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“Land reforms and agrarian structures in Uganda: retrospect and prospect”

Nyangabyaki Bazaara

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Introduction

The proposed land tenure reform in Uganda is based on the assumption that the persistence of "customary" tenure is the major problem of land in Uganda (Muwanga-Zake 1992).¹ The suggested solution is the creation of a freehold tenure alleged to be ideal for agricultural transformation. The aim of this paper is to demonstrate that the evidence provided to justify the reform is misleading and therefore the projected results of the reform are also misplaced. We demonstrate that the past attempt to create the proposed "freehold" tenure, far from leading to agricultural revolution, led to stagnation because the resulting agrarian structures were those of landlords and tenants. Similarly, the expansion of freehold tenure under the conditions of an unregulated land market will play into the hands of landlords. In the final analysis the economic cost of the reform will be reduced agricultural production, while the political costs will be rural unrest as tenants/squatters clash with landlords.

In Section One of this paper, we shall demonstrate that the empirical evidence used to justify "freehold" land tenure by the reformers is erroneous. In Section Two, we shall show that what the reformers call "customary" tenure did not block the emergence of "entrepreneurship" in the rest of Uganda and that,

in fact, there is failure to understand that what continues to be called customary tenure is indeed individual tenure, one type supporting landlord-tenant relations and the other supporting individual household cultivating peasants. The current trends are such that individual tenure supporting peasant cultivators is shrinking as it is converted into individual tenure of the landlord type (both non-lease and leasehold). In Section Three, we examine historical evidence regarding the efficiency question (small scale versus large scale production). In Section Four we try to examine issues of equity and how these are related to the politics of tribalism and violence. In Section Five we draw some conclusions.

Freehold land tenure and agricultural production: the erroneous thesis

The proposed land reform is based on two types of evidence, historical and contemporary. The contemporary evidence is the Wisconsin/MISR report sponsored by the World Bank/USAID (MISR/Wisconsin 1990).² The problems of this report have already been sufficiently documented to warrant our attention. This section will examine the historical evidence called upon to justify a land reform geared towards freehold. The evidence is none other than

the mailoland/freehold tenure experience in Uganda.³ The argument put forward is that

...freehold tenure recognises the reality of the land tenure system that has so far existed in the former mailo/freehold areas for many decades. Even former mailo/freehold tenants and customary tenants have had a virtual freehold for many years. This system has worked very well for the development of agriculture because individuals have shown a great willingness and ability to respond to profitable opportunities in farming and other development projects (Bank of Uganda 1990).

This was the same conclusion arrived at by the World Bank Mission report of 1961 which argued that "the creation of the concept of private ownership of land in Buganda has aided that province in its development. Security of tenure has facilitated investment, particularly in coffee, and the creation of a land market has discouraged the use of valuable land for subsistence purposes. In addition the mission believes that "the right to own land into negotiable asset has assisted in the emergence of groups of producers who are commercially oriented and are beginning to specialize in production for the market".

The mailo/freehold tenure being referred to by the reformers was created at the beginning of this century by the British colonialists to win the cooperation of the Baganda chiefs. About 9000 square miles of land in freehold were allocated to 1000 Chiefs. They were at liberty to sell, mortgage, or even abuse the land. However, a careful reading of the historical record reveals that up until after the Second World War, there were no agrarian capitalists or commercial farmers in Buganda. Mafeje noted that "although it is difficult to

fix processes such as this with certainty it seems that the 'men of profit' about whom we are about to hear, are more a phenomenon of the post-war period than of the twenties" (Mafeje 1973a: 89). It is only after four decades that commercial farming emerged. This implies that the wonders of "freehold" in bringing prosperity to Buganda have been exaggerated. Interestingly, there is no other region in Uganda that is so well researched as Buganda. The abundant evidence clearly shows that the beneficiaries of mailoland became landlords, defined as households that derive most of their income from rent and not profit. No sooner had the land been awarded to them than they began to extract Busulu (ground) and Envujjo (commodity) rents. The economic outcome of this agrarian structure was a decline in production, while the political effect was the eruption of the Bataka tenant movement in the 1920's. The colonial state had to respond by enacting the 1928 Busulu and Envujjo law. This law put a ceiling on the amount of rent that landlords could extract, and also guaranteed security of tenure to actual cultivators from arbitrary eviction. It was this law which gave a renewed impetus to production in Buganda. Yet a discussion of the virtues of "freehold" in Buganda selectively utilises that historical evidence, more often than not suppressing the impact of the 1928 Busulu and Envujjo law in favour of a "freehold" tenure with its mythical impact on production.

Jorgenson noted that the effect of the 1928 Busulu and Envujjo law was not only increased production but also a market in land. The law increased security and incomes of the tenants who in turn invested in purchase of land (Jorgenson 1981). At the same time, the landlords, having lost a big fraction of their rental income as a result of the 1928

Busulu and Envujjo law, sought temporary relief in sale of portions of their land. Because of security of tenure and other factors we shall hear of shortly, some tenants or ex-tenants became capitalist farmers or rich peasants. The prosperity of Buganda always alluded too is a product of these tenants, not the mailoland owners. We shall come back to explain issues surrounding the development of commercial farming in Buganda. For the moment let us examine the impact of freehold in other areas of Uganda.

