

Schelnberger, Anna Katharina

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Decentrallisation as a means of conflict management: A case study of Kibaale District, Uganda

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Anna Katharina Schelnberger

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A Case Study of Kibaale District, Uganda**

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Anna Katharina Schelnberger

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der Ruhr-Universität Bochum
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Abbreviations

Art.	Article
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
CAO	Chief Administrative Officer
CP	Conservative Party
DAC	Development Assistance Committee
DANIDA	Danish Agency for Development Assistance
DED	Deutscher Entwicklungsdienst
DP	Democratic Party
DRC	Democratic Republic of Congo
Ed(s).	Editor(s)
FES	Friedrich-Ebert-Stiftung
Fr.	Father
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
Hon.	Honourable
KAS	Konrad-Adenauer-Stiftung
KY	Kabaka Yekka
LC(s)	Local Council(s)
LGDP	Local Government Development Programme
LRA	Lord's Resistance Army
MBC	Mubende Banyoro Committee
MOLG	Ministry of Local Government
MP(s)	Member(s) of Parliament
No(s)	Number(s)
NPC	National Political Commissar
NRA / M	National Resistance Army / Movement
OECD	Organisation for Economic Co-operation and Development
p.	page
p.a.	per annum

pp.	pages
RC(s)	Resistance Council(s)
RDC	Resident District Commissioner
Rev.	Reverend
Sec.	Section
Sing.	Singular
UHRC	Uganda Human Rights Commission
UNDP	United Nations Development Programme
UNRISD	United Nations Research Institute for Social Development
UPC	Uganda People's Congress
URDT	Uganda Rural Development Trust
USAID	United States Agency for International Development
VSO	Volunteer Services Overseas
WBI	World Bank Institute

On the Use of Vernacular Terms

The Kingdom of Bunyoro-Kitara is headed by the Omukama (King). The people of the Kingdom are the Banyoro (sing. Munyoro). Their language is called Runyoro. The adjective used to refer to anything of Bunyoro origin or style is Kinyoro.

Likewise the Kingdom of Buganda is headed by the Kabaka (King), his subjects are the Baganda (sing. Muganda) and they speak Luganda. The adjective used is Kiganda.

The Bakiga (sing. Mukiga), Banyarwanda (sing. Munyarwanda) and Bakonjo (sing. Mukonjo), Banyankole (sing. Munyankole), Batooro (sing. Mutooro), Bafumbira (sing. Mufumbira) are tribes from south-western and western Uganda. Many people belonging to these tribes have settled in Kibaale District. They are also referred to as Bafuruki (sing. Mufuruki) which means immigrants or refugees.

Chapter 1: Introduction¹

This paper provides empirical evidence on the relationship between decentralisation and conflict by means of a case study of Kibaale District in western Uganda. It is placed within the discussion of political instruments of conflict management and deals with a decentralisation policy that has been praised as far-reaching by continental standards, but also attracted criticism.

Both decentralisation and conflict management have been on the agenda of development cooperation for a long time. Decentralisation has been discussed as a way of enhancing economic development on the one and participation, good governance and democratisation on the other side.² Its contributions to these areas lead to the expectation that it would also contribute to the management of conflict related to lack of economic development, participation, good governance or democratisation. Yet it has only recently received attention as a tool of conflict management. Like federalism and autonomy decentralisation addresses the territorial structure of the state. Federalism, autonomy and also decentralisation are means of devolving power and are considered to be a way of integrating different interests and interest groups into a national state, while allowing for a degree of independence of these groups. The capacity of both federalism and autonomy to contribute to the management of conflicts has been studied in much detail.³ Decentralisation has so far been neglected. Only a few case studies deal with the relationship between decentralisation and conflict and no systematic attempts at theory-building have been made.⁴

It is not the aim of this paper to develop a theoretical model on the relationship between decentralisation and conflict. Its contribution lies in the operationalisation of the theoretical concepts in such a way that they can be empirically tested and in their specification for further research. The empirical findings this paper provides on the relationship of decentralisation and conflict also contribute to the body of work that can form the basis of later theory-building. Lastly, this paper intends to give guidelines to development professionals and state actors active in the design of decentralisation policies in ethnically heterogeneous, conflictive countries.

The empirical example studied in this paper is Kibaale District in western Uganda. From 1967 to 1986 Uganda was a highly centralised state. During this period the country suffered from almost continuous civil war. The Local Government System of Uganda today was actually build on Resistance Councils (RCs), institutions conceived as a way of supporting the guerrilla war of the National Resistance Army (NRA). Although these councils were spread all over Uganda after the NRA had taken over power in 1986, Uganda's official decentralisation

1 This paper is based on the MA Thesis (in Development Management) that the author submitted at the Institute of Development Research and Development Policy, Ruhr-University of Bochum in 2004.

2 Crook / Manor 1998, p. 2.

3 Reilly 1998, Chapter 4.2.3.

4 Cf. Fandrych 2001, Mehler 2001, Steinich 2000.

programme, the Local Government Decentralisation Policy was only launched in 1992. It transferred legislative and planning powers as well as fiscal competencies to the districts as principal units of local government.

Kibaale District has from its creation in 1991 been an ethnically heterogeneous district with a high proportion of non-indigenous tribes in the population. Continuing settlement and the manipulation of ethnic identity through political forces led to violent ethnic conflicts in 2002 and 2003.

In order to analyse the relationship between Local Government and conflict in Kibaale District, two research questions were formulated: 1) *To what extent does Local Government in Kibaale District act as a tool of Conflict Management?* and 2) *How can this be explained?*

These questions are also mirrored in the hypothesis that proposes four factors on which the relationship between decentralisation and conflict depends. These factors are the legal framework of Local Government, outside interventions into Local Government, the inclusiveness of Local Government and lastly the type of conflict.

This paper is divided into four chapters that cover the theory as well as the empirical evidence from Kibaale District. The first chapter provides the reader with a general introduction and sets forth the relevance of the study for both development theory and policy. The second chapter is dedicated to the theoretical aspects, it presents the concepts of decentralisation and conflict management as well as a typology of conflict. The relationship between decentralisation and conflict is illustrated along four different layers of conflict in a given society and a hypothesis based on one of these layers is prepared. The chapter closes with a description of the research methodology and its inherent limitations. The empirical information gathered during the field research is presented in Chapter 3. It introduces the reader to the context of decentralisation in Uganda and specifically Kibaale. Three conflicts have been observed in Kibaale. They are concerned with the ownership of land, the settlement of non-indigenous peoples and the control of political institutions in the district. Their dynamics and the impact of Local Government on these dynamics are analysed. Lastly the four explanatory factors proposed by the hypothesis are analysed with regard to their ability to explain the observed impact of Local Government. The last chapter links the results of the empirical study with the theoretical framework introduced in Chapter 2 and closes with recommendations for the situation in Kibaale as well as on the design of decentralisation policies in conflict areas. An appendix with additional information such as maps of Kibaale and Uganda completes the paper.

Chapter 2: Theoretical Framework and Methodology

2.1. Decentralisation

There is no concept of decentralisation that could claim universal validity.⁵ Depending on their professional background, people use the term in relation to differing concepts.⁶ Political scientists use the term political decentralisation to identify the transfer of decision-making power to lower-level government units, geographers and regional planners apply spatial decentralisation in the aim of reducing excessive urban concentration, economists use market decentralisation in the context of privatisation and lastly lawyers and public administration specialists use administrative decentralisation to describe the distribution of powers between different levels of government.⁷ There is also confusion between speakers of different languages.⁸ The concept used in this paper is based on the work of Cheema, Nellis and Rondinelli.⁹ According to Thomi¹⁰ theirs is also the most widely used concept.

Decentralisation is understood as “the transfer of planning, decision-making, or administrative authority from the central government to its field organizations, local administrative units, semi-autonomous and parastatal organizations, local governments, or nongovernmental organizations.”¹¹ Consequently centralisation is understood to mean the “transformation in the opposite direction”¹². There are four types of decentralisation: delegation to semi-autonomous or parastatal agencies, privatisation, deconcentration and devolution to local governments as shown in Figure 2.1.¹³

Delegation is the transfer of decision-making and management authority for specific functions to public corporations or special authorities. The units to which authority is transferred are not under control of the national government, but typically they are legally accountable to it.¹⁴ Within the boundaries of the transferred functions authority of these units is very broad and includes planning and implementation of decisions.

5 For a comprehensive presentation of existing concepts of decentralisation see UNDP 1999. Shorter presentations can be found in Cohen / Petersen 1996, pp. 9-13, Olowu 2001, p. 12 and Rondinelli 1999, pp. 2-4.

6 Cohen / Petersen 1996, p. 9.

7 Cohen / Petersen 1996, p. 10.

8 Thus a majority of specialists writing in French use decentralisation to mean devolution. More examples are given in Cohen / Petersen 1996, pp. 11f.

9 Cheema / Rondinelli 1983; Rondinelli / Nellis / Cheema 1983.

10 Thomi 2001, p. 17.

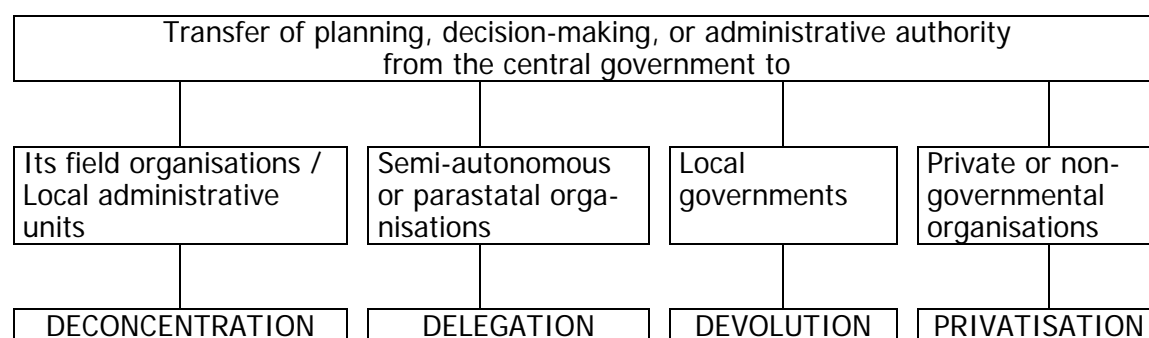
11 Cheema / Rondinelli 1983, p. 18.

12 De Vries 2000, p. 196, who cites a definition of the United Nations. In a centralised state authority and financial and human resources are concentrated at the central level. Centralisation is further characterised by an imbalance between state and society actors in the political process and the constitutional concentration of powers in the hands of a few people combined with the constitutional impotence of courts and legislatures. (Fandrych 2001, p. 22; Olowu 1996, p. 20; Tordoff 1994, p. 559)

13 If not stated otherwise, the following definitions of these types of decentralisation are taken from Cheema / Rondinelli 1983, pp. 18-25 and Rondinelli / Nellis / Cheema 1983, pp. 13-32.

14 Cohen / Petersen 1996, p. 11.

Figure 2.1. Four Types of Decentralisation



Source: Cheema / Rondinelli 1983.

Privatisation is the transfer of functions from government to voluntary, private or nongovernment institutions. This also includes the transfer of licensing, regulation and supervision of members to parallel organisations such as national associations of trade and industry, religious organisations, political parties or cooperatives.

Deconcentration is often considered to be the “weakest”¹⁵ form of decentralisation. It encompasses the redistribution of administrative responsibilities within the national government machinery.

Devolution as the most extensive and strongest form of decentralisation means the transfer of functions and authority to local government units that are independent and substantially outside of the control of the national government. Devolved local government has five characteristics that are depicted in Table 2.1. below.¹⁶ These five characteristics can also be used to illustrate the differences between devolution and deconcentration.

Table 2.1. Five Fundamental Characteristics of Devolved Local Government

Independence	Autonomous and independent Clearly perceived as separate levels of government Little or no direct control by central / national authorities
Territory	Clear and legally recognised geographical boundaries
Corporate status	Corporate status Power to secure resources to perform functions
Perceptions of local citizens	Perceived by local citizens as organisations providing services that satisfy their needs and as governmental units over which they have some influence
Relationship with the National Government	Reciprocal, mutually beneficial and coordinate relationships between national and local government

Source: Cheema / Rondinelli 1983.

¹⁵ Rondinelli 1999, p. 2.

¹⁶ Cheema / Rondinelli 1983, p. 22.

First of all, devolved local governments are autonomous, independent and clearly perceived as separate levels of government over which national authorities exercise little or no direct control. Within deconcentration we find three stages of different intensity, but in all these stages the administration is still clearly part of the national government: There may be merely a *shift of workload* from a national government ministry to its field offices located outside the capital without transferring authority to make decisions or discretion in carrying them out. People may perceive the government to be closer to them. In the case of *field administration*, the second stage of deconcentration, field staff can – within guidelines provided by the national ministry - plan, make routine decisions and adjust the implementation of directives to local conditions. But employees remain part of the national government and under its control. In a system of *local administration* all subordinate levels of government in a country are agents of the national authority. They are responsible to this authority, perform under its technical supervision and control. That supervision may be carried out by a chief executive who is appointed by and responsible to national government.

