergration. It has also highly skilled people. Consequently, it is difficult for foreigners to take advantages of it. If the national economy is in danger, the British adopt 'national' measures and tactics, some of which are confidential. This is possible because the national question has been leargely settled in Britain.

We must affirm that once people have acquired citizenship, they should enjoy equal rights of access to the land. Since Mrs. Olive Kaggwa was a Ugandan, she would have had the right to acquire mailo land. The Land Transfer Act should be amended to give equal oppprtunities to all Ugandans to acquire land.

The expulsion of Asians and the
expropriation of their property.

Our discussion of the fear of being swamped by foreigners would be incomplete if we did not briefly deal with the expulsion of Asians. Over 45,000 Asians were forced to leave Uganda. Some of these Asians owned land under leasehold agreements. The Asians had dominated the retail and wholesale trade. Amin's move was popular because he was dealing with people who were resented for dominating the economy of Uganda while at the same time many of them were investing their profits outside Uganda. However, Amin did not realise what Mwandani grasped in these words:

The fact was that the Indian commercial

¹ For details, read Apollo Nsibambi, "Some problems of political integration in Uganda", East Africa Journal, February, 1969.

Uganda was still a dependent class. Functionally it lubricated the export-import economy; financially, it was heavily reliant on and subordinate to British banking capital.

The property of the Asians was taken by the Ugandans. Soon this property became a major source of conflict between Uganda and British and between Ugandans. The British demanded compensation while the Ugandans disagreed about the distribution of the property. This disagreement led to murders. Since 1972, there have been several changes in government and each government has proposed a different formula of allocating the former property of the Asians. For example, when Obote regained power in 1980, he promised to return the property to the former owners under the Expropriated Properties Act, 1982. Obote nullified Amin's allocation of the property. When the NRM came into power, it discovered many anomalies which were committed under Obote. For example, they came across certificates of re-possessing the property which were irregular and unilaterally given by Obote who was President and Minister of Finance. And thus the NRM has set up Verification and Negotiation Committees which will work out a formula that will ease the transfer of the property to their rightful owners.²

This is a very complicated subject which we have merely sketched. But it is fraught with many tangles. For example, some shops and the adjoining land have gone through many owners and it is now difficult to determine the rightful owner. There is also pressure that Amin's economic war against non-Ugandans should not be reserved. It should be remembered that Obote faced the same pressure and he was acting in such a way that he was not fully encouraging the departed Asians to return

¹ N. Mandani, Politics & Class Formation in Uganda (London: Heinemann, 1976) pp. 307-8.

² The Star, July, 6, 1987, p.1.

and re-possess their property some of which grabbed by Obote's political supporters. Recently, Speke Hotel which is being contested was damaged through fire. The matter is being investigated. The international community which has vested interest in the property is also re-claiming its share of the property. Many owners of the land which had been leased by the former owners, have not received ground rent since 1972! Clearly this property is fraught with multi-faceted domestic and international conflicts.

Possible solution

In order to avoid having a different solution being proposed whenever there is change of Government, the current Government should consider buying some of the buildings so that it may rent them at commercial rates and raise revenue. Since there has been an acute shortage of accommodation in the Civil Service and parastatal bodies, the Government should also buy some of the buildings in order to solve the problem. The remaining property which is difficult to manage like tea estates should be sold to individuals at commercial rates. The non-Uganda Asians should be compensated through a loan which can be negotiated with the British Government. Ugandan Asians should regain their property.

Corruption causes Conflict

Corruption has been a major source of conflict. This corruption takes place between the sellers of land and the officials of the land office as a result of which people are sold 'air' instead of land. One piece of land is sold to four people and as each one of them discovers the fraud, either prolonged litigation goes on or naked violence takes place. The matter is made more complex because the original title is destroyed by the official in the Land Office who is involved in the racket. We must mention that since 1966, corruption has been rampant in the country. The rulers

privatised the state and treated it as private hunting ground.¹ In turn, parastatal bodies and Ministries also privatised the public institutions as a result of which there was absence of accountability. The NRM Government is struggling to restore accountability to remove corruption.

Forms of malpractices

Forms of malpractices include the following:

1. Forging signature of officials responsible for land and administration as a result of which one certificate of title is illegally granted to more than one person.
2. Insurance of lease offers which are unauthorised by the controlling Authorities.
3. Alteration of terms recommended by the chief Registrar of Title
4. Filing fictitious Land Inspection reports which lead to extension of leases to full term without the land being developed.
5. Destruction or removal of relevant records from lands office files.
6. Ministerial orders which violate the existing laws.