The usual assessment of the virtues of "freehold" usually stops with Buganda, giving an impression that "freehold" tenure was only created in Buganda. This ignores other areas like Toro, Ankole or even Bunyoro, which had land grants with identical rights in land. The question that arises is whether "freehold" led to "miracles" similar to those in Buganda. Let us examine the record for Ankole as a case of *de jure* "freehold" and Bunyoro as a case of *de facto* freehold. As in Buganda, the British won the co-operation of the relics of the Ankole pre-colonial ruling class with land awards guaranteed by the 1901 Ankole agreement. "At the original allocation the Omugabe (King) received 50 square miles, the Enganzi (principal chief) 16 square miles, while the 10 most senior chiefs were given 10 miles each" (Doornbos 1975: 62). To date, there is no record that shows a positive correlation between ownership of freehold mailoland and increased productivity. Instead, mailoland became a source of rents and tenant unrest. This in part led to the enacting of the 1937 Ankole landlord-tenant laws. Further, the land problem could have been behind the Kumanyana tenant movement of the 1940s.

In Bunyoro district, the remnants of the pre-colonial ruling class were

not given freehold because of their resistance to colonialism (Richards 1973: 292-93). The colonial state, however, took a long time to decide whether or not to give land to the collaborating chiefs. In the meantime the chiefs awarded themselves tracts of land that ran in square miles, which came to be known as *obwesengeze* (official estate) and *bibanja* (private estate) tenure. These estates resembled freehold tenure, yet by virtue of the fact that they contained peasants who were required to give part of their produce as rent, *obwesengeze* and *bibanja* were forms of landlord tenure. The agrarian relations here were a fetter to production and for this reason, the colonial state-appointed Thomas and Rubie Commission (with a task of investigating issues of land in Bunyoro) recommended that the security of cultivators was paramount and no exaction of rent and arbitrary evictions could be tolerated.

Coming back to Buganda, commercial farming emerged after the Second World War. In a survey sample of 65 commercial farmers, Mafeje and others discovered that 35 were not the original recipients of mailoland. These men of profit were Catholics who had been discriminated against by 1900 land awards. It is these Catholics and tenants who constituted a core of capitalist or commercial farming in Buganda. The rest were original recipients of mailoland who tended to treat their land as a source of political power (landlords) than as an asset for production purposes (Mafeje 1973b: 189).

Even then, the decisive factor behind the emergence of commercial farming was not "freehold". The available evidence seems to suggest that there were three key factors that explain the prosperity of Buganda, not to mention the relatively developed infrastructure the

area enjoys: the virtually unlimited supply of cheap labour, the colonial reforms aimed at social engineering with the aim of undermining the nationalist movement, and the post-World War Two commodity boom.

The most important factor in the emergence of commercial farming was the supply of cheap labour. From the 1920's there was an exodus of labour from Rwanda (because of famine and harsh Belgian rule), Zaire, Tanzania, Kenya and Northern and North Western Uganda. The commercial farming enterprise of Buganda was built on the sweat of these men. As Mafeje noted,

...immigrant labour helped the peasant cultivators on rented land to become small landowners, and that certainly made commercial farming possible in the sense that it enabled the coffee farmers to put new land under cultivation and to take advantage of the post-war price boom (Jorgensen op. cit.).

The conclusion was that there was no automatic congruence between ownership of freehold land and productive investment: "We cannot say that success in commercial farming depends entirely, or indeed largely on descent from an owner of mailo land" (Ibid.).

The second factor had to do with the rise of the Nationalist movement in the 1930's and 1940s. In response to this movement, characterized by rural violence of 1945 and 1949, the colonial state put into place some reforms aimed at grooming a class of yeoman or rich peasants who would act as political extinguishers to rural unrest. As Jorgenson observed "in the new rural social order stood the capitalist farmer, or yeoman or progressive farmer, who was to be the stabilizing force in the transition to independence and post-colonial policy" (Mafeje op. cit.). The grooming of this social group involved giving them

subsidized inputs, easy conditionalities in accessing loans, etc. This fact, at least during the period approaching independence, helped to swell the ranks of "commercial" farmers.

Finally, the post World War two period coincided with a commodity boom. Favourable commodity prices (particularly of coffee) were a very strong element in the rise of commercial farming in Buganda. When the boom ended in the post-independence period, this social class could no longer reproduce itself:

The market conditions might favour one generation and not another. For instance, the majority of the farmers started large scale operations somewhere between 1938 and 1956, which were extremely good years in the economic history of Uganda. Interestingly enough, these dates favour the 40-60 age group, who constitute about 65 % of our sample. These men must have been about 30 years old at the beginning or towards the end of this period, something which not only allows time for accumulating capital, but also coincides with the coffee boom period. At that time it might also have been relatively easy to obtain capital. In recent years, ...recruitment has slowed down considerably. Fewer young men have become professional farmers (Fortt and Hougham 1973: 179).