Secondly, devolved local governments have a legally defined geographic territory within which they exercise authority and perform public functions. In the case of deconcentration though, functions of the national government are carried out under its control, usually also within a defined geographic territory.

Devolved local governments have corporate status and the power to secure resources to perform their functions while in the case of deconcentration the necessary resources are allocated by the national authority.

The fourth characteristic concerns the perception of local governments in the eyes of the population. While local citizens perceive devolved local governments as organisations providing services that satisfy their needs and government units on which they have some influence (local governments as institutions), administrative units will be perceived as part of the national ministry on which people have less influence since they do not elect them.

A fifth and last characteristic of devolution are reciprocal, mutually beneficial and coordinate relationships between different levels of government. Deconcentration is characterised by a top-down relationship of supervision and control, the administrative unit merely carries out the work of the national ministry.

However, it is important to note that devolution as described above is an ideal type and in practice tends to be more limited. Usually national government has some supervisory powers over the functions transferred to local governments and plays an important fiscal role. The national government can also attempt to keep local government in line with national development policies through formulating national programmes on an area basis, training local staff or issuing technical directives.¹⁷

17 Cheema / Rondinelli 1983, p. 23.

2.2. Conflict Management

2.2.1. A Typology of Conflict

Conflicts in this paper are understood as differences of interests between at least two parties of a certain length and a certain intensity with respect to specific values. Conflict occurs in different stages of intensity: thus there can be latent, open and violent conflict and - as the most intense form - war.

Conflicts are generally categorised according to their causes and usually four broad causes are identified: political causes, economic causes, unequal access to resources and politicised ethnicity.¹⁸ However, these causes are often closely interlinked and thus can be organised in a different manner. The starting point for all conflicts are scarce resources. Only very few resources – if any – are infinite, and even to those access can be restricted. Economic and political conditions distribute these scarce resources unequally. In economic terms this means that a part of the population lives in poverty, does not have access to even the most essential resources such as land, water and medical treatment, or is excluded from service delivery as well as income generated in the state. In political terms unequal distribution of resources means the exclusion of parts of the population from political participation, for example through authoritarian or repressive political systems. The unequal distribution in economic terms may also be caused by the political policies. Those excluded from resources in economic or political terms will struggle for a more equal distribution or for their share in the resources, while those who currently have power over the resources will attempt to continue the exclusion. Ethnicity or ethnic diversity itself should not be considered a cause of conflict, especially since ethnic diversity has actually been found to reduce the risk of violent conflict.¹⁹ It stands independently of the unequal distribution of scarce resources, but offers “fertile material for political mobilisation”²⁰. It can be politically mobilised (“politicised ethnicity”) and the above struggles for economic and political participation can then take the form of ethnic conflicts. Their actual cause, however, still lies in the unequal distribution of resources.

Some characteristics of Africa South of the Sahara and its conflicts show that special concepts of causes of conflict in Africa are necessary. Since most boundaries between states were drawn by the colonial powers with little or no regard for existing cultural boundaries, African states are more ethnically diverse than in any other region of the world. Africa also has the highest proportion of minorities worldwide (42% of the population as opposed to 17 %).²¹ Most violent conflicts in Africa today are intra-state conflicts and the vast majority of

18 This typology is based on Bloomfield / Reilly 1998, Mehler / Ribaux 2000, p. 73, Nathan 2001, Rupesinghe 1998, 32-52 and Smith 2001.

19 Collier / Hoeffler 2001, p. 17.

20 Smith 2001, p. 6.

21 Scarritt 1993, pp. 254f.

victims are civilians.²² Four structural causes specific to conflicts in Africa can thus be identified:²³

A first one is the political and cultural legacy of colonialism. Both the French and the British colonial rulers used a form of direct rule in the cities and indirect rule for the rest of the country. The organisation of rule was in both cases despotic: it excluded the natives (Africans) from civil freedoms and put them under the control of an authority that had absolute power. The colonial economy led to the formation of new conflicts by encouraging migration into cities, to mining areas or plantations. Migration led to difficulties for the indigenous population and to an accentuation of their own ethnic identity. The accentuation of ethnic identity was assisted by the colonial classification of the native population into "worker" as opposed to "warrior" tribes, "industrious" as opposed to "lazy" tribes. Colonial rulers also demarcated the borders of most of today's states and forced different groups to live within these demarcations. In most cases already existing bigger entities survived intact and nation states were created around them, such as Uganda around the Kingdom of Buganda and Ghana around the Ashanti, but smaller groups were marginalised. A second structural cause is the scarcity of resources and the mechanisms for their distribution. In most of Africa these mechanisms do not provide for an equal distribution, instead the winner takes all while the loser is left with nothing. Some conflicts stemming from the unequal distribution of scarce resources are fought along ethnic lines. A persistent imbalance of opportunities is a third cause of conflict. This imbalance can be found in the exclusion of parts of the population from political power or the discrimination of women, ethnic groups or people of a certain faith in the educational system or in the access to services. The last structural cause of conflict is a form of inadequate (bad) governance that can be traced back to neopatrimonial models of leadership and their failure.²⁴ This form of governance lacks efficiency due to clientelistic networks and corruption. It also lacks legitimacy: The populations no longer accept a state that does not respect the rule of law, misuses public funds and in which they have no representation. This may give the population a cause for rebellion and in turn the state a reason to violently repress such a rebellion. Ethnicity is not among the specifically African causes of conflict. Parties tend to organise according to ethnic criteria especially during prolonged conflicts.

2.2.2. The Concept of Conflict Management and Related Concepts

This chapter introduces the three most common concepts of the "management" of conflicts: Conflict Management, Conflict Resolution and Conflict Transformation.

22 Engel / Mehler 1998, p. 142.

23 Engel / Mehler 1998, pp. 142-149.

24 Neopatrimonialism is characterised as a type of rule where no difference is made between the office and the office holder and where abstract institutions have lost their value (Mehler 1998, p. 139).

Conflict management theorists see conflicts as an inevitable fact of life born out of different values and interests between and within communities. Conflict has both a positive and a negative side. It can be a catalyst for social change and development.²⁵ The potential for violence stems from historical relationships, existing institutions and the established, unequal distribution of power. As conflicts are considered to be inescapable and to a certain extent a normal fact of life, their solution is considered unrealistic: they can only be *managed* constructively. This means that the various manifestations of conflict are dealt with in a stable and consensual manner.

Conflict management encompasses two approaches: The first is the art of appropriate intervention to achieve political settlement of conflicts by working with those actors that have power and resources to pressure the conflicting parties into settlement; the second is the art of designing appropriate institutions that structure and guide the existing conflicts in such a way that all conflict parties can be accommodated.²⁶

“Conflict management is the positive and constructive handling of difference and divergence. Rather than advocating methods for removing conflict, [it] addresses the more realistic question of managing conflict: how to deal with it in a constructive way, how to bring opposing sides together in a cooperative process, how to design a practical, achievable, cooperative system for the constructive management of difference.”²⁷

Conflict resolution theorists argue that people have fundamental needs on which they cannot compromise, especially when their sense of identity is at stake. There are points that are simply not negotiable. It is however possible to help the parties to “explore, analyse, question and reframe”²⁸ interests and positions to transcend conflicts. Conflict resolution theorists suggest that a skilled but powerless third-party works with the conflict parties with the aim of identifying conflicts roots and possible solutions. Parties should be given a new outlook on the situation that enables them to find solutions previously not thought of. The aim is to develop “processes of conflict resolution that appear to be acceptable to parties in dispute, and effective in resolving conflict”²⁹.

Conflict resolution includes both the idea to end a conflict through a workable compromise or a balance of opposing interests and the idea to find concrete measures to help resolve certain points and consequences of the conflict.³⁰

Conflict transformation recognises that the roots of conflict can lie in the relationships among conflict parties as well as in the unequal and suppressive social and political struc-

25 Bloomfield / Reilly 1998, Chapter 1.4.

26 Miall 2001, pp. 2f

27 Bloomfield / Reilly 1998, Chapter 1.4.

28 Miall 2001, p. 3.

29 Azar / Burton 1986, p. 1, cited in: Miall 2001, p. 3.

30 Mehler / Ribaux 2000, p. 32.

tures of the society.³¹ Conflict transformation is a process of transforming all those structures (relationships, interests, discourses and if necessary even the constitution of society) that support the continuation of violent conflict. The approach to peace-building is wide-ranging and comprehensive; it relies both on the parties of the conflict and on outsiders with human and material resources, and it emphasises the support for conflict parties rather than mediation by outsiders. It has a long-term horizon, recognising that the transformation of conflicts can only be gradual and step by step.³²

“Conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily ‘see’ the setting and the people in it as the ‘problem’ and the outsider as the ‘answer’. Rather, we understand the long-term goal of transformation as validating and building on people and resources within the setting.”³³

For the purpose of this paper the concept of conflict management shall be applied. It is most suitable since one of its focus-areas is the design of institutions. Conflict resolution first of all suggests that it is possible to end or remove a conflict.³⁴ This appears to be very ambitious. In many instances it does not seem possible to completely solve a conflict, especially since conflicts are an integral part of social interaction. Also, conflict resolution focuses more on the process³⁵ than on the means of coping with conflict. The concept of conflict transformation is all-encompassing: In addition to those means already included in conflict management and the processes of conflict resolution it concentrates on structures that need to be changed starting at grass-roots level. However, for the purpose of this study Conflict Management as the more specific concept is preferable.

2.3. The Relationship between Decentralisation and Conflict

Political instruments have gained increasing recognition in conflict management. They cover a wide range of policies (including economic policy and poverty reduction) and institutions. The design of these political institutions is crucial for their ability to manage conflict. Three areas of political and constitutional design are discussed:³⁶ the nature and structure of a

31 Reimann 2001, p. 9.

32 Miall 2001, pp. 3f.

33 Lederach 1995, cited in: Miall 2001, p. 4.

34 Bloomfield / Reilly 1998, Chapter 1.4.

35 Reimann 2001, p. 12.

36 Reilly 1998, Chapter 4. This article provides a detailed account of political instruments of conflict management.

state's rules of political representation,³⁷ the form of the state's legislative and executive functions,³⁸ and the territorial structure of the state. This last point looks at the variety of arrangements that can be used to devolve power, such as federalism³⁹ and autonomy⁴⁰. These arrangements integrate different groups at the national level while at the same time allowing distinctive identities and self-governance. Regarding their conflict management capacities, they can ensure minorities a measure of state power and offer them prospects for preserving their culture, may forestall demands for secession and increase political integration of ethnic groups.⁴¹ However, power can also be devolved to local government institutions in a system of decentralisation.

Before being able to state that decentralisation has an impact on conflict and can be used as an instrument of conflict management we first need to see whether centralisation is a factor that intensifies or generates conflict. It could be considered such a factor if it contributed to the causes of conflict discussed in Chapter 2.2.1.

Centralised states and central planning have led to increased income disparities between rich and poor and among regions. The living standard of the poorest part of the population has been found to decline and the number of people living in "absolute poverty" increased.⁴² Centralised states have been found to be vulnerable to abuse of power⁴³ and to lead to a lack of democracy⁴⁴. Centralisation may also result in national government providing services only in the capital and urban centres where government officials reside, but not in other areas of the country.⁴⁵ Centralised States have thus led to and increased the unequal distribution of resources. But they have also intensified the imbalance of opportunities between

37 The nature and structure of a state's rules of political representation include the type of government and electoral system, a constitution that guarantees human rights and protects the rights of minorities and disadvantaged groups and constitutionalism. Other instruments are power-sharing, National Conferences and Constituent Assemblies. (Reilly 1998, Chapter 4) For further reading see Horowitz 1993 who emphasises the need to build accommodative institutions in which different groups will need to compromise and Lijphart 1990 who suggests power-sharing between different groups in society.

38 With regard to the state's legislative and executive functions the parliament as the main representative of the state and law giving-body is important. It is also the place where policy conflicts are acted out. The composition of parliament is closely connected to the electoral system and the choice between presidential, parliamentary or semi-presidential forms of government. (Reilly 1998, Chapter 4)

39 Federalism is the division of state sovereignty into federal and constituent units of government. These federal units have sovereign power, executive and legislative authority bestowed upon them by the constitution. Power is devolved equally and all federal units have an identical relationship to the central government. Asymmetrical federalism is a sub-type of federalism where not all federal states have the same power and authority (Reilly 1998, Chapter 4.2.1.) For defining elements of federalism see Abromeit 1992, Schultze 1997 and Watts 2001.

40 "Autonomy is characterized by self-rule and administration by a regional entity, with some degree of independence granted by the central government in areas that do not question the status of the state as a whole." (Bächler 2001, p. 13)

41 Cf. Reilly 1998, Chapter 4.2.5. for a detailed account of how federalism and autonomy can contribute to conflict management.

42 Cheema / Rondinelli 1983, p. 11.

43 Wunsch 1990, p. 278, cited in: Fandrych 2001, p. 13.

44 Fandrych 2001, p. 32.

45 Boex 2001, p. 2.

rich and poor and between those living close to the centre and those in remote areas. They have further led to inadequate (bad) governance.