These malpractices are self-explanatory. We shall give few cases of conflict which arose out of the malpractices.

The dispute between former President

Binaisa versus Chief Justice Nabuzi

Sebalu and Luke Advocates.

Mr. G. Binaisa, a former President of Uganda, claims that on April 22, 1970, he bought land at Kisugu and he acquired a certificate of title, Kyadondo block 244 plot 524 on Kisugu where there is a quarry. He bought it from Mr. Ibrahim Ndawala

¹ For details read Apollo Nsibambi, "Corruption in Uganda, 1971-1986" UFAHAMU, V.XV, No.3, Winter 1986/87, pp.109-118.

Mr. Binaiisa's Government was overthrown in a military coup as a result of which he left the country. When Mr. Binaiisa came back from Europe in 1985, he found that the land had been taken over by Mr. John William Charles Kabangala who had in turn sold it to Waluse Ltd.¹ This Company is jointly owned by the Chief Justice G.W. Wambuzi, G. Lule, former Attorney General in Amin's Government and Paul Sebalu, former legal Adviser to the defunct East African Community. It was Busirike Stone Quarry Ltd., and was already state, it claimed to have bought Mr. Binaiisa's land. When Mr. Binaiisa tried to ^{get} / from the Ministry of Lands and Surveys a duplicate land title, he was informed that the originals were missing.

According to Sebalu and Lule Advocates, when Yokana Kabangala died, Mr. Charles Kabangala acquired letters of Administration of his father's estate including the disputed land. Busirike Quarry in which Lule, Sebalu and Wambuzi are partners, were authorised by Mr. Kabangala to operate on his disputed land. They were about to buy the land from Mr. Charles Kabangala when Mr. Binaiisa claimed that he had bought it from Mr. Ndawula. They sought from the Chief Registrar of Titles to establish the rightful owner of the land situated on block 244, plot 524, Kisugu which is 2 hectares. She instructed them to submit Kabangala's title for cancellation on the grounds that she was satisfied that there was a prior title made in names of G. Binaiisa which is valid. Sebalu and Lule Advocates disputed the descent of Binaiisa to the property. They inter alia argued that Mr. Binaiisa's certificate of

¹ This information is based on interviewing the following people: Mr. A. Kasirye of Binaiisa and Company Advocates (Mr. Binaiisa was out of the country, and Sebalu and Lule Advocates and Legal Consultants. See also The New Vision, April 16, 1987.

² Interview with Sebalu and Lule Advocates, on September 18, 1987.

Title¹ shows only him and does not show from whom he bought it. Furthermore, the Transaction's Registrar in the land office which showed Kabangala and not Binaiisa's was curiously missing. As I write this paper, the dispute is unresolved but it has not been filed to the court.

This case illustrated two people with two certificates of titles with respect to one plot 524, Kyadondo, block 244. The original title is missing from the Land Office. Furthermore, the Transaction's Registrar which shows details of land being sold, given etc, is missing. Either a fraud was committed, the case has caused an important conflict involving a lot of money and eminent personalities.²

An example of a false inspection

Report.

A false land inspection Report was given about land in Namave as a result of which the lease was extended to Mr. Y³ without any development. The Assistant Land Officer did not go to inspect the area. He gave a pretext that there were security problems in the area. He was then asked to explain the basis of his inspection report and he admitted that it was fictitious. And thus the requirement of extending the lease being based on development was violated.

The Uganda Land Commission has also been granting leases initially for five years after which they have been extended provided

¹ It is No. K1a 57267 dated 3.6.70.

² It has been estimated that an acre of land at Kisugu was not less than 5 million shillings in 1970.

³ The name was withheld in order to avoid prejudicing the investigations.

the lessee shows evidence that he has developed his estate. When some Ugandans have been forced to go into exile because of the brutal regimes which existed since 1966, the Commission has been granting the leases to other people. However, the people who have been returning as 'liberators' have re-claimed their leases. This practice has tended to create conflict between 'stayees' and 'returnees' and in some cases, the practice has been abused by some returnees who wield political and military power.

Surveying and registration of titles

Conflict has been caused by dishonest and inaccurate surveyors. Some surveyors survey more land than was approved and some survey land which they know is a subject of dispute. Cases have arisen where surveys have not been carried out but cartographers made out fictitious deed plans by mere tracing. Other cases have arisen where Private surveyors have used pickets instead of markstones in order to save money. This leads to the disappearance of survey boundaries at a later stage and leads to the dispute. Theodolites are not enough and they are expensive. Even cement for making stone is not readily available. Consequently, surveying has become very expensive and out of reach of the ordinary people. The process of registering titles is also expensive and the system of maintaining the main and transactions registers is unreliable and outmoded. Indeed, the practice of keeping registers in one Ministry is risky. If they disappeared either through fire or wanton destruction, the system of keeping records

¹ Source: Ministry of Lands and Surveys.