Towards the end of the 1960's, the swing was back to speculative and absentee landlordism. As Fortt noted:

...by the conclusion of the survey it was difficult to find a politician, civil servant or business man who had not established, or did not intend to establish, a dairy farm, often at the cost of angering existing farmers.... If dairying succeeds it is possible that the earlier links between trade and farming will be replaced

by a closer connection between farming and salaried urban employment (Ibid.).

We shall soon come back to the link between salaried individuals and the development of rights in land. For the moment let us observe that landlord tenure emanating from awards made in 1900 still exists. Some landowners have sold land to tenants as well as to bureaucrats. This market in land has done little to bring about an agrarian revolution or sustained accumulation in agriculture. The 1975 Land reform decree tried to abolish all pre-capitalist forms of landownership, which included mailoland. The effect, however, was to worsen the situation of tenure insecurity because a). some landlords sold their land to bureaucrats who evicted the tenants, and b). the landlords demanded more and more rents from their tenants although the 1975 Land Reform Decree abolished rents. These trends have been partly responsible for the agricultural stagnation as well as for the ecological deterioration, characterized by soil erosion and "mining" of the soils, and also account for the violent clashes that have come to characterize the Buganda region (Mamdani 1984b; Muhereza 1992).

Landlord tenure by leasehold

In the aftermath of World War two the thrust of official policy became that of individualisation of tenure, but by leasehold rather than "freehold". It was thought then that there was a necessary relationship between private property rights in land and "modernisation", whether the route taken was that of "transformation" or that of "improvement". The effect was the emergence of modernisation schemes based on individual lease tenure.

A well documented case of mod-

ernisation schemes is the livestock project sponsored by United States Agency for International Development (USAID) and the World Bank.⁴ This project was based on the usual assumption that "traditional pastoralists" were retrogressive and therefore the new schemes would promote progressive farmers (capitalists). Towards the end of the 1960's and the beginning of the 1970's the following schemes were established, each including ranches covering 5 square miles:

Ankole Ranching scheme: 50 ranches
 Masaka Ranching scheme: 59 ranches
 Singo Ranching scheme: 34 ranches
 Buruli Ranching Scheme: 27 ranches
 Bunyoro Ranching scheme: 37 ranches

Not only were these ranches based on private/individual tenure but they were also heavily subsidized. According to Pulkol:

...with vast financial assistance (read loan) provided by USAID and IDA, Uganda government initially committed itself to provide a wide range of services to the ranches. As a consequence, 50 ranches in Ankole and 17 ranches in Masaka ranching schemes received some free services and benefited from government subsidized infrastructure developments. Government cleared the land of tsetse flies; designed and planned layout of ranches; established and maintained feeder roads and fire breaks; constructed perimeter fencing of individual ranches; provided 2 valley tanks in each ranch; gave free land to the ranchers — i.e. no premium was paid. Dip construction materials, fencing materials, water tanks, engines and pipes were provided to the ranches under a subsidy scheme (Pulkol 1991: 9-21).

The Mugerwa Commission and the

Ranch Restructuring Board head by the Honourable David Pulkol, cited above, discovered that all efforts aimed at encouraging individual tenure in livestock production did not achieve the desired results. Some "ranches" had never been used at all, despite the heavy subsidies from USAID/WB loans. Instead of efficiently producing livestock and contributing to the productive sector, "modernized" ranches have become sources of rent. As Pulkol has documented:

Reports available indicate that in some ranches, in order to be allowed to graze freely one's animals, a squatter had to pay to the rancher (ranch lessee), one cow or bull for every ten cows or bulls in a herd. In case one had 800 cows, it meant that one had to part with 80 cows per year. Arrangements for use of water facilities by squatters had also to be made and paid for separately. In certain cases up to mid 1990 squatters had to pay 2 % of their livestock resources to the rancher (Pulkol 1991).

The effect of individualisation of tenure, as a scheme of modernisation, has yielded not the hoped-for agrarian capitalism but rather social structures that undermine production and promote political unrest, as exemplified by the squatter violence of 1990-92. It is clear, then, that the policy implications of this are not as straightforward as simple land-titling or individualisation of tenure.

"Customary" tenure and the absence of "commercial" or capitalist farmers in the rest of Uganda before independence

According to the reformers, capitalist or commercial farming did not emerge in the non-freehold areas because of the

prevalence of "customary" tenure. We do not have to enter into the arguments regarding the role of customary tenure in development, since there is now ample literature regarding the merits and demerits of so-called customary tenure. In this section we examine a simple issue: whether customary tenure was the roadblock to prosperity or whether the lack of "freehold" explains the relative backwardness of other areas of Uganda.