Now that centralisation has been identified as a factor contributing to conflict, to what extent and how exactly can decentralisation work as a political instrument of conflict management? An interest in this field has developed only recently.⁴⁶ Consequently, literature is scarce and there have not been any attempts at systematic theory-building. This paper is based on the available literature: an article by Mehler⁴⁷, an unpublished essay by Steinich⁴⁸ as well as a case study⁴⁹.

One of the underlying principles of decentralisation is that of subsidiarity.⁵⁰ It implies that "the higher and more universal level should only intervene when the smaller and more local level cannot manage the task."⁵¹ This is the case when the local level either fails or when the task can only be managed by more comprehensive social units.⁵² According to this logic a society should be able to manage its conflicts better on decentralised levels than in a centralised state. Many conflicts (for example about land use, allocation of water, cattle rustling) have local starting-points. It is more likely to find answers (if not solutions) to local problems at the local level. Local decision-makers are closer to the problems, better acquainted with them and thus more likely to find a constructive solution.⁵³ There are however also situations that cause problems at the local level, yet can only be addressed at the national level. The influx of refugees or migration can present such situations. The national government will need to address these. And of course there will always be national problems that can likewise only be addressed by the national government.

Decentralisation can also be considered as a factor contributing to "structural stability". Structural stability is the realisation of social peace, rule of law, respect for human rights and sustainable social and economic development. Its central idea is "the permanent stabilisation of fragile and unstable phenomena within societies and states [...so] that dynamic and representative political institutions will be able to bring about change, and resolve dis-

46 A recent BMZ Position Paper on Decentralisation is very much aware of the potential risks of decentralisation listing them in much detail, yet devotes only one sentence to its conflict management potential: "By facilitating participation by the various interest groups (ethnic, political, economic, social, religious), decentralization can reduce the risk of social conflict." (BMZ 2000, p. 7)

47 Mehler 2001.

48 Steinich 2000.

49 Fandrych 2001 on the example of Mozambique (cf. p. 38, Footnote 1 for further articles on the relationship between decentralisation and conflict in Mozambique). Seely 2001 briefly touches on the issue in this article on the decentralisation process in Mali where President Konaré chose to devolve power explicitly as a means of placating the separatist movement of the Tuareg in northern Mali.

50 The principle of subsidiarity was developed in Catholic Social Teaching by Oswald von Nell-Breuning (cf. the papal encyclical *Quadragesimo Anno*).

51 Curran 1991, p. 161.

52 Höffner 1997, p. 52.

53 Mehler 2001, p. 292.

putes within society on a non-violent basis.”⁵⁴ Elective decentralised units of government can be such representative political institutions.

All authors stress that decentralisation can manage as well as intensify conflicts.⁵⁵ The possible impacts are manifold and very much dependent on the specific circumstances. Decentralisation is in itself a conflictive process that can open up new arenas of conflict. It is a political process that impacts on the distribution of political power. In order to be able to transfer power and authority to local government units, power and resources necessarily have to be taken away from elites at the national level. Strong opposition can be expected from the losers of the decentralisation process.⁵⁶ With regard to the capacity of decentralised units to manage existing local conflicts it is important to note that they can of course only become active if they are called upon to do so by the population and if they have actually been granted authority to intervene and act in these situations.⁵⁷

Four layers of conflict within society can be used to illustrate the influence of decentralisation on conflict.

Table 2.2. Impact of Decentralisation on Conflicts in Different Layers of Society

Layer	Contributions to conflict management	Contributions to conflict intensification
Individual citizen and community / state (2.3.1.)	Proximity of government to the citizens Local democracy Responsibility and accountability Improved service delivery	Deficits in local democracy and incompetence of local councilors Incompetence, corruption and squandering lead to deteriorating quality of service delivery
Ethnic or other groups within a community / region (2.3.2.)	Local arena to carry out conflicts in a non-violent manner Participation Inclusive decision-making	Changes in the balance of powers, new majorities and minorities Central State loses its position as an arbitrator in conflicts
Different regions (2.3.3.)	New possibilities for inter-district cooperation	Demarcation of district borders Need for inter-district cooperation Distribution of resources
Regions (and their population) and the central state (2.3.4.)	Demand for autonomy is partly fulfilled Impetus for the formation of new coalitions Empowerment of geographically concentrated ethnic groups	Strengthened autonomy movements, secession Central state is weakened

Source: Mehler 2001.

⁵⁴ Ropers 2002, pp. 43f.

⁵⁵ Fandrych 2001, p. 93; Mehler 2001, pp. 287-289; Steinich 2000, pp. 11f.

⁵⁶ Bächler 2001, p. 14; Mehler 2001, pp. 288f.

⁵⁷ Mehler 2001, p. 292.

Table 2.2. provides an overview over the expected influences on the different layers of conflict between the individual citizen and the community / state, ethnic or other groups within a community or region, different regions and regions (and the population of these regions) and the central state.⁵⁸ The influence of decentralisation on conflicts in these layers is described in more detail in Chapters 2.3.1. to 2.3.4.⁵⁹

2.3.1. Conflict between the Individual Citizen and the Community / State

On the level of the individual citizen and the state increased competition between districts can lead to improved service delivery. However, if the national government uses decentralisation to rid itself of responsibilities, a decrease in the quality of service delivery is also possible.⁶⁰ In such a case the transfer of responsibilities and (limited) authority to the local level takes place without sufficient resources. The central state will then stop delivering those services for which authority has been transferred while local government is not able to provide them due to a lack of funds.

The original rationale of decentralisation also has a conflict management aspect: Decentralisation should contribute to Good Governance⁶¹ because local decision-making is expected to lead to increased transparency, better policies (local development and land use plans, local economic policy), a more rational use of resources and enable participation. This does of course only work under the assumption that local elites have an interest in and a commitment to developing their home area. The elected officials are part of the local democracy, they are accountable to the electorate. They are closer to the citizens and their needs and expected to take on responsibility. The more rational use of resources makes local government more efficient. Once decentralised units of government have been found to serve the citizens well, they will gain increased legitimacy. This in turn may also lead to more legitimacy for the national state and its institutions.

Yet local elites are not necessarily “better” (i.e. less corrupt, arbitrary, incompetent, interested in their own good) than those at the national level. Since spending is no longer controlled centrally, irresponsible local elites can squander money or use it to line their own pockets. Also local elites might simply not be sufficiently qualified and competent to handle the tasks they are responsible for. All this can lead to tax boycotts or other forms of disobedience and revolt against local administration and its officials.

58 This differentiation of layers is taken from Mehler 2001, pp. 290, 294.

59 If not stated otherwise these chapters are based on Mehler 2001.

60 Steinich 2000, p. 11.

61 The Development Assistance Committee (DAC) considers the rule of law, public sector management, controlling corruption and reducing excessive military expenditures as dimensions of Good Governance (OECD/DAC 1995, pp. 14-23).

Some conflicts that previously existed between the national government and the citizens might merely be shifted to the local level where they continue to exist. Likewise a lack of democracy at the national level may be carried over. In combination with the undemocratic forms of African traditional and colonial local rule through chiefs who often acted without any control,⁶² it may be difficult to put local elites under democratic control.

On the other hand, local governments may provide a training ground for participatory democratic culture and the peaceful settlement of conflicts, political integration and the inclusion of minorities.⁶³ Decentralisation is also said to stimulate the formation of civil society in the form of local associations and grass-roots organisations.

2.3.2. Conflict between Ethnic or Other Groups within a Community / Region

Decentralisation provides different and potentially conflicting groups within a region (such as different ethnic or religious groups) with a local arena to carry out their conflicts in a non-violent manner. It is easier to organise participation at the local level and thus even minorities can be included in the decision-making processes. Decision-making is theoretically more inclusive, because it involves all interested parties and provides everybody with the possibility to give their views. Local governments offer a forum where all citizens regardless of their ethnic or religious background can come together and negotiate. Members of conflicting groups will be forced to cooperate and compromise if they want to achieve something. The result of such cooperation will likely be compromise solutions that are acceptable to all. However, there is also the danger that members of conflicting groups block decision-making by refusing to cooperate. Opponents get a chance to get to know each other and prejudices can be reconsidered. Since local governments are locally elected, locally legitimated and familiar with the local problems, chances are high that mutually acceptable solutions are found.

Decentralisation can change the fabric of power between conflicting groups in a district. The introduction of local units of government and the way their borders are drawn can upset the balance of minorities and majorities. This can work both ways that a former minority suddenly finds itself the majority, but a former majority may also find itself in the position of the new minority. Minorities and majorities can conflict over access to resources and political power in the district.

The aboriginal population of an area and immigrants or refugees can carry out violent conflicts over the use of resources such as land and water or the adherence to religious customs. Conflicts can also take place between different families or clans. Because of the transfer of authority to the local level the national government may lose its role as an arbitrator in these cases.

62 Mamdani 1996 uses the term „decentralized despotism“ to describe local rule.

63 Steinich 2000, p. 8.

Decentralisation also leads to an influx of resources. Conflicts can arise over the use of these resources. Depending on how they are distributed, disparities might increase. The additional resources can also be used in financing violent conflict among groups.

2.3.3. Conflict between Different Regions

The decentralised structure of a state opens up new opportunities for cooperation between districts. They can form local government associations, interest groups and work together on development projects. Cooperation among districts is also needed for projects spanning different districts. Progress of these projects can be stalled if a region refuses to cooperate.

Regional disparities may be increased since not all regions profit equally from decentralisation. Some regions will be more apt to deal with this new form of governance because of historical experience. This can lead to envy and new rivalries. A way of counteracting this are fiscal transfer schemes between the districts and equalisation grants allocated by the national government. These measures can lead to a more equal distribution of resources in the country and equalised chances for development.

Mapping out local government units and drawing their borders can lead to conflicts among those units over the land in border areas. Further, depending on how borders are drawn, traditional minority-majority constellations can be upset and ethnic groups divided among districts.

2.3.4. Conflict between Regions (and their Population) and the Central State

The impact of decentralisation on autonomy movements is twofold: On the one hand, the position of autonomy movements is strengthened since their demands are at least in part fulfilled and officially recognised. This can unleash greater powers within the movements that the state can no longer control. Autonomy movements have the capacity to turn into violent rebellions that may be followed by repression from the central state. Finally, a secession of part of the territory can take place. On the other hand, decentralisation can also counteract autonomy movements when it is seen as sufficient to fulfil the demands. In such a case, rebellion and its repression by the central state are avoided.

In the case of states that have lost a substantial amount of their efficiency or have collapsed, the argument is put forward that the “cost of doing nothing” would be higher. Decentralisation has also been suggested as an institutional starting point for the reconstruction of failed states.⁶⁴

Decentralisation can weaken and destabilise the central state. The authorisation of municipal borrowing can lead to over-indebtedness. The central state is also weakened because power is transferred away from the national to the local level.

64 Steinich 2000, p. 9.

If local and national governments are dominated by opposing parties (or groups) this can provide an impetus for the formation of coalitions and cooperation over the dividing lines.

Groups that constitute only minorities at the national level can provide the majority at the local level. While they may be excluded from political participation at the national level, decentralisation does at least provide for their inclusion into decision-making processes at the local level. Local government can be an effective way to give certain powers to a group since the geographic scale of local government is small and the population is likely to be more homogeneous.⁶⁵

Lastly decentralisation can further democratisation through regular elections of formerly nominated officials and by introducing democracy at the local level of an otherwise undemocratic state. Democracy does improve a society's capacities to deal with conflicts peacefully.

2.4. Hypothesis

The previous chapter introduced four different layers of conflict within society and the relationship of decentralisation with the conflicts in each of these layers. Since it would not have been possible to analyse conflicts in all layers during the field research, I decided to concentrate on one specific layer. The most relevant conflicts in Uganda are taking place on the second layer between different ethnic groups within a district and also on the fourth layer between regions (and their populations) and the central state. Examples of conflicts in the fourth layer are Buganda's demands for "federo"⁶⁶ and the rebellion of the Lord's Resistance Army (LRA) in northern Uganda that has at least in part been supported by the local population. Northern Uganda would not have been a suitable object to study the relationship between decentralised governance and conflict, since most Local Governments in the area are not in working condition. The Kingdom of Buganda encompasses so many districts that it would not have been possible to study all of them in detail during the course of the field research. Concentrating on the conflicts between different groups within just one district allowed for a deeper, more detailed analysis.⁶⁷ The hypothesis thus addresses the effects of decentralisation on conflicts in the second layer between different groups within a region.

"Local Government has an impact on conflicts. Whether it mitigates conflict or creates new or intensifies existing conflicts depends on the following factors: a) the formal competencies and resources transferred to Local Government (legal framework), b) outside interventions into Local Government, c) the inclusiveness of Local Government and d) the type of conflict."

This hypothesis takes into consideration that decentralisation can have both positive and negative effects on conflicts. The type of decentralisation as introduced in Chapter 2.1. is

65 Reilly 1998, Chapter 4.2.1.

66 A Ugandan term describing a type of federalism in which certain regions, especially the Kingdom of Buganda, are granted far-reaching autonomy.