² Khiddu-Makubuya, op.cit., p.325.

would be crippled.

RECOMMENDATIONS

I. Some developmental issues

What should be the basis of security of tenure? Khiddu-Makubuya has suggested that there should be a positive requirement that whoever owns land is duty bound to effect improvements thereon and develop the same or else forfeit it to the Government. The improvement and development of the land will then be the owner's only guarantee of security of tenure.¹ We must point out that this requirement already exists especially with regard to urban land. Furthermore, according to the land Reform Decree, underdeveloped land or unused land within a period of 8 years from 1975, could be forfeited.² However, this provision was not implemented inter alia because land is very expensive to develop. And thus before we consider Mr. Makubuya's recommendation, the following conditions must be fulfilled:

Credit must be more readily available to ordinary people provided they have reasonable collateral. Agricultural chemicals must be provided cheaply to the farmers because hand labour is very expensive. Antidotes should also be available to deal with cases of poisoning. The oxen and plough should be made available at reasonable prices. Tractors, on a limited scale should also be made available to individuals and to the Village Resistance Councils.³

¹ Khiddu-Makubuya, op.cit., p.322.

² L.R.D., Section 8 (i) and 9(i).

³ It is gratifying to note that already the Government has embarked on making tractors available. Past mistakes of misusing them must be guarded against. We must also import tractors which can cope with deep rooted growths.

Many parts of Uganda have been decimated during the 'liberation wars'. Land owners and customary tenants will thus require at least fifteen years to recover from the ravages of the war.

Forfeiting the land of the people who have failed to develop it, would undermine the cherished notion of proprietorship. We propose that after a period of fifteen years in which security, rural credit, intermediate mechanisation and the supply of agricultural chemicals will be enjoyed, underdeveloped land should be liable to a special 'developmental' tax.

II. Another urgent requirement is industrialisation. Processing of agricultural products would for example, boost employment opportunities and also create functional and symbiotic linkages between industry and agriculture.

III. Most of the 'Marxist-Socialist' so-called radicals in Uganda are in fact oral-documentarists. This means that they spend most of their time talking and writing about radical issues. However, in practice, they pursue capitalist ventures with vigour. Equally, many of the hard core capitalists, lack capital. The two groups should concentrate on building a national economy which has functional, horizontal and vertical linkages. At a political level, our emphasis should be to create national integration. Tanzania has already taught us that if a country has a weak economic base, it weakens itself further by flirting with socialistic rituals which stifle the incentives of the people. The national economy must be buttressed by a democratic ethos and practices.

IV. We must have a clear land policy, which has a clear ideological focus. For example, private ownership of land must be affirmed. Eviction of customary tenants must be safeguarded by ensuring that tenants are represented on Eviction Committees which deal with eviction matters. The landlords must also be

represented on these committees. Evicted people must be compensated at market prices. They should also be given one years' notice instead of six months. A disturbance allowance should also be given to them.

Cases arise where a landlord (lessee) wishes to sell his land but his tenants lack the money to buy it. The state should encourage the tenants to form co-operatives which can borrow the money and buy the land. In other words, customary tenants should be encouraged to acquire land titles. Initially they could do so through co-operatives. However, as soon as the tenants acquire enough money, they should negotiate with the landlord in order to get certificates of title. Meanwhile, customary tenures should be registered by the Resistance Councils. In the past, some dishonest peasants have by-passed landlords and have acquired holdings through the agents of the landlords. This problem has caused conflicts between the landlord and the customary tenants. In future, the new Land Law should require a customary tenant to have written evidence from the landlord stating that he bought the Kibanja from the landlord. The Resistance Councils should have a copy of this letter which should state the dates on which the Kibanja was bought.

The state should 'reinstate'¹ the system of having active Government Surveyors who should have the necessary tools and transport. Poor people should be assisted to have their land surveyed at reasonable prices by the Government Surveyors. The prices should be fixed by the Government.

The Ministry of Land and Survey should have an Inspectorate Division which should inter alia enable the Ministry to know what is happening in the field. It should report mal-practices and also educate the peasants and landlords about the provisions of the existing Land Act or Decree.

¹ Reinstate because it has almost collapsed.