Before the coming of colonialism, the many societies that came to constitute the country Uganda were at different levels of social development. There was diversity in the control over access to land. This implies that these rights in land were modified in different ways, as changes initiated by colonialism unfolded. Today, the rights in land usually lumped under customary tenure hide the fact that there have been a lot of internal changes, and indeed innovations can take place provided it is profitable to do so. Just as "freehold" tenure had little to do with the development of the land market and "commercial" farming, so did "customary" tenure have little to do with its absence in other areas of Uganda. The very state that encouraged the development of commercial farming was the same state that denied its development in the relatively backward areas of Uganda. As noted above, the prosperity of the commercial farmers in Buganda would not have been possible without these areas giving up some of their resources.

Uganda was incorporated into the world capitalist system as a cash crop, labour as well as pastoral reserve. The southern portion of Uganda, where Buganda is located, was earmarked as a cash crop reserve, and it is for this and other reasons we have highlighted that this area became relatively more prosperous than other areas of Uganda. We have noted that labour was conscripted

from the north to work in the sugar, tea and coffee plantations in the south. Not only did the migrants pay their poll tax in Buganda, they were a loss to the economies of northern Uganda. Thus Buganda's privileged position in the political economy as whole is important in explaining its relative prosperity, and not simply "freehold" tenure. In turn, the relative backwardness of northern Uganda has something to do with the prosperity of Buganda.

Yet, in other areas of Uganda there were structural impediments to any form of agrarian capitalism. Shortly before colonialism, northern and north-western Uganda had been ravaged by slave traders. The population in the north had been considerably reduced by the time of colonialism. As well, the infrastructure development (roads, railways), vital in development of a market economy, were for a long time confined to the south. These factors undermined possibilities of capitalist development. It is only towards Independence that a tiny group of capitalists started emerging in Acholi, not as products of social differentiation from within Acholi society, but as a result of deliberate social engineering aimed at undermining the nationalist movement.

The north eastern region of Uganda is inhabited by pastoralists deriving livelihood from cattle. During colonialism Karamoja's grazing land shrank in size. First, the Turkana and Teso grazing area was cut off from the Karamoja with the demarcation of the Uganda/Kenya and Karamoja/Teso boundaries. This meant that the Karamojong lost grazing lands in Teso and the present-day Kenya. Second, more land was swallowed up for administrative and religious purposes. Third, the creation of Kidepo National Park further reduced the land available for cultivation and grazing. In the post-Independence

period educated Karamojong became busy enclosing land for themselves, an initial form of privatisation. These historical factors, together with a perennial hostility by the state, are responsible for the recurring famines and the relative backwardness of this region compared with the rest of Uganda.⁵ Since Independence, government policy towards Karamoja has been that of harassment. These factors, rather than the absence of freehold tenure, were responsible for the lack of "commercial" ranching. In recent years, it has been the NGOs that came in to help avert the 1980 famine which have been busy promoting private property in land, once again, through subsidies without which all that they have built would collapse. Meanwhile, the conflicts and battle for survival and accumulation in Karamoja has become a life and death struggle.

A similar fate can be discerned from the plight of the Bahima pastoralists, whose land was taken over by schemes for "modernisation". In the 1960s, land there was fairly abundant. It was possible then for the Bahima pastoralists to migrate along the semi-dry corridor stretching between the southern Uganda border with northern Tanzania through eastern Ankole, western Masaka, Singo, Buruli and Bugerere Counties, eastern Bunyoro, northern Busoga (Kamuli District) to Lake Kyoga and beyond. Commenting on the squatter problem, the Mugerwa Commission noted that the problem of "traditional cattle raisers was accentuated by "institutionally linked socio-economic development programmes which have deprived the pastoralists of their time old grazing lands. As the 1988 Report of the Commission of inquiry into Government Ranching Schemes states, "such institutional causes include development of government sponsored ranching schemes, military institutions

and installations, game parks, refugee settlements, etc." (Uganda, Republic of, 1988: vi). As population increased and grazing land became relatively scarce, pastoralists had to resort to ranches and reserves in attempts to graze the very land that was taken away by the modernising schemes and forest reserves in the first place. The pastoralists became squatters/tenants on the land which used to belong to them. The squatter crisis was to become explosive by 1990. Meanwhile, insecurity of tenure, the high animal/human population to land ratio and exorbitant rents have led to grave ecological crisis, glaringly visible in Mbarara district (Nakivale and Nyabushozi), Rakai district and Karamoja. Yet the proposed land reform suggests that squatters be ignored and all leasehold converted automatically into the recommended freehold. Many foreign NGOs are calling for settlement schemes and government has indicated that it will stamp out nomadism by legal fiat. We shall come back to the economic and political implications.

Converting political power into economic power

The leaders who took power at independence were from the petty propertied groups. Their struggle to Africanise the state was precisely to hold state power and use it to accumulate. Part of the reason why politics in Uganda appears as a life and death struggle is because the State represents an arena for accumulation. One of the targets for their accumulation has been land. We have already referred to the shift that occurred after Independence, as observed by Fortt. The farming-trade relationship had been replaced by the salary-farming relationship. Bureaucrats began acquiring land. The 1968/69 debate

on land in the National Parliament was a response to a process whereby the new leaders were converting the land of the people they led, into their own private property. This process was captured by Ojera in his parliamentary contribution of February 26, 1969:

I will be speaking at a later date, perhaps this evening and I will expose that there are land grabbers today in Uganda. We have already seen in some districts where people have misused their powers given to them as a land committees to grant land to individuals such as the one who is speaking now at the expense of ordinary man who does not even know the value of land titles. We have seen people in some districts who have actually got as much as ten thousand acres of land. In some of these areas they have included squatters in their own land to be tenants, and certainly government will not allow this sort of thing to go on (Bazaara 1992; and Ugandan Parliamentary Debates 1968-1969).