67 Cf. Chapter 2.5. for reasons why Kibaale District was chosen as the object of field research.

taken into account in the first variable “legal framework”. In order to function effectively Local Government must be able to make use of the competencies transferred by the legal framework without major outside interventions. Sufficient funds to implement its decisions are also necessary. The theoretical inclusiveness of Local Government (Chapter 2.3.2.) as a local arena in which conflicts can be carried out and participation be organised more easily was considered when formulating the third variable. Lastly, the hypothesis also includes the typology of conflict introduced in Chapter 2.2.1.

2.5. Setting of the Study and Methodology

Most of the data for this study was collected during a period of field research in Uganda between August and November 2003. The research was carried out independently. Based on my knowledge of Uganda I chose the ethnically heterogeneous Kibaale District that had recently experienced violent ethnic conflict in conjunction with the elections of the District Chairperson as the object of this research. Districts in northern Uganda were also considered, but the situation in most of these districts is such that Local Government is not in fully working condition. Other possible choices were Teso (Kumi and Soroti Districts) and Kyenjojo District, but Kibaale District was the one district that had most recently experienced ethnic tensions and the only one where they had been so clearly linked to Local Government.

I visited Kibaale District, specifically Kibaale Town (Buyanja County) and Kagadi Sub-County (Buyaga County). The district headquarters of Kibaale District are located in Kibaale Town, while Kagadi is the major trading-centre in the district and has also been a focal point of ethnic violence both in 2002 and 2003. In addition to Kibaale District I also visited the neighbouring Hoima District in order to interview some of the key stakeholders in the Kibaale conflicts and cross-check the findings from Kibaale. Hoima was chosen because the history of Kibaale and Hoima is interlinked. Kibaale was part of Hoima District until 1991. Further, Kibaale used to belong to the Kingdom of Bunyoro-Kitara and the Omukama (King) of Bunyoro-Kitara resides in Hoima Town.

The limitation of this research design lies in the choice of just one district as opposed to different districts. Since no other districts were studied, this paper will not be able to cross-check whether the relationship that has been established for Kibaale is similar or comparable to other districts of Uganda. It is the object of this paper to test the validity of a hypothesis based on existing theoretical concepts by means of a specific example. The object of this study, Kibaale District, was purposefully selected as a region with a multitude of conflicts of different types and in different stages of intensity.

Interviews were carried out at the level of both National and Local Government in Kibaale and Hoima Districts. At the national level I conducted interviews with a member of staff of the Ministry of Local Government (MOLG) and with the Minister of State for Lands in the Ministry for Water, Land and Environment, who is a Munyoro from Kibaale District. At the district level both the political and administrative arm of Local Government were taken into

consideration when choosing interview partners.⁶⁸ Interviews were carried out with people in the same positions in Hoima in order to verify the findings from Kibaale, to establish the extent to which these are typical for Kibaale and to gather the perception the neighbouring district has of the situation in Kibaale.

I further spoke to representatives of both the indigenous population of Kibaale (Mubende Banyoro Committee) and the settler community (Bafuruki Committee) and studied their documentation of the history and conflicts of Kibaale. These two groups were also taken into account in the choice of the two sub-counties of Kibaale District that I visited: The Mayor of Kibaale Town is a Munyoro, the Chairman of Kagadi Sub-County is a settler. Since Kibaale used to belong to the Kingdom of Bunyoro-Kitara and especially the members of the Mubende Banyoro Committee are strong royalists, I also interviewed the Private Secretary to the Omukama (King) of Bunyoro-Kitara and a Minister of the Kingdom. Donors active in the support of decentralisation in Uganda such as USAID, DANIDA and Ireland Aid that has directly supported Kibaale from 1994 to 2003 were interviewed and lastly academic staff of the Department of Political Science and Public Administration at Makerere University.

In addition to the interviews, various publications and documents were studied. Members of the Department of Political Science at Makerere University have published a variety of articles on decentralisation and Local Government in Uganda. The Uganda Human Rights Commission (UHRC) dedicated part of its 2001-2002 Report to the problem of xenophobia in Kibaale and the Uganda Land Alliance commissioned a study of the land question in Kibaale in 2003. Both of the conflict parties provided me with letters, minutes of meetings and other written material on the conflict. There were also two Presidential Communiqués at the height of the violence in 2002. Lastly, the coverage of the events in Kibaale in newsletters, magazines and various newspapers was studied.⁶⁹

Although there were no episodes of open violence in Kibaale during the time of the research, the situation was still volatile. The 2002 elections that led to an outbreak of violence as well as questions related to the settlement of non-indigenous tribes are politically very sensitive; this had to be taken into account when interviewing members of the Local Government. Since everyone in Kibaale is to some extent personally involved in the conflicts, views tend to be subjective. I tried to counteract this by speaking to representatives of both sides as well as to outsiders familiar with Kibaale, in this case especially the Kibaale Programme Officer of Ireland Aid. I extensively studied documentation provided by all conflict parties as well as the media coverage and available documentation by outsiders such as the Uganda Human Rights Commission and the Uganda Land Alliance.

68 Political branch of Local Government: District Chairman and his Vice, various secretaries (the equivalent of ministers) at district level, members of the District Council. Administrative branch of Local Government: Chief Administrative Officer (CAO), District Land Board, District Service Commission.

69 Cf. Kisakya 2000, Lubanga 2000, Mamdani 1997, Mukyala-Makiika 2000, Nsamba-Gayiyi 2003, Nsibambi 1995 and 2000, Tukahebwa 2000, Villadsen 2000 as well as the second part of the Bibliography (Other Sources).

Chapter 3: Decentralisation and Conflict in Kibaale District

The aim of this chapter is to test the hypothesis against the findings of the field research, thus the structure follows that of the hypothesis. The chapter is divided into four sub-chapters: It starts with an introduction to Uganda in general. Next Kibaale District as such and its history are presented, followed by a discussion of three conflicts that can be observed in the district. The dynamics of these conflicts over time are also analysed. A third chapter deals with Local Government in Uganda (the Local Council System) and its impact on the dynamics of the three conflicts described in the previous chapter. The last chapter analyses those four factors on which - according to the hypothesis - the impact of Local Government on conflict depends with regard to their practical relevance in Kibaale.

3.1. Background Information on Uganda

Uganda is a landlocked country in East Africa; it borders the Sudan in the north, Kenya in the east, Tanzania and Rwanda in the south and the Democratic Republic of Congo (DRC) in the west.⁷⁰ The Republic of Uganda is run under the so-called movement system, a form of democracy operating without political parties.⁷¹ The current Constitution of the Republic of Uganda was promulgated in 1995. The country is ethnically diverse: its 23.4 million inhabitants (2002)⁷² speak 43 different languages⁷³ and the 3rd Schedule of the Constitution recognises 56 indigenous communities.⁷⁴

Uganda as a national state came into existence only "as a result of territorial surgery performed by European colonial powers"⁷⁵. Independent kingdoms and various other tribes existed on the territory when the British first arrived. In 1914 Uganda became a British protectorate.

Certain regional, ethnic, and economic differences were already existent at the onset of colonial rule. In the fertile South kingdoms cultivating crops and breeding cattle had developed, while pastoral groups inhabited the drier North. Colonial rule exhibited a regional bias in favour of the South which further intensified these differences. Production of cash crops took place in the South and led to a growing economy there. Civil servants were enlisted in the South while the army was recruited in the both economically and politically marginalised North. In the 1920s the colonial administration consciously refrained from stimulating the

70 Cf. Appendix 1 for a map of Uganda.

71 The National Resistance Movement (NRM) of President Yoweri Museveni does not consider itself as a political party. Political parties exist, but are banned from campaigning or fielding candidates at elections. For a more detailed description of the movement system see Hofer 2002, pp. 14f.; Kasfir 1998 and Therkildsen 2002, pp. 231f.

72 World Bank 2003.

73 Ethnologue 2003.

74 Cf. Appendix 2 for an ethnographic map of Uganda.

75 Omara-Otunnu 1995, p. 225.

production of cotton and other cash crops in the North, because people from these areas were needed as labourers in the producing southern districts of Buganda and Busoga.⁷⁶

Conflict lines used to run between the three main religious groups: Protestants, Roman Catholics and Muslims.⁷⁷ Muslims were pushed back with the Protestant missionaries who came with the British; on the other hand there was competition between the Protestant Church Missionary Society and the Catholic White Fathers.

History since independence in 1962 is marked by bloodshed and civil wars. Political parties formed along ethnic and religious lines and manipulated and amplified traditional differences to serve their own interests.⁷⁸ The Democratic Party (DP) was founded by Catholic Baganda intellectuals and has most support among the Catholic Baganda, Acholi and ethnic groups in the East and South. The Uganda People's Congress (UPC) was formed in reaction to the DP and is supported by non-traditional Protestant Baganda, Langi and the Baine (lower class Ankole). Kabaka Yekka (King Alone)⁷⁹ (KY), later renamed Conservative Party (CP), represented the traditional Baganda Royalists. The more recent National Resistance Movement (NRM) has its origin in the National Resistance Army (NRA) and draws most of its followers in the Southwest among Banyarwanda, Banyankole and Bakiga.⁸⁰

The first Prime Minister of the independent Uganda, Milton Obote from the UPC, ended the coalition with the KY in 1966. He subsequently abolished monarchy and forced the Kabaka (King) of Buganda (President of Uganda at that time) into exile.

The 1971 military coup by Major General Idi Amin led to a military terror regime. The army and military police randomly arrested and executed political opponents and civilians; there was also ethnic cleansing within the army. It is estimated that 400,000 people were killed. The Asian Community and also the much smaller European Community was forced into exile. The economy that had been in the hands of the Asians took a downturn. All this left Ugandans with a widespread feeling of insecurity. Amin's rule ended in 1979 after he had invaded northern Tanzania and was overthrown by the Tanzanian Army and two rivalling parts of the Ugandan Army commanded by Obote and Yoweri Museveni.

When the UPC won the 1980 elections amidst widespread allegations of fraud and Obote was sworn in as President, a group led by Museveni formed the National Resistance Army (NRA) and retreated to the Luweero Triangle to start a guerrilla war against the Obote regime.⁸¹ It became known as the "bush war". An increasingly violent civil war ensued and

⁷⁶ Omara-Otunnu 1995, p. 228.

⁷⁷ Kasfir 1998, p. 52.

⁷⁸ Dicklitch 1996, p. 106.

⁷⁹ Nsibambi 2000, p. 47.

⁸⁰ Molt 1996, pp. 198f.

⁸¹ Kisakye 2000, p. 37; Nsibambi 2000, p. 47.

Obote lost control over the army. The civilian population suffered at the hands of both the army and the NRA. Approximately 400,000 civilians were killed during this period.⁸²

On January 26th 1986 the NRA took control of the capital Kampala. In order to gain effective control over the entire territory and pacify the country Museveni extended invitations to Ugandans from all tribes and religious backgrounds, as well as those in exile to join the government. He appointed political rivals into the cabinet to form a broad-based government. But Museveni only invited individuals while he banned activities by political parties. Some of the members of the UPC and DP refused join the broad-based government, because they did not want to support and stabilise a system that at the same time prohibited political parties. President Museveni faced the strongest opposition in northern Uganda, because people from the North had traditionally ruled the country (both Obote and Amin were “northerners”) and did not want to accept the “southerner” Museveni. This opposition also took the form of rebel movements. The LRA remains active until today (18 years later) despite various military operations by the national army to stop the rebellion.

3.2 A History of Kibaale District and its Conflicts

Kibaale District is located in western Uganda, its western border being only about 20 miles from the DRC. It has three counties, Buyaga, Bugangaizi and Buyanja.⁸³

Kibaale is a rural district, only 1 % of the 220,261 inhabitants live in urban settings.⁸⁴ The population growth rate is very high, it is quoted at 3.4 % p.a.,⁸⁵ but according to information from district officials it stands at over 5 % p.a.⁸⁶. The same officials also quote a much larger population of 420,000 inhabitants. Kibaale is a medium size district covering an area of 4,718 km².⁸⁷ The district is very poor and considered to be underdeveloped even by Ugandan standards, does not have tarmacked roads and only a small area has electricity or telephone connections.

The area that is present-day Kibaale District has been part of various entities over the past century. It was part of the Kingdom of Bunyoro-Kitara until 1900 when it became part of the Kingdom of Buganda. At independence in 1962 the Kingdom of Buganda became a federal state within the newly created Republic of Uganda. After a referendum in 1964 Kibaale was returned to the Kingdom of Bunyoro-Kitara, which was also a federal state. When all kingdoms were abolished in 1967 it became part of Bunyoro District, which in 1974 was divided

⁸² Kasfir 1998, p. 53.

⁸³ Cf. Appendix 3 for a map of Kibaale District

⁸⁴ Uganda Districts Information Handbook 2002, p. 81.

⁸⁵ Nsamba-Gayiiya 2003, p. 5.

⁸⁶ Interviews with M. Kitembo and G. Tusabomu, Chairman / Secretary to the District Land Board, Kibaale District.