It is essential to encourage land consolidation in order to reduce amount of time spent in moving between scattered fragments.¹ It will also increase the possibility of controlling pests and diseases. Land consolidation will inevitably entail eviction of people and resettling them in other areas. However, we should avoid using force as much as possible. It should be a last resort. Since fragmentation is partly caused by the traditional inheritance procedures, it is essential to mount an educational programme to change the attitudes of the people. The teachers should include sociologists, Political Scientists, Church leaders and Resistance Council leaders.

The Government should encourage people who are facing land shortage to move to places where land is abundant. The encouragement should take the form of providing information to those facing the land problem. We lack information concerning people wishing to sell land and those who wish to buy land. Lack of this information makes it difficult for people from say, Karamoja to buy land from Bunyoro. It is gratifying to note that already many Bakiga who are facing land shortage have bought land in Buganda and Kasese. This trend should be encouraged. It is, however, important to note that the people who move from their area to a new area, should form special enclaves. They become targets of envy and suspicion. They should mix freely with the people of the area they have moved to.

The land Transfer Act should be amended in order to enable all the citizens to enjoy equal access to the land regardless of their race. However, to protect Uganda from being mortgaged by the people who have no stake in it, the citizens wishing to acquire land, should be resident in Uganda.

¹ CP. Okoth-Ogendo, "African Land Tenure Reform" in J. Hoyer, J.K. Maitha and W. Denga, Agricultural Development in Kenya (Nairobi: Oxford University Press, 1975) p.1.2.

V. As long as a person can use the land productively, there should not be limit regarding the amount of land he can possess.

Indeed, as we mechanise our agriculture, a few people will feed the country while many peasants will be released to work for industries.

VI. Microfilming of the records of the Land Office is long overdue. Three copies of the Microfilm should be kept as follows: one copy should be kept in the Land Office for daily use; another copy should be kept in the Land Office for Occasional use and the third copy should be kept in another place outside the Ministry of Lands and Surveys. It should be kept in a very secure place and there should be virgourous rules to ensure that it is not damaged or tampered with. The filing system should be computerised. A Senior Officer who knows how to use computers should take charge of the records. The Inspectorate Section should check the problem of selling 'air' instead of land.

VII. How can we eliminate corruption which has caused so much conflict? We have already stated that this is a universal problem which has particularly afflicted Uganda interalia because many of our leaders from 1966 to 1986, were irresponsible. Furthermore, the hyperinflation which has hit Uganda, deprived people of a living wage. Exemplary leadership which is accountable to the people will go along way to minimise corruption. It is gratifying to note that the NRM Government contains some leaders who have shown exemplary leadership. The setting up of the office of Inspector of Government Business has also assisted in disclosing sources and forms of corruption to the public. It is essential to give civil servants and other public servants a living wage.

The recent salary increase¹ point in the right direction. However, the increase are small especially if we put into account the rise in the price of fuel which has affected transport and other items. We must, however, state that as we restore our economy and institution, Ugandans will have to accept sacrifice. In the past, people were not willing to accept sacrifice because they observed people in high office looting the state with impunity. If there is exemplary leadership, it will be meaningful to urge people to accept sacrifice at this critical time.

Conflict and national integration

Conflict does not necessarily disrupt society. On the contrary, it can assist the realisation of national integration. For example, political conflict provides an outlet for underlying tensions and thus fore-stalls violent explosions.² Social and political conflict makes it possible for adjustments of norms which are appropriate to new conditions to occur. Conflict helps to revitalise existent norms and it contributes to the emergence of new ones. When, for instance, through the process of conflict people question the norms which have been taken for granted a well considered case is made to justify either retaining, amending or replacing them.

However, conflicts which contradict the basic assumptions upon which a society is founded, have a high propensity for destroying the unity of a society.

¹ Salaries were doubled.

² For details read L. Coser, The Function of Social Conflict (Glencoe, Illinois: Free Press, 1956), pp. 150-153.

Conclusion

In this paper, we have discussed six causes of conflict concerning land ownership and utilization. Since the conflicts concern land which is fundamental source of livelihood and shelter, they can disrupt our society. Our society is vulnerable because many of our institutions such as courts and political parties, which assist in the resolution of conflict have not yet been institutionalised.¹ The suggestions we have made should be supplemented by creation of civil political institutions. The process of reforming land tenure, must take place within a clear ideological framework. We have suggested that the predominant ideology in Uganda cherishes private ownership of property.

¹ D. Mudoola, "The Problems of Institution Building: The Uganda Case" in P.D. Wiebe and C. Dodge (eds) Beyond Crisis: Development Issues in Uganda (Kansas: Hillsboro, 1987).

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