The 1969 Public Lands Act tried to control the rate at which "customary" lands were being converted to "landlord tenure of the lease type", by putting a ceiling of 500 acres on leaseholds. This, however, failed, as those who enclosed land for lease could register land in the names of their friends, relatives, spouses, etc. The 1975 Reform Decree reversed the work of the 1928 Busulu and Envujjo law and the 1969 Public Lands Act. Although the Decree affected landlords as well, the practical effect of the Decree was to lead to a conversion of much of the non-leased/non-titled land into private property of landlord type. The Land Reform Decree was militant: all customary tenants standing in the way of development would be removed to allow for planned development, or agrarian capitalism. As many

have observed, the effect was the same tendency as in the past: landlordism.

Landlord tenure of the non-leasehold type

Meanwhile, rights in land in what is usually dubbed customary tenure were undergoing changes as a result of population pressure and a shrinking land base. Inequalities increased and with it the appearance of disguised rent relations, all amply documented (Mamdani 1984a; Mamdani 1984b; Bazaara n.d.). Those who had more land could now rent it out in return for payment in the form of produce, time, labour, etc. At the same time, those with small pieces of land tended to fragment them to the point that they were not economically viable. In other instances, poverty forced the poor to sell off their land to pay school fees or to bribe a doctor, since the peasantry of Uganda were stripped of the social benefits that used to come in the form of subsidized education and health care. My point is the following: if "customary" tenure is defined by egalitarian access to land and collective control, then these defining characteristics no longer exist. It is only fair that when making reforms that recognition be made of the fact that what continues to be called "customary" tenure is indeed individual tenure of the non-lease type. The relations that have emerged around these individual tenures of the non-lease and/or freehold type, derive from non-lease landlord tenure and individual tenure of cultivating peasants. In a case study of Kahara, we discovered that most of the land was concentrated in the landlord-individual tenure of the non-lease type, and owned by one individual, while the majority of the people were crowded and were now entering rent relations with the landlord. In other words, peasants who held

land under de facto individual tenure were generally losing land to individual tenure of the lease and non-lease types, and rarely to individual tenure supporting capitalist production.

In Kahara there was no viable source of income based on agricultural production except one, charcoal burning. The youths without land would buy trees from the landlord and burn charcoal, the most common source of cooking energy in Ugandan towns. This process is depleting the tree cover, exposing the soils to erosion as well as altering the rain patterns. The extent to which these processes have led to ecological crisis is yet to be documented. On the other hand, the more lightly used land belonging to landlords tends to harbour tse fly, a vector that carries sleeping sickness in humans and trypanosomiasis in cattle. Unused land provides sanctuary to wild animals, which tend to destroy peasants' crops.

Production/Productivity: the efficiency question

The post World War Two modernisation programme emphasized large-scale production, in the belief that this would result in greater efficiency. I shall not delve into the theoretical issues regarding small-scale versus large-scale production. Suffice to show that in the history of Uganda, it is small-scale production that has shown the ability to withstand vagaries of the market, as well serving as a viable basis for accumulating resources for industrialisation. And even at the turn of this century, there was debate as to whether production in Uganda should be based on peasant or quasi-capitalist plantation. The reasons why peasant/small-scale production triumphed are still pertinent as a starting point for effecting an agrarian revolution. The most revealing contrast

is none other than the ranching schemes versus the so-called "traditional" cattle keepers. Despite the phenomenal subsidies given to "modern" ranchers, livestock reared on the basis of individual tenure contribute a mere 5 % of the national beef supply, in contrast to 95 % supplied by "traditional" cattle keepers. Assessment of the most cost-effective method of rearing animals has always been based on the weight of the carcass or the amount of milk produced. The conclusion is always that cattle on the "modern" ranches are heavier because of good feeding and treatment, while cattle from the "traditional" producers are skinny and produce little milk. The conclusion is always that the "traditional" peasants just don't want to adopt modern methods. However, this is a distortion of facts. First, the "traditional" cattle keepers have shown a propensity to innovate and use new techniques and modern drugs, provided it is profitable to do so. As we have shown, the crisis of the "traditional" sector is related to the prosperity of the "modern", for the former was taxed (money, cattle, land resources, etc.) to subsidize the latter. In a world where markets for agricultural commodity markets have shrunk, and prices are not only volatile but also exhibit a general downward trend, the problem of foreign exchange can only worsen. It is clear that the country must fortify its own capacity to feed the population in case of environmental distress. Such capacity has to be created, and the starting point is the small-scale producer. Large-scale production will need heavy capital outlays for overhead costs and production processes, resources that Uganda does not have. And from the point of view of equity, and given the fact that the industrial sector is not creating jobs for those who will be displaced, it is obvious that

small-scale production is superior under existing circumstances.