⁸⁷ Uganda Districts Information Handbook 2002, p. 81.

into North Bunyoro and South Bunyoro. In 1980 the latter was renamed Hoima District from which Kibaale District split in 1991.⁸⁸

There are two groups of reasons why Kibaale became a separate district.⁸⁹ The old Hoima District was a fairly large district. Kibaale Town is about 100 km away from the district headquarters located in Hoima Town, facilities there were difficult to access for the people in Kibaale. In the early 1990s the trip that is now a two-hour journey took over ten hours. The delivery of services in Kibaale was poor, there was little infrastructure, the road network was not existent or very bad, and there were few schools and health centres. Besides this, the Banyoro in Kibaale also felt deliberately neglected by the ruling elite in Hoima. They started demanding a separate district as far as back the 1960s.⁹⁰

The Banyoro are the indigenous inhabitants of the area of Kibaale, but residents also include Bakiga, Alur, Banyarwanda, Lugbara, Basoga, Bagisu and Baganda.⁹¹ Most Baganda came between 1900 and 1964 while the area was part of the Kingdom of Buganda, most of the other groups are settlers from western Uganda. No exact figures on the number of Banyoro and non-Banyoro living in Kibaale are available, but it is estimated that about half of the population are non-Banyoro.⁹²

Both the history of Kibaale as part of the Kingdom of Buganda (which the Banyoro perceived as “foreign” occupation) and the settlement of non-indigenous tribes are the foundation of the current conflicts in Kibaale. Two types of conflicts can be observed, one is concerned with the control of political institutions, and the other one is based on land. The latter has two subtypes: land ownership and the settlement of non-Banyoro in Kibaale. All these conflicts are interrelated, with much of the political conflict having its roots in settlement issues.

As already mentioned in the introduction, this chapter will not only describe these conflicts, but also show their dynamics. The conflicts are thus traced back to their roots and their development over time is presented. For each conflict different indicators for their development and intensity at a certain point in time will be designed.

3.2.1. Conflicts about Land

Land Conflicts in Kibaale have their root in what the Banyoro perceive as a dispossession of land through other tribes: there is the historical dispossession of land by Baganda chiefs and the more recent dispossession of land by settlers from other parts of Uganda.

⁸⁸ Uganda Districts Information Handbook 2002, pp. 29, 81.

⁸⁹ General reasons for the creation of new districts in Uganda are discussed in Chapter 3.3.1.

⁹⁰ Interviews with A. Kaggwa and S. K. Musoke, both Mubende Banyoro Committee (MBC); S. N. Kimono, CAO, Kibaale District; P. Balidewa, RDC, Kibaale District and G. Okello-Omoding, Ireland Aid.

⁹¹ Watson 2001-2002, p. 96, 6.09.

⁹² Interview with M. Kitembo, Chairman of the District Land Board, Kibaale District; Uganda Confidential 05.-11.04.2002 (No. 487) “Genocide brewing in Kibaale district”.

3.2.1.1. Land Ownership

Until the Buganda Agreement in 1900 the territory of Kibaale District was part of Bunyoro-Kitara Kingdom. When the British came to the area in the late 1800s they found the two sovereign Kingdoms of Bunyoro-Kitara and Buganda at war.⁹³ The Kingdom of Buganda signed treaties with the British Imperial East Africa Company,⁹⁴ but the Omukama (King) Kabalega⁹⁵ of Bunyoro-Kitara resisted British colonial administration with military means. Taking advantage of the animosity between the two kingdoms the British enlisted Baganda troops in conquering Bunyoro-Kitara. It took eight years from 1891 until 1899 until Kabalega was defeated and sent into exile on the Seychelles where he remained until 1923. On his return from exile he died near Jinja; the Banyoro claim that he was assassinated.⁹⁶ The war left Bunyoro under-populated and poor. Bunyoro lost part of its territory under the 1900 Buganda Agreement. It was given to Baganda chiefs as a form of gratification for partaking in the war against Kabalega. Two of those counties – namely Buyaga and Bugangaizi – form the present-day Kibaale District and are referred to as the “lost counties”.

The “mailo”⁹⁷ land tenure system was introduced all over Buganda. Under this system land divided into parcels of square miles was given to Baganda chiefs. In the lost counties Buyaga and Bugangaizi 984.3 square miles (representing 68 % of all land) were given out as mailo land, the rest of the territory became “crown land” owned by the Queen of England and forest reserves.⁹⁸ The Baganda chiefs were given mailo titles that granted them ownership in perpetuity of the mailo land. Banyoro who had been living on the land continued to live there and became “squatters” on the land of their ancestors.⁹⁹ The introduction of cash crops enabled peasants to get profits from growing these crops on their holdings, thus in 1928 the Busuulu and Envujjo Law was introduced. Peasants all over Buganda, which included the “squatters” in Kibaale now had to pay busuulu (ground rent) and envujjo (tributes) to their landlords.¹⁰⁰

The Baganda followed a policy of assimilation, Banyoro were forced to marry Baganda and intra-marriages among Banyoro were denied.¹⁰¹ Banyoro were given Baganda names and were forced to speak Luganda, the language of the Baganda instead of their native Runyoro, even in their homes.¹⁰² The Banyoro felt subjugated and enslaved by the Baganda that they considered to be foreigners. They also felt that their culture was being suppressed. A

⁹³ Kabwegyere 1995, p. 19.

⁹⁴ Kabwegyere 1995, p. 21.

⁹⁵ The name can also be spelled Kabaleega. Kabalega is also known under the name Kabarega, as Runyoro (the language of the Banyoro) often doesn't differentiate r and l.

⁹⁶ Interviews with M. Baguma Isoke, Minister of State (Lands) and A. Kaggwa, MBC; MBC, Briefing from the Self-organising Rallying Union of Indigenous Persons in Kibaale District, 02.04.2003, p. 2.

⁹⁷ Mailo is a Luganda word meaning “mile” (Nsamba-Gayiiya 2003, p.6).

⁹⁸ Interview with M. Baguma Isoke, Minister of State (Lands).

⁹⁹ Nsamba-Gayiiya 2003, p. 1.

¹⁰⁰ The Busuulu and Envujjo Law came into force on January 1st 1928 (Nsibambi 1996, 2.6).

¹⁰¹ Interview with G. Okello-Omoding, Ireland Aid.

¹⁰² Interviews with M. Baguma Isoke, Minister of State (Lands) and G. Okello-Omoding, Ireland Aid.

recent briefing by the Mubende Banyoro Committee (MBC), an organisation of Banyoro hardliners, reads as follows: "Banyoro in Buyaga and Bugangaizi were persecuted, arrested, molested, psychologically tortured, forcefully assimilated, subdued, and ruled inhumanly".¹⁰³

As early as 1907 the Banyoro started expelling Baganda chiefs.¹⁰⁴ In 1918 the Mubende Banyoro Committee (MBC) was formed in order to:

"(a) Fight for return of Omukama Kabalega (b) Redeem Banyoro land from Buganda and British [...] (c) Re-instate socio-cultural aspects of the Banyoro. (d) Resist foreign non-indigenous rule, exploitation and subjugation."¹⁰⁵

All Banyoro are considered to be members of this committee. In November 1964 a referendum was carried out in the lost counties Buyaga and Bugangaizi. The population voted for the return to Bunyoro, and Buyaga and Bugangaizi were returned to the Kingdom of Bunyoro-Kitara.¹⁰⁶ The MBC played the role of an armed force driving out the Baganda landlords. The mailo titles and with that ownership of the land remained with the Baganda and was not restored to the Banyoro.¹⁰⁷ This was a decision of the coalition government of the UPC and KY (under which the Kabaka (King) of Buganda was President of Uganda). The Baganda landlords now living outside of Buyaga and Bugangaizi but still owning land there became known as the "absentee landlords". The Banyoro started using the mailo land as theirs after 1964. All following governments were either too weak or caught up in political problems to address the situation. In 1975 the regime of Idi Amin passed the Land Reform Decree that abolished the mailo tenure system. But Amin's regime was too "anarchic"¹⁰⁸ to fully implement the decree. Sec. 99 (1) (b) Land Act 1998 finally repealed it.

After 1986 the NRM Government under President Museveni took up the issue of land in Kibaale. The question of mailo land in the lost counties was debated in the Constituent Assembly where some Banyoro demanded that Baganda landlords should be compensated and the land be given to the tenants.¹⁰⁹ Chapter 15 of the Constitution of the Republic of Uganda 1995 provides for a land tenure system that recognises mailo tenure. Mailo tenure is defined as "the holding of registered land in perpetuity"¹¹⁰. Thus up to today, the Baganda landlords remain owners of the land in Bunyoro for which they have titles. Mailo tenants – sec. 32 of the Land Act calls them tenants by occupancy - are still paying a nominal ground rent (busuulu) to the landlords. Currently the District Land Board determines the amount of

¹⁰³ MBC, Briefing from the Self-organising Rallying Union of Indigenous Persons in Kibaale District, 02.04.2003, p. 2. It must be kept in mind that this is the account of an almost extremist group and that more moderate Banyoro would choose less dramatic words.

¹⁰⁴ Kabwegyere 1995, p. 143.

¹⁰⁵ MBC, Briefing from the Self-organising Rallying Union of Indigenous Persons in Kibaale District, 02.04.2003, p. 1.

¹⁰⁶ Kabwegyere 1995, p. 144.

¹⁰⁷ Nsamba-Gayiiya 2003, p. 6.

¹⁰⁸ Nsibambi 1996, 2.4.

¹⁰⁹ Nsibambi 1996, 2.7.

¹¹⁰ Sec. 4 (4) Land Act.

ground rent, but sec. 32 (5) of the Land Act provides that it cannot exceed 1,000 Uganda Shillings (less than EUR 0.50) per year regardless of size or location of the land. For the majority of cases this means the ground rent lies (far) below the market price.¹¹¹ Every five years the Minister for Lands may revise this amount. The Land Act (Amendment) Bill 2003 intended to give the power of determining the rent fully into the hands of the District Land Boards. President Museveni refused to assent to the bill, because the specification of a maximum ground rent protected tenants by occupancy from exploitation by the landowners and the determination of this ground rent by the Minister for Lands ensured fairness to both landlords and tenants.¹¹²

All kingdoms of Uganda, including Buganda and Bunyoro-Kitara were abolished by Milton Obote in 1967 and only restored in 1993 by the NRM.¹¹³ Although in 1964 Buyaga and Bugangaizi were returned to the Kingdom of Bunyoro-Kitara, the 1st Schedule of the 1995 Constitution that contains a list of all Ugandan districts and the Kingdoms they belong to does not recognise Kibaale District as part of Bunyoro. The Kingdom of Bunyoro-Kitara does however consider Kibaale part of its territory.¹¹⁴

There is deep animosity towards the Baganda, many Banyoro are of the opinion that the Baganda grabbed the land from them and are not the legal owners of it.¹¹⁵ They believe that they have the right to the land their ancestors fought for and on which they were born.¹¹⁶ Currently the National Government is undertaking the compensation of Baganda landlords in Kibaale through the Uganda Land Commission. This commission accesses the Land Fund to compensate the absentee landlords. The land so obtained will be demarcated and surveyed. Eventually titles should be given to the occupants of the land. Not all occupants of lands will be eligible for a title, this will depend on their status of occupancy and on the time they have already been occupying the land.¹¹⁷ The Land Fund Task Force has been established to verify how long migrants have been in Kibaale. So far 162 land titles have been surrendered and 8 of the original 984.3 squares miles of mailo land have been given back.¹¹⁸ These figures show that the compensation exercise is progressing very slowly. So far it has failed to make an impact on the ground. More trouble is to be expected when land is given to settlers, since especially the MBC believes all land belongs to those Banyoro whose ancestors

¹¹¹ This is especially true for those areas of Buganda that are close to Kampala where land is more valuable (in monetary terms) than it is in Kibaale. C. P. Mayiga, Spokesman for Buganda Kingdom: "That is a big joke and we need to be fair and give value to land. Even in villages, that amount is just two bottles of coca-cola.", cited in: New Vision, 24.09.2003 "Museveni sends Land Act back to Parliament".

¹¹² New Vision 24.09.2003 "Museveni sends Land Act back to Parliament".

¹¹³ Mukyala-Makiika 2000, p. 96.

¹¹⁴ Interview with Y. Nsamba, Principal Private Secretary to Omukama (King) of Bunyoro-Kitara.

¹¹⁵ Uganda Land Alliance 1997, pp. 5f.

¹¹⁶ Uganda Land Alliance 1997, p. 5.

¹¹⁷ Sec. 30, 31, 32 Land Act defines different types of occupancy.