This observation has implications for one of the proposed reforms: the encouragement of a "market in land". People acquire land for many reasons. It is not necessarily that they want to put it to productive use. If this were so there would have never been a problem of landlordism and tenants/squatters in Uganda, which has arisen when land is idle. Alternatively, people do not sell because they are inefficient or they want to channel resources to production. History teaches us that the mailo land owners sold land for many reasons. Some wanted to buy tickets to visit Europe. Others wanted money to survey their mailo land. Still others wanted to send their sons to Europe for further studies, while others were impoverished and in need of immediate cash. Those who purchased land were usually tenants who wanted to have some measure of land tenure security or to expand their production.

In contemporary Uganda, sale of land is widespread. Under non-lease ("customary") tenure, this is disguised as sale of a banana or cassava plantation. As noted above, the poor are selling land because of distress. On the other hand the buyers have different intents. Some want to maintain the value of their money in durable land assets; they buy for speculative reasons. Others may be hard-working youths trying to organize a home. The point is that the market being advocated is nothing but a mythical market, and, in reality, when we talk of a market, we are really referring to social forces involved in land transactions: buyers and sellers with differing social origins and interests. The social groups that are going to buy land in Uganda range from retired civil servants who see land as social security, through speculators who want to

fight inflation by keeping their money in the form of land, etc. An unregulated market will only concentrate land into the hands of speculators, if past experience is anything to go by. There are political costs, as well.

Land and the politics of tribalism

The situation in Uganda today is delicate. The industrial sector has been run down by wars and by the policy of Structural Adjustment Programmes. This has meant a decline in employment opportunity. And yet, many peasants continue to lose their land to speculators; a landless class exists and is growing at a rate that is yet to be determined. In this section we examine the forces which are interested in the reform, and the politics they play and are likely to play if these proposals are approved.

Let us begin with the World Bank, the IMF and USAID. These international bodies have played a big role in the evolution of the proposed land reform, which is part and parcel of the Structural Adjustment policy: this bears on pricing, fiscal, monetary, trade and institutional reforms. To the IMF, WB and USAID, land reform should involve cadastral surveys, imposition of land taxes, land titling, privatisation of public land via sale, consolidation of fragmented plots and prevention of future fragmentation. The evolution of these land reform proposals can be traced to 1983, when the World Bank and USAID asked the Ugandan government to identify bottlenecks to expanded agricultural production of export crops. One of the problems was identified as land. A committee in the Ministry of Planning was established to examine the land issue and an Agricultural Secretariat was formed in Bank of Uganda. Consequently, a study was commissioned using World Bank/USAID money, with a

clearcut framework for research and issues for investigation. The study was undertaken by members of the Land Tenure Centre from the University of Wisconsin at Madison, together with Makerere University's Institute of Social Research. However, the terms of reference were narrow, the research methodology wanting, the empirical evidence unsatisfactory and the conclusions did not arise from the analysis (Ddungu 1991). Yet it is these findings that were used to draw up proposals for a land reform. The question then becomes: what interests lie behind a land reform that is not based on empirical reality?

The World Bank and USAID have been accused of acting as fronts for multinational agribusiness interested in extending markets for their products. Feder has summarized the role of the Bank in acting as a front for multinational agribusiness, particularly in the 1960's and early 1970's. He noted that:

...the Bank re-oriented its activities in response to enormous investment in underdeveloped agricultures in the mid-1960's by multinational concerns engaged in the production and marketing of agricultural commodities. The Bank has decided to support these investments through a multitude of loans designed to strengthen, directly or indirectly, all agricultural input sales, the infra- and superstructure of the various commodity systems in which agribusiness has a financial and commercial interests, and the commodity systems themselves (Feder 1977: 57).

Projects like ranching schemes alluded to in this paper were part and parcel of that market extension. The problem, however was that these projects could only be implemented if they benefited the ruling power block in Uganda. After Independence, a class of accumulators were more than ready to tap

the "fruits" of Independence. Doornbos and Lofchie (1971) researched into the points of contention between Government of Uganda bureaucrats and those of USAID, regarding the Ankole-Masaka Ranching scheme, allegedly established to groom progressive ranchers. USAID "stressed the necessity of adopting some type of individual tenure which would ensure that the owner-operator actually resides on the ranch", a condition that was thought "to provide the maximum incentive for efficiency and productivity" (Ibid.). In fact, USAID was anxious to have some production on the ground, which could be realised if, and only if, politicians were excluded. But the Uganda government officials insisted on a provision for absentee ownership, with ranch business being looked after by a manager. The result of this tussle was that USAID gave in to government bureaucrats for geopolitical reasons and "the political elite that gained control of the majority of ranches allocated on absentee basis included two cabinet ministers and several members of the Uganda parliament and central government administrators" (Ibid.). The same thing happened with other ranches, where a political connection was an important criterion for being allocated a ranch. They were indeed free gifts, rewards of government to its loyal supporters (Report of the Commission of Inquiry into Government Ranching Schemes 1988).⁶ Yet, in trying to avoid past mistakes, the World Bank and USAID will end up with the same result: absentee landlordism. The proposed solution of encouraging "unfettered free market" will create a political situation that will require more government intervention. The squatter crisis of 1990 and the ongoing clashes in the ranching schemes is a grim reminder that without safeguards the proposed reform is going to cause

further political crises, as well as undermine production.

The other force pushing for this kind of reform is the landlord class, which inherited the mailoland that was originally given to the Baganda chiefs by the British for their role in conquering other areas of Uganda. Land has been one of the key influences on the character of politics in Uganda, particularly its violent class, "tribal" and religious dimensions.

Let us begin with the class dimensions. As noted above, the 1900 land awards did not cater for the future of the tenants who were found residing on the land that was converted into mailoland. The landlord chief class resorted to extracting astronomical rents which led to the eruption of the Bataka tenant movement of 1920's. The 1928 Busulu and Envujjo law protected the tenants from eviction. The 1975 land reform decree, however, removed that security of tenure from the tenants. This exposed the tenants to eviction or illegal rent extortions. The landlords would like to have a legal return to the 1900 situation, where they could exact as much rent as they wanted and evict the tenants as they wished. This explains why the ideologists of landlords in the policy making arena are pushing for freehold and a market in land where the state has no controlling hand.

The yearning on the part of mailoland owners to return to the 1900 conditions of landholding is also informed by another fear that has characterised Uganda's politics. Freehold interests in land made landlords suspicious of governments controlled by non-landed gentry. It will be remembered that the events that led to the exiling of the Kabaka of Buganda in 1953 were sparked off by the fear that Uganda would be amalgamated into the East African Federation. At the same

time, the landed gentry feared that the middle class of other areas was envious of its privileged position, particularly land. As Jorgenson observed, the land question was one of the important issues that shaped the politics of Independence. The landed gentry, organised as the incumbent Kabaka, Yekka, viewed the rest of Uganda with great suspicion.

To the rentier landlords, amalgamation of Buganda with the rest of Uganda in a unitary state with uniform laws would appear to threaten the mailo system of land tenure which was unique (sic.) to Buganda. For these landlords, an independent Buganda, or at least a federal relationship between Buganda and Uganda, would be preferable to the unitary state (Jorgensen 1981: 191-192).

Indeed these fears were confirmed in successive legislation.

For purposes of Independence, a federal constitution was agreed upon which left the kingdoms and districts certain functions, land control being one. The power to allocate land, according to the 1962 land act, lay in the hands of local authorities. In this way "foreigners" could be blocked from acquiring land in local districts. This control over land was always a source of tension between the central government and the local authorities. The first showdown over who would control land in subsequent years erupted in 1964 over the "lost counties", which had been transferred from Bunyoro to Buganda as part of Britain's divide and rule policy. The Independence constitution spelt out that after independence a referendum would be held in those areas and the people would decide whether they wanted to stay in Buganda or be transferred to Bunyoro. The Kabaka, leader of the landed gentry and at the same time President of

Uganda, went to the "lost counties" and shot down nine Banyoro to demonstrate that the landed gentry were a force to be reckoned with.

Events moved fast. In 1965/66 the central government was up in arms against Buganda kingdom. In 1967, Kingdoms in Uganda were abolished. The abolition is significant, because it represented not a simple abolition but also a transfer of power over land from the local authorities to central government. This history was to influence the decision that land should be owned by the state with individuals as lessees. The 1975 land reform decree completely abolished "freehold" in Buganda transforming all "freehold" into leasehold for a specified number of years and under conditions concerning its development. The decree further abolished the extraction of rent by landlords, at least in legal terms. Today, the spokesmen and women of landlords are the ones pushing through this reform, in order to regain their lost glory and again enjoy unhindered interests in land. This explains the land tenure proposal that all leaseholds automatically be converted into "freehold" when the proposals become law.

On the other hand, landlords are pushing for a bizarre condition that land tenure should be uniform throughout the country. In other words, all land must be converted into freehold. Here, the landed gentry of Buganda hope to ward off the envy of people from other areas. During the recent drafting of the new Constitution, they have been pushing for a federal structure which will ensure that Buganda landlords are never again disturbed by those from other areas.