¹¹⁸ Interview with M. Baguma Isoke, Minister of State (Lands).

fought for it against the Baganda and voted at the 1964 referendum and consequently should be returned to them and only them.¹¹⁹

After the successful referendum in 1964 the MBC had achieved its mission and dissolved. In July 2001 it was reconstituted.¹²⁰ It is intending to sue the British Government and British Crown, the Government of Uganda and the Katikiro of Buganda "for attacking and destroying the sovereign Bunyoro-Kitara Kingdom between 1894-1964"¹²¹. The New Vision quotes Solomon Gafabusa Iguru, King of Bunyoro: "The British Government should make full reparations to the Banyoro for the damage caused to the kingdom during colonial rule."¹²² The proposed suit states that the Kingdom of Bunyoro-Kitara was a sovereign state attacked by the British Government and that the 1900 Buganda Agreement led to loss of territory, disenfranchisement of Banyoro from their native land, forced assimilation and subjugation, psychological torture, numerous forms of degrading inhuman treatment / slavery and genocide.¹²³ The current "political economic and social disarray"¹²⁴ of Kibaale is considered to be due to the attack on the Kingdom.

A first indicator for the dynamics of the conflict about land ownership are violent confrontations between Banyoro tenants and Baganda landlords. Although Banyoro started expelling Baganda landlords in 1907, violence is only reported for the time following the 1964 referendum when Banyoro headed by the MBC chased away the Baganda with spears and machetes. Lobbying activities for the solution of the conflict are a second indicator. The MBC was founded in 1918, but its lobbying work ceased after the lost counties had been restored to Bunyoro in 1964. The demands of the MBC after it had been reconstituted in 2001 include the restoration of ownership of mailo land. Another form of lobbying are the demands of Banyoro for the return of the land at the Constituent Assembly. The amount of mailo land serves as a third indicator. Recently eight out of the original 984.3 square miles were given back to Banyoro. This represents only 0.8 % of the land and this thus too little to indicate any changes.

Looking at the three indicators shows that the conflict reached its greatest intensity far back in the past when the Baganda landlords were driven out in 1964. Increased lobbying in the last ten years has brought more awareness, but not lead to a change in the intensity of the conflict. The conflict remains latent.

¹¹⁹ Minutes of Mubende Banyoro Committee (Komiiti) Convened by the Secretary General, Joseph M. Kazairwe, to Urgently Deliberate on Pressing, Hitherto Unresolved Issues Concerning Banyoro in Kibaale District, 30.07.2001, 6.7.

¹²⁰ Cf. Chapter 3.2.2.

¹²¹ Proposed Suit in Defence of Banyoro Rights and Redress of Grave Past Mistakes.

¹²² Solomon Gafabusa Iguru, Omukama (King) of Bunyoro-Kitara, cited in: New Vision 04.09.2003 "Banyoro want reparations".

¹²³ Proposed Suit in Defence of Banyoro Rights and Redress of Grave Past Mistakes, (1), (3), (4).

¹²⁴ Proposed Suit in Defence of Banyoro Rights and Redress of Grave Past Mistakes, (7).

3.2.1.2. Settlement of non-Banyoro

Throughout the history of Bunyoro-Kitara Kingdom other tribes have settled in the Kingdom and been assimilated. It is the settlement of non-Banyoro since 1900 that led to the recent escalation of conflict. There are several groups of settlers that came for different reasons and at different times. A precondition to all this settlement was that a lot of land was available in the only sparsely populated area. The low population was a result of the lost war between Kabalega and the British colonial forces. Table 3.1. shows the different phases of settlements that have taken place in Kibaale since 1900.

Table 3.1. Phases of Settlement in Kibaale since 1900¹²⁵

1900	1940	1964	1973	1991	1992	1998	2002
Settlement of plantation workers			Kagadi Resettlement Scheme		Bugangaizi Resettlement Scheme	Increase of "unofficial" settlements	
	Settlements as a shield from wildlife						

Source: Nsamba-Gayiiya 2003, pp. 7-11, 30.

A first group of settlers started to come soon after the Buganda Agreement in 1900. British colonial rule had divided the peoples of Uganda into categories according to their "qualities"¹²⁶: The British considered the Baganda as counterparts, employed them chiefly in administrative positions, cash crops were grown only in Buganda; soldiers were recruited among the tribes in the North, while those from West Nile Region, north-western Uganda and Kigezi served as road workers, porters or workers on tea estates, sugar and coffee plantations.¹²⁷ The lost counties were part of the Kingdom of Buganda and since the area was depopulated after the war between the British and the Kingdom of Bunyoro-Kitara, there was a shortage of manpower. Many workers from the West came to work on plantations and estates. Some of these workers settled in Buyaga and Bugangaizi (two of the three counties that form present day Kibaale District). They were given land to settle on by the Baganda landowners.¹²⁸

The first official resettlement scheme by the National Government (Kagadi or Ruteete Resettlement Scheme) was started in 1973. Bakiga from the over-populated Kigezi (today Kabale, Kisoro and Rukungiri Districts) and Bushenyi Districts were given the opportunity to settle in Buyaga County (today the western county of Kibaale District). This was a voluntary migration scheme. The Secretary General of Kigezi Paul Ngorogoza negotiated the settlement with

¹²⁵ Cf. Appendix 4 for a map providing information on the approximate location of the two resettlement schemes.

¹²⁶ Kabwegyere 1995, pp. 99f.

¹²⁷ Interview with Rev. G. Tibenda, Bafuruki Committee.

¹²⁸ Interview with Rev. G. Tibenda, Bafuruki Committee.

the National Government and the Omukama (King) of Bunyoro. Bunyoro District Administration also consented. The King reserved about 100 square miles for the Bakiga and welcomed them. Several groups of settlers from western Uganda and returnees from Tanzania have been resettled in this scheme between 1973 and 1991. Land located within the scheme cannot be sold and can be taken away if not used according to the agreed-upon purpose.¹²⁹

The second official resettlement scheme by the National Government (Bugangaizi Resettlement Scheme) took place in 1992. This scheme was negotiated by the then Member of Parliament (MP) for Bugangaizi County and the National Government. National and Local Government agreed to resettle 5,000 Bakiga families on approximately 100 square miles in Bugangaizi County.¹³⁰ These families had been evicted from Mpokya Game Reserve in Kabaale District and the National Government made them resettle in Kibaale. There are no written rules governing the scheme. It is not clear how many families were actually resettled and there is a lot of confusion as to whether the settlers are allowed to sell their land or settle and buy land outside of the gazetted area. In practice settlers are sub-dividing their plots to sell them to other immigrants and are also buying land outside of the scheme.¹³¹ Settlers were elected into LCs within the area of the scheme and soon formed the majority in the councils. Some of those LC officials gave land to new settlers against a token payment regardless of whether that land was public or mailo land. It is estimated that 75 % of the land occupied by the scheme is mailo land.¹³²

Some settlers also came because they were encouraged to do so by the Banyoro. Bakiga settled in the so-called "elephant corridor" between the forest and the Banyoro settlements in order to shield the Banyoro from vermin and wild animals.¹³³ They settled in areas Banyoro did not want to live in, that were far away from the roads and were only accessible on footpaths. In these areas they were exposed to a lot of disease and many mosquitoes, yet were without any kind of health services. They were only able to survive in these regions because they worked together and devised a system to carry sick persons for long distances to the nearest health centre – which often meant having to carry them for many miles through dense forest.¹³⁴ Land was allocated to the Bakiga by local chiefs against a token payment or sold to them by Banyoro.

¹²⁹ Nsamba-Gayiyi 2003, pp. 7f.

¹³⁰ New Vision 11.06.2003 "Kibaale: A political conflict that needs a moral solution".

¹³¹ A quote from the then District Chairman of Kibaale District S. Sekitoleko illustrates the confusion: "We allocated each family 12 acres of land. But in about six months, the families we allocated had invited five more families to settle on the twelve acres. We were told that some people in Kigezi were even selling their small land holdings to come and settle in Kibaale." (New Vision 11.06.2003 "Kibaale: A political conflict that needs a moral solution") But it should not be forgotten that Sekitoleko himself is a hardliner Munyoro who in 2002 refused to hand over office to the Mukiga Fred Ruremera against whom he had lost in the District Chairperson elections.

¹³² Nsamba-Gayiyi 2003, pp. 9f.

¹³³ Nsamba-Gayiyi 2003, p. 10.

¹³⁴ Interview with Fr. D. Zziwa, Chairman of the District Service Commission, Kibaale District.

Richer Bakiga from the settlement schemes started buying land outside of the schemes from Banyoro who were only mailo tenants. Some Banyoro are said to have employed Bakiga agents to bring in settlers to whom they could sell part of the mailo land they occupied. They sold the land without the knowledge of the mailo owners. LC officials are also reported to have illegally sold mailo land and land in forest reserves to Bakiga settlers.¹³⁵

The unusually high official population growth rate of 3.4 % p.a. in Kibaale District cannot be explained by natural population growth alone – although the fertility rate is very high at 7.8 children per woman – but is also due to the settlement.¹³⁶

The number of settlers serves as a first indicator for the dynamic of this conflict. From the start of settlement in 1900 to 2003 the absolute number of settlers living in Kibaale has constantly increased.¹³⁷ The proportion of settlers in the total population has likewise risen and is now standing at about 50 %. A significant increase took place in 1991 when Kibaale District was split from Hoima District. There were now less Banyoro in relation to the number of settlers.

The settlers not only settled down in Kibaale, they also started to cultivate crops and raise livestock. Their methods and sometimes also the types of crops they used were different from those the Banyoro used. Many of the settlers had come in big lorries with little more than the clothes they were wearing.¹³⁸ They lived in remote areas, but they worked in groups, cooperated and cultivated the same crops at a time so as to be able to market them jointly. They organised joint transport to export their goods to Hoima and Kampala. Steadily, the settlers increased their wealth and economic power, and with that they also gained influence. Some Banyoro did not like that. Jealousy developed as the Banyoro watched the settlers becoming wealthy by using “their” land. The Banyoro themselves had not used the land in such a way.

There is general agreement that the Banyoro and the settlers (specifically the Bakiga) have very different attitudes and characteristics.¹³⁹ The Bakiga are considered to be industrious and very hard-working. They devised ways of using even that land the Banyoro had left uninhabited. They were not afraid to work hard and live under difficult conditions. They were willing to take risks and try something new when they cultivated new crops and used new methods of farming. Bakiga tend to be rich by Ugandan rural standards because they are so

¹³⁵ Nsamba-Gayiiya 2003, p. 11.

¹³⁶ Nsamba-Gayiiya 2003, p. 5.

¹³⁷ The earliest available figures on the number of settlers in Kibaale are from 1959. Then 7,000 out of a total of 64,000 inhabitants were non-Banyoro (The Lord Molson Report to Her Majesty's Government 1961, quoted in: Uganda Confidential 05-11.04.2002 (No.487) “Genocide brewing in Kibaale District”). Based on the current population of 420,000 as given by M. Kitembo, Chairman of the District Land Board, Kibaale District, there are today over 210,000 non-Banyoro living in Kibaale.

¹³⁸ Interview with D. Gamey, VSO.

¹³⁹ This was voiced by most of the interview partners (expatriates, members of the settler community of Kibaale District, staff of organisations of development cooperation, as well as by the more progressive Banyoro).

industrious.¹⁴⁰ The Banyoro are considered to be not as willing to try out new things. They seem to have settled with a certain degree of poverty, one of my interview partners called it an “attitude of poverty”.¹⁴¹ A Munyoro from Kibaale told me that when he went back to his village, planted new types of crops and quickly built a big house, people started talking about him. In their eyes it was not right that a “son of the soil” should become rich and successful so quickly. He should not be trying out new crops but stick to tradition. Nor should he have built so big a house in so short a time.¹⁴² Many plainly describe the Banyoro as “lazy”. Another difference between the settlers and the Banyoro is religion. Most Banyoro are Catholics, while most of the settlers are Protestants. Religion has been a source of conflict throughout the history of the independent Uganda. In Kibaale it seems to have played a part in the election of the Mukiga Fred Ruremera as District Chairman in 2002 discussed below.

A second indicator for the dynamic of conflict is the intensity of confrontation between the two groups. The most intense form of confrontation is open violence, but the presence of mobilisation and political agitation also provides information on the intensity of confrontations. In spite of the differences described above, Banyoro and settlers have lived together peacefully. They built community structures such as health centres together, sent their children to the same schools, worshipped at the same churches and they also intermarried. The saying goes that Bakiga girls work “like a tractor” – which made them popular wives.¹⁴³ There was some animosity and jealousy, but larger scale open violence first took place between February and May 2002. In early 2002 Fred Ruremera,¹⁴⁴ a Mukiga was elected as District Chairman. The incumbent and loser of the elections Sebastian Sekitoleko,¹⁴⁵ a Munyoro, refused to step down from the post as he was not prepared to hand over power to a “foreigner”. The MBC – the committee formed in 1918 to resist Baganda rule – had been reconstituted in July 2001 and was now agitating the Banyoro against accepting Fred Ruremera as District Chairman. Clashes between Banyoro and the settlers ensued. These were partly geared at chasing the settlers from the land the Banyoro felt was theirs. After Fred Ruremera had agreed to step down from office for a compromise chairman violence stopped.

Violence broke out again after reports in late April 2003 that the District Land Board was allocating land to Banyoro that belonged to Bakiga who had previously bought it.¹⁴⁶ The District Land Board and the Banyoro hardliner committee MBC were also accused of encour-

¹⁴⁰ Monitor 01.05.2002 “Here is what you don’t know about the Kibaale madness”.