One of the effects of the structural adjustment programmes that have been implemented since 1981 is that it has diminished the spoils provided by the

state. Every middle class group is going back to its village of origin and organising along ethnic lines. These organizational structures are taking the form of "development associations". This has revived and strengthened "tribal" or ethnic sentiments, in an attempt to block individuals from other ethnic groups from acquiring land in their local areas. Muhereza Frank reported how in Masindi the first meeting of the "Buru Development Association" ended up in a flare of emotions against foreigners who might further benefit from the land at the expense of the "originals" (Muhereza 1992). Another example can be drawn from Masindi District. Pursuing the ranching programme initiated by the first Obote regime, the Amin regime created 37 ranches along the Victoria Nile. This led to the displacement of peasants, some of whom went and settled in Lango district (now Lira and Apach districts). The beneficiaries of the ranches were government bureaucrats, mainly from nationalities other than Banyoro. These ranches have been a focal point for politics of "tribalism" as one regime is replaced by another. Some of these ranches have changed hands as often as four times, as new regimes reward their supporters. However, in 1979, the Langi, who had suffered much during Amin's time, turned against all "foreigners" (non-Langi's), waging a war that was known as dok-turwu — meaning go back to your native land. The Banyoro ran back to Masindi district and among the few places they could find a place to settle were "ranches". By the time I embarked on research, in May, 1991, there was a significant squatter population on the ranches and there was intense conflict between the legal owners and the squatters. The squatter population was composed of many victims of "modernisation schemes", and many eth-

nic groups/nationalities. The politics amongst the squatters was clearly that of "tribalism". In other instances, the politics took the form of anti-foreigner sentiment against non-Ugandans who found themselves in the area due to colonialism. In 1983, there was a grave violation of the rights of Banyarwanda in Ankole, who were evicted by the Obote government. The sentiment was simply that they were foreigners. Such politics of nationality (tribalism) is bound to multiply in years to come, because the land reform proposals are going to multiply the landless while concentrating most of the land resources in the hands of the non-productive absentee landlord class.

Conclusion

The evidence invoked by the reformers to support their case for freehold land tenure is misleading. It is not true that "freehold" is largely responsible for the prosperity of Buganda, or that the absence of freehold is the reason other areas are relatively backward. The implication of this is that the proposed reforms need to be modified. The trends in Uganda regarding land matters seem to suggest that the objective of the reform should be to redress the injustices created by mistakes of World Bank and government policy in the past, through a redistribution of land from those not utilising it to those who are landless (squatters, tenants, etc.). The second objective of the reform should be to raise production/productivity. In part this will be achieved by land redistribution, but also by abolishing rent relations and guaranteeing producers security of land tenure. The form of landowning can be freehold, but this should not be forced in every circumstance, in the name of having uniform legal statutes. Pastoral areas for instance, should retain some

form of group ownership of land. To accept freehold is to endorse a market in land, but contrary to what the reformers are advocating, the amount of land an individual can hold should be limited, and government should regulate the market to ensure that landlordism is not resurrected. Furthermore, government should use the land market as a mechanism to reward those social groups that meet with the objectives of the reform, to strengthen Ugandan agriculture, and to discourage those who undermine the long-term objective of transformation by accumulating land only to leave it idle or lease it to those who do use it productively.

Notes

¹ A circular dated May 26, 1992 and signed by the Director of the Agricultural Secretariat, Bank of Uganda, announced that the government of Uganda had decided to "set up" a Technical Committee to study the Country's present land tenure system. Depending on the committee's findings and recommendations, the study may result in amendments to the current land laws. More specifically, the committee will conduct nation-wide consultation of the Draft Bill on Tenure and Control of Land submitted to the Government in 1990. See Circular by Muwanga-Zake, E.S. (1992).

² For a critique, see Expedit Ddungu (1991).

³ Proliferating literature shows that individual tenure does not necessarily lead to agrarian transformation or the creation of "commercial" or capitalist farmers. If anything, the beneficiaries of such "individualised" lands are merely content as landlords extracting rents directly or using the lands for procuring loans from banks to invest in activities outside agriculture. For instance, see

Burrows and Roth (1990) and Attwood (1990).

⁴ Other large scale projects include sugar schemes at Kinyala Sugar Works in Masindi District and various Tea Plantations in Toro and Mityana. Note that the World Bank policy in the 1960's and early 1970's was biased towards large scale projects which squeezed out small producers. Later, in the 1970's, the thrust changed at least on paper as exemplified by Macdamara's 1973 speech in Nairobi calling for World Bank support for the smallholder.

⁵ The interested reader should see Ocan (1992a, 1992b), Mamdani, Kasoma and Katende (1992), and Okudi (1992).

⁶ The demand for free ranch gifts was so overwhelming that more ranch units were being planned, though this phase was never implemented. These include Buyende Ranching Scheme (16 units each 600 ha) in Kamuli District, West Madi County Ranching Scheme (10 Units of 1200 ha) in Moyo District, Zoka County Ranching Scheme (20 Units each 1200 ha), East Madi County Ranching Scheme (39 Units of 1200 ha), in Moyo District, Jonam County Ranching Scheme (40 Units each 1200 ha) in Nebbi district, Palabek Ranching Scheme (30 Units each 1200 ha) in Acholi District, Bokora Ranching Scheme (20 Units each 1200 ha), Pian County Ranching Scheme (10 Units each 1200 ha) in Moroto District, and Singo County Ranching Scheme (20 Units each 1200 ha) in Mubede District and Kyaka County.

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Nyangabyaki Bazaara is a Research Fellow at the Centre for Basic Research in Kampala, Uganda, a doctoral student in the Department of Political Studies at Queens University in Kingston, Ontario, Canada, and a member of the ALARM network.