¹⁴¹ Interview with D. Gamey, VSO.

¹⁴² An opinion offered in a private conversation, not in a formal interview.

¹⁴³ Interview with Rev. G. Tibenda.

¹⁴⁴ The name can also be spelled Ruremeera or Rulemera.

¹⁴⁵ The name can also be spelled Ssekitoleko.

¹⁴⁶ New Vision 02.06.2003 “Disaster boils over in Kibaale”; cf. Appendix 6 for a map showing which sub-counties of Kibaale were affected by the violence.

aging illegal land-grabbing from Bakiga.¹⁴⁷ When asked in September 2003 whether the allocation of land through the District Land Board had led to unrest, the Secretary to the board merely replied that the board was objective, autonomous and not driven by political forces.¹⁴⁸ In late May land clashes between Banyoro and Bakiga in Kiryanga, Buyaga County left three people dead and about a dozen injured. Huts were set ablaze and livestock killed.¹⁴⁹ Over 200 Banyoro youth in Kagadi, Buyaga County intercepted the regular bus-service between Kabale (Bakiga homeland) and Kibaale, caned the Bakiga passengers and tried to set the bus on fire. They suspected that the bus was carrying more potential settlers.¹⁵⁰ In KyanaISOke, Buyaga County, huts belonging to Bakiga were burned down.¹⁵¹ These clashes were later blamed on the MBC whose members had been using radio stations to air messages that incited the violence.¹⁵² A member of the MBC has already been convicted of having (illegally) grabbed land belonging to a settler. He is currently on trial for further incidences of land grabbing and intimidation of settlers.¹⁵³ At the time of research in September 2003 there was no open violence. The situation was outwardly calm, but so tense that a small incident could have led to another outbreak of violence. It seemed like both groups were quiet in order to think about the next steps. Interviews with members of the MBC showed that they were still unwilling to tolerate the settlers.¹⁵⁴ A prominent settler from Kagadi told me that the houses of the Banyoro could burn just like those of the settlers.

Banyoro feel that non-Banyoro have no right to settle on their land and feel threatened by settlers grabbing their land. They consider all settlers as illegal settlers even those who were settled by the National Government in the official resettlement schemes. The MBC - the committee formed in 1918 to resist Baganda rule – was reconstituted in July 2001. At the meeting the committee resolved that all resettlement schemes should be abolished, all settlers be evicted from the district and that no more land should be given to settlers.¹⁵⁵ Participants also voiced the opinion that settlers were arrogant and too proud to adopt the Runyoro language as some continued to speak in their native vernacular. They also weren't

¹⁴⁷ Monitor 29.04. 2003 "Land tension back in Kibaale"; Monitor 30.04.2003 "The law must act on Kibaale land-grabbing".

¹⁴⁸ Interview with G. Tusabomu, Secretary to the District Land Board, Kibaale District.

¹⁴⁹ Monitor 28.05.2003 "25 arrested over Kibaale killings Police blamed"; New Vision 02.06.2003 "Disaster boils over in Kibaale". Reportedly around 1500 people fought each other with machetes, spears and axes.

¹⁵⁰ Monitor 29.05.2003 "Banyoro raid bus, cane Bakiga"; New Vision 29.05.2003 "Police disperse Banyoro youth".

¹⁵¹ Monitor 02.06.2003 "Houses burnt in Kibaale clashes".

¹⁵² Monitor 01.06.2003 "Kibaale clashes blamed on Banyoro committee".

¹⁵³ New Vision 24.09.2003 "Tribunal summons Kibaale clerk". The accused S. P. Kandole is the former chairman of the MBC, Town Clerk of Kibaale Town and Minister for Youth and General Duties in the Kingdom of Bunyoro.

¹⁵⁴ Interviews with S. K. Musoke, S. P. Kandole, A. Kaggwa, all MBC.

¹⁵⁵ Minutes of Mubende Banyoro Committee (Komiiti) Convened by the Secretary General, Joseph M. Kazairwe, to Urgently Deliberate on Pressing, Hitherto Unresolved Issues Concerning Banyoro in Kibaale District, 30.07.2001, 6.4 f.

adopting Kinyoro culture and failing to respect the king. Thus they were failing to integrate with the Banyoro. There is concern that some sub-counties have already been lost to migrants and settlers.¹⁵⁶ The Banyoro are also afraid of land shortage as a result of the migration.¹⁵⁷ An elderly gentleman and leading member of the MBC was screaming as he told me:

“Who told them [the Bakiga] to produce like rats and they become too many for their little country? God has given each tribe globally a place to exist. We should not over-produce with a view of grabbing other people’s land!”

The Bakiga bring forward their constitutional rights. Art. 29 (2) (a) of the Constitution grants “every Ugandan [...] the right to move freely throughout Uganda and to reside and settle in any part of Uganda.” They argue that this provision gives them the right to settle anywhere in Uganda, including Kibaale.¹⁵⁸ They say that they either came to Kibaale in official resettlement schemes or bought land from Baganda landowners and Banyoro. They strongly reject the idea of having grabbed the land from anybody.¹⁵⁹ Many of them have lived in Bunyoro for decades, they have set up successful businesses, and some have intermarried with Banyoro. They are not willing to leave all that behind. Also, they do not have a place to go back to, since their home areas are very heavily over-populated.¹⁶⁰

The dynamics of the conflict about settlement are such that the growing number of settlers (in absolute as well as in relative terms) provided increasing pressure on the indigenous Banyoro. The demands of the MBC that all settlers should leave indicate a further increase in the intensity. The conflict climaxed during two phases of open violence between February and May 2002 and again in May 2003. Currently the situation is calm, but the conflict remains at a stage of high intensity where it can easily break out into open violence again – this is indicated both by continuing settlement and the activities of the MBC.

3.2.2. Control of Political Institutions

Uganda is a “no-party” democracy.¹⁶¹ Although political parties exist, they are banned from campaigning or fielding candidates at elections. The conflict about the control of political institutions can thus not take place within a system of political parties. Instead both Banyoro

¹⁵⁶ Minutes of Mubende Banyoro Committee (Komiiti) Convened by the Secretary General, Joseph M. Kazairwe, to Urgently Deliberate on Pressing, Hitherto Unresolved Issues Concerning Banyoro in Kibaale District, 30.07.2001, 1.6-1.8, 1.11, 5.1-5.2; Interview with A. Kaggwa, MBC.

¹⁵⁷ Nsamba-Gayiya 2003, p. 29.

¹⁵⁸ Watson 2001-2002: p. 96, 6.10.

¹⁵⁹ Kibaale District Settlers / Immigrants Community News to the Probe Committee, Concerning Ethnic Tensions and Violent Clashes, 22.03.2002.

¹⁶⁰ Interviews with Rev. G. Tibenda and P. Zikanshagiza, both Bafuruki Committee and W. Bamwesigye, Chairman of Kagadi Sub-County; Memorandum to H.E. the President about the Political Situation in Kibaale District, 27.01.2002; Kibaale District Settlers / Immigrants Community News to the Probe Committee, Concerning Ethnic Tensions and Violent Clashes, 22.03.2002

¹⁶¹ Cf. Chapter 3.1.

and settlers are vying to control positions in Local Government and to an extent in the National Parliament.

After Kibaale had become a district in 1991 settlers started competing for political posts within Local Government. They were elected as councillors at all LC levels including the District Council and they also served as chairpersons as far up as sub-county level. At the parliamentary elections in 1996 a Mukiga was elected as MP for Buyaga County and another Mukiga nearly won the seat for Bugangaizi County.¹⁶² These developments frightened the Banyoro. The settlers were no longer only taking their land, but also trying to assume political leadership in the district. Those who had come as labourers, who had come to “dig” could not now attempt to rule over the indigenous Banyoro. M. Baguma Isoke, a Munyoro and currently Minister of State for Lands said in 1996 while he was MP for Buyanja County: “Bakiga must not take away political leadership from Banyoro simply because they have flooded the district in bigger numbers.”¹⁶³

Intentional exclusion of settlers from political participation at district level took place under the pre-2002 District Chairman Sebastian Sekitoleko. The Munyoro appointed only Banyoro into the District Executive Committee and the boards and commissions at district level.¹⁶⁴ It is reported that only two out of 25 positions on boards and commissions were occupied by non-Banyoro.¹⁶⁵

Many Banyoro had a subliminal fear of the growing number of settlers and were jealous of their economic success. This was picked up by the MBC, the committee that had organised the resistance against the Baganda between 1918 and 1964. In July 2001 the only surviving member of the original MBC Mzee Joseph Kazairwe called the committee together for the first time since 1964.¹⁶⁶ At this meeting the MBC was reconstituted. The participants voiced very negative feelings towards the settlers: they were failing to integrate with the Banyoro, they didn't adopt Kinyoro culture nor Runyoro as their language and they were disrespectful to the King.¹⁶⁷ The MBC resolved

“[...] that Banyoro should take political control and direction of the key affairs in Kibaale district., and the key political/policy posts be left for [the] Banyoro to assume, occupy in the motherland”¹⁶⁸.

¹⁶² The Exposure, December 1996 “Land in Bunyoro-Kitara: Settlers finishing it. Banyoro, Bakiga fighting it out”.

¹⁶³ The Exposure, December 1996 “Land in Bunyoro-Kitara: Settlers finishing it. Banyoro, Bakiga fighting it out”.

¹⁶⁴ Memorandum to H.E. the President about the Political Situation in Kibaale District 27.01.2002.

¹⁶⁵ Uganda Confidential 05.-11.04.2002 (No. 487) “Genocide brewing in Kibaale district”.

¹⁶⁶ Cf. Minutes of Mubende Banyoro Committee (Komiiti) Convened by the Secretary General, Joseph M. Kazairwe, to Urgently Deliberate on Pressing, Hitherto Unresolved Issues Concerning Banyoro in Kibaale District, 30.07.2001.

¹⁶⁷ Compare Chapter 3.2.1.2.

¹⁶⁸ Minutes of Mubende Banyoro Committee (Komiiti) Convened by the Secretary General, Joseph M. Kazairwe, to Urgently Deliberate on Pressing, Hitherto Unresolved Issues Concerning Banyoro in Kibaale District, 30.07.2001, 6.10.

Joseph Kazairwe spoke about the meeting on Kibaale Kagadi Community Radio and issued further threats to the settler community.¹⁶⁹ The settlers had been aware that there were forces in Kibaale who did not want them there. One of their representatives told me that Banyoro politicians had been planning to chase them away since around 1998. They had sent letters that portrayed the Bakiga as “land grabbers” to all Ugandan districts with the exception of those in the West that are the traditional homeland of Bakiga. Banyoro MPs from Kibaale had also been lobbying against the settlers in Parliament.¹⁷⁰ But after the public threats issued by Joseph Kazairwe Rev. Geoffrey Tibenda, a Mukiga, was approached by other settlers and asked for help.¹⁷¹ They decided to form a pressure group so as to be able to stand up against the MBC and protect themselves.¹⁷² They called this group “Kibaale Settlers / Immigrants Community”, which later became known as “Bafuruki Committee”¹⁷³. Rev. Tibenda became its chairman. The committee wrote to various National Government ministries, the Prime Minister and the President calling their attention to the problem.¹⁷⁴

The creation of the two interest groups MBC and Bafuruki is the first indicator for the dynamic of this conflict. Their appearance indicates an intensification of the conflict. The Banyoro felt so threatened by settlers taking over political institutions that they brought the old MBC back to life, while the settlers felt so threatened by this move that in turn they founded their own committee. Both committees are existent and active to the day.

Violence between Banyoro and the settlers serves as the second indicator. So far, violence could be observed after the Mukiga Fred Ruremera had been elected as District chairman in early 2002. The MBC agitated against a “foreigner” leading the district. Violence was only stopped after Ruremera had agreed to resign in favour of a compromise candidate. This so far marks the climax of the conflict. In June 2003 the compromise chairman George Namyaka dismissed two secretaries from the District Executive Committee, both of which are settlers. This upset the tribal balance, but did not lead to violence. But since the elections and the composition of the District Executive Committee are areas of possible contact of Local Government and the conflict, these are discussed in greater detail in Chapter 3.3.2.2.

A third indicator of the dynamics of conflict is the degree of political agitation taking place. Evidence of agitation can be seen in the 1996 statement of the Munyoro M. Baguma Isoke quoted above: settlers were warned not to vie for political leadership. The meeting of the

¹⁶⁹ Kibaale Settlers / Immigrants Community, Letter to the Prime Minister Regarding Threat to Kibaale District Settlers / Immigrants Community by Mubende-Banyoro Committee (MBC) in Kibaale District. 01.11.2001.

¹⁷⁰ Interview with Rev. G. Tibenda, Bafuruki Committee; Kibaale District Settlers / Immigrants Community News to the Probe Committee, Concerning Ethnic Tensions and Violent Clashes, 22.03.2002; The Root Causes of Land Wrangles and Ethnic Clashes in Western Uganda (Seeking a Lasting Solution), June 2003, p. 4.

¹⁷¹ Interview with Rev. G. Tibenda, Bafuruki Committee.

¹⁷² Interview with S. Baluku, Kibaale District Councillor, Secretary for Health (2002-2003).

¹⁷³ The settlers do not like to be called Bafuruki which in Runyoro means refugees or immigrants and has a very negative connotation. The term “Bafuruki Committee” was used in the media.

¹⁷⁴ Kibaale Settlers / Immigrants Community, Letter to the Prime Minister Regarding Threat to Kibaale District Settlers / Immigrants Community by Mubende-Banyoro Committee (MBC) in Kibaale District. 01.11.2001.

MBC in July 2001 and the reconstitution of the MBC itself provide evidence of stronger agitation: all key political posts should be left for Banyoro. The clearest and most influential agitation was carried out by the MBC at the 2002 elections: it made it impossible for the Mukiga Fred Ruremera to serve as District Chairman. The degree of agitation has increased over time; this indicates an intensification of the conflict.

Settlers had been elected and served in different positions within Local Government and as MPs. But why did their political participation not cause a problem before 2002? Two differences between the past and the more recent case can be established:

First off all, when Fred Ruremera was elected as the District Chairman in 2002 it was the first time a settler ever even campaigned for that particular post. The situation was different to the other cases in which settlers had been elected into LCs or as parliamentary representatives. This time a settler was to rule the entire population of Kibaale, it was not about ruling just a sub-county or representing a county as MP.

Secondly, until 1991 Kibaale was only a part of Hoima District. Most of the inhabitants of that district were Banyoro and the settlers were in the minority. In the old Hoima District the settlers had formed a relatively smaller group than they now did in the new Kibaale District. But the absolute number of settlers also changed. Continuing settlement and the especially the Bugangaizi Resettlement Scheme (1993) increased the number of settlers. A combination of those two factors – the creation of a new district and the continuing influx of settler – led to the Banyoro losing the majority in Kibaale District. These circumstances partly enabled a non-Munyoro to successfully run for district chairmanship. Also, while Kibaale was still part of Hoima District, the major concern of the Banyoro living in the area of Kibaale District were not the settlers: They felt that the Banyoro in Hoima looked down on them and did not really see them as fellow Banyoro. Because of the Kiganda culture the Banyoro in Kibaale had been forced to adapt while the area was part of Buganda, they seemed less like “proper” Banyoro. The Banyoro ruling elites in Hoima were followers of the (traditionally protestant) UPC and the Catholic Banyoro felt they were being discriminated against on grounds of religion.¹⁷⁵ Banyoro in Kibaale felt excluded from positions in the administration and complained that Kibaale was neglected because it did not receive services. As early as the 1960s the Banyoro in Kibaale started to demand a separate district.¹⁷⁶

The dynamic of the conflict about the control of political institutions as indicated by the presence of the interest groups MBC and Bafuruki Committee, the degree of political agitation and propaganda against settlers and the incidents of violence is such that starting from 1991 the conflict continuously intensified until it reached its climax in 2002. After the violence had stopped, the conflict became less intensive. But as MBC and Bafuruki Committee remain active and as there is evidence that the MBC continues agitation and propaganda against settlers, the conflict remains at this relatively high level of intensity. Although the

¹⁷⁵ Traditionally the UPC is the party of the Protestants, see Chapter 3.1.

¹⁷⁶ Interviews with S. K. Musoke and A. Kaggwa, both MBC.

dismissal of two non-Banyoro secretaries from the District Executive Committee certainly had the potential to increase the intensity, such an increase has not been observed. Currently a third of the members of the District Council and two of the seven members of the District Executive Committee are non-Banyoro belonging to the settler community.¹⁷⁷

3.3. Conflict Management by Local Government in Kibaale District

The previous chapter has described the dynamics of the three conflicts in detail. The analysis will now establish possible points of contact of Local Government and the conflicts and the extent to which they have interacted. Since the dynamics for all three conflicts are already known, it will then be possible to establish whether Local Government had any impact at all and if so, whether it was one of conflict mitigation or intensification. All this is preceded by an analysis of Local Government in Uganda and the particularities of Local Government in Kibaale District.

3.3.1. The Local Council System

Before the establishment of British colonial administration there were different forms of local rule. The Kingdom of Buganda had a centralised system of administration based on hierarchical chiefs while the non-kingdom areas in the North-East and South-West were highly decentralised “republican” organisations. Under the colonial system of indirect rule the African (Native) Authority Ordinance 1919 passed local governance into the hands of native chiefs.¹⁷⁸ These chiefs combined all forms of authority, executive, legislative, judicial and administrative,¹⁷⁹ and have been described as “the most powerful instrument of tyranny [...] omnipotent and omniscient”¹⁸⁰. At independence Uganda was a semi-federal state: Buganda had the status of a federal state while the other kingdoms, among them Bunyoro had semi-federal status. Local Governments in the kingdoms enjoyed decentralised powers while the other districts maintained a unitary relationship with the Central Government and were under its direct control.¹⁸¹ After the abolition of monarchy through Obote, Uganda was centralised. The Local Administrations Act 1967 put local “rule” under full central control emphasising that there was only one legitimate government at the centre.¹⁸²

Local Government today is based on the Local Council (LC) System, a hierarchical structure of councils and committees stretching from the village (LC I) up to the district (LC V).¹⁸³

¹⁷⁷ Cf. Appendix 8.

¹⁷⁸ Lubanga 2000, p. 47.

¹⁷⁹ Mamdani 1997, p. 233.

¹⁸⁰ Oloka-Onyango 1997, p. 213.

¹⁸¹ Tukahebwa 2000, p. 13; Nsibambi 1995, p. 334.

¹⁸² Nsibambi 1995, pp. 338f.

¹⁸³ Tukahebwa 2000, p. 15.

The LC System has its origins in the times of the NRA's "bush war" (1980-1986). In the "liberated" zones the NRA organised "Resistance Councils" (RCs) to enlist the support of sympathetic civilians in the acquisition of food, recruits and intelligence. These councils replaced state authority by exercising powers of legislation, implementation and adjudication and even had legal control over NRA soldiers.¹⁸⁴ The RC System was extended over the whole country in 1986 and formalised in the 1987 Resistance Councils and Committees Statute.¹⁸⁵ The Local Government Decentralisation Policy was launched in 1992 and the Local Governments (Resistance Councils) Statute passed in 1993.¹⁸⁶ Today Local Government is enshrined in Chapter 11 of the Constitution,¹⁸⁷ its legal basis being the Local Governments Act 1997.

The principal unit of local government is the district. Today there are 56 districts; this represents an increase of over 40 % from the original 39 districts at the start of the decentralisation process in 1992.¹⁸⁸ In the majority of cases new districts were created for political reasons: Each new district brings with it a multitude of political posts including seats in Parliament. High-ranking jobs within the districts are very popular since the economy does not offer good positions.¹⁸⁹ Already the British colonial rulers had made sure that districts were ethnically homogenous and ethnic homogeneity still plays a role in the demarcation district borders. Some of those ethnically heterogeneous districts where the ethnic groups were geographically concentrated were split in order give the groups the possibility of self-rule.¹⁹⁰ Some of these groups had forcefully demanded their own districts. In other cases districts were so big that it was difficult to provide adequate services from the district headquarters for the entire area. As a result many districts today are too small to be economically viable.¹⁹¹ Recently the National Government has decided to stop the creation of further districts because of the administrative costs involved.¹⁹²

In each district there are five levels of Local Councils, ranging from LC I at village level to LC V at district level. Table 3.2. provides an illustration of these five layers.

¹⁸⁴ Burkey 1991, p. 4; Kasfir 1998, p. 55; Tidemand 1994, p. 27.

¹⁸⁵ Villadsen 2000, p. 61.

¹⁸⁶ Lubanga 2000, p. 53.

¹⁸⁷ The Constitution changed the name of the Resistance Councils to Local Councils (Tukahebwa 2000, p. 15; Villadsen / Lubanga 2000, p. vii).

¹⁸⁸ USAID 2002.

¹⁸⁹ Interview with F. Kopsieker, FES.

¹⁹⁰ Interviews with G. Okello-Omoding, Ireland Aid and F. Luwangwa, USAID.

¹⁹¹ Interviews with R. Semwogerere, FES and G. Tukahebwa, Makerere University.

¹⁹² New Vision 28.09.2003 "Government stops creation of more districts".

Table 3.2. Structure of Local Government in Rural and Urban Areas (simplified)

	Rural Areas	Urban Areas
LC V	District Councils*	City Councils*
LC IV	County Councils	-
LC III	Sub-County / Town Councils*	City Division Councils*
LC II	Parish Councils	Ward Councils
LC I	Village Councils	Village Councils

* The Local Governments Act considers these councils as Local Governments.

Source: Author's own sketch based on the Local Governments Act.

According to sec. 4, 46 Local Governments Act there are two types of LCs: administrative units (LC I, II and IV) and Local Governments (LC III and V). The main difference is that administrative units only monitor service delivery and assist in the maintenance of law, order and security while Local Governments have planning and legislative powers.

As Kibaale is a rural district, the following text deals with the structure of local government in rural areas only.

All elections in Uganda are by secret ballot and universal adult suffrage. Open-queue voting that could be seen throughout the Local Council System at the beginning of the Movement Government has been abolished completely.¹⁹³ The term of office for chairpersons and councils is four years.¹⁹⁴ Voters' registers for the election of LCs and LC Chairpersons are maintained and updated by the district registrar.¹⁹⁵ All Local Councils have councillors representing the next lower level, a speaker and special representatives for women, youth and people with disabilities. They are headed by Executive Committees made up of a Chairperson, a Vice Chairperson and a varying number of secretaries depending on the level.¹⁹⁶ A Village Council consists of all Ugandans over 18 years of age resident in that village.¹⁹⁷ A Parish Council consists of all Village Executive Committees in the parish, likewise a County Council comprises of all Sub-County Executive Committees in the county.¹⁹⁸ Each parish elects a representative into the Sub-County Council.

At the District Council each sub-county is represented by one councillor who is elected by the population of the sub-county. The District Chairperson is directly elected by all Ugandans resident in the district. The Chairperson then nominates a Vice Chairperson and up to five secretaries from among the council members. Vice Chairperson and secretaries need to be approved by the council. At district level the secretaries have the functions of ministers.

¹⁹³ Interview with B. Kumumanya, MOLG.

¹⁹⁴ Sec. 171 Local Governments Act.

¹⁹⁵ Sec. 107 (2) Local Governments Act.

¹⁹⁶ Depending on the level of LC the secretaries are responsible for a multitude of functions which may include security, education, finance, production, health, land, defence, mass mobilisation, women, youth, information and others.

¹⁹⁷ Sec. 47 (1) (c) Local Governments Act.

¹⁹⁸ Sec. 47 (1) (a), (b) Local Governments Act.

Chairperson, Vice Chairperson and the secretaries form the District Executive Committee, a "cabinet".

The District Council is the highest political authority in the district, but is presided over by the District Chairperson as the political head of the district.¹⁹⁹ The council is the legislative arm of the district while District Executive Committee and public service form its executive arm.²⁰⁰ The head of this public service is the Chief Administrative Officer (CAO), who is responsible for implementing the decisions of the council.²⁰¹

The distribution of functions between Local and National Government is laid down in the 2nd Schedule of the Local Governments Act. Districts have planning and legislative powers. They are responsible for providing services in the areas of health, education, water and roads, for development and district planning, land administration (including mailo land) and land surveying and may pass laws in these areas.²⁰² When making district development plans the districts need to take into account national planning objectives and priorities, but by-laws do not require the approval of the National Government.²⁰³ The National Government is responsible for national policy in the following areas: land, mines, mineral and water resources, environment, taxation policy as well as other areas that can only be dealt with at the national level, such as citizenship, national elections and foreign relations.²⁰⁴ The district further recruits and pays its own staff and levies its own taxes.²⁰⁵ It is possible for a District Council to devolve the provision of some services and enforcement of standards to Sub-County Councils.²⁰⁶

There are various boards and commissions at district level, but only the District Service Commission and the District Land Board as the most important ones for this study are described in more detail.

The District Service Commission recruits and appoints the public service of the district and also has disciplinary powers.²⁰⁷ Its members are recommended by the District Executive Committee and appointed by the District Council with the approval of the Public Service Commission (responsible for the national public service).²⁰⁸ The District Service Commission also appoints the above mentioned CAO.

¹⁹⁹ Sec. 10 (a), 13 (1) (a) Local Governments Act.

²⁰⁰ Tukahebwa 2000, p. 15.

²⁰¹ Sec. 64 (1), 65 (1) Local Governments Act.

²⁰² 2nd Schedule, Part 2 Local Governments Act.

²⁰³ Tukahebwa 2000, pp. 15, 23.

²⁰⁴ 2nd Schedule, Part 1 Local Governments Act.

²⁰⁵ 2nd Schedule, Part 5 Local Governments Act.

²⁰⁶ 2nd Schedule, Part 4 Local Governments Act.

²⁰⁷ Sec. 56 (1) Local Governments Act.

²⁰⁸ Sec. 55 (2) Local Governments Act.

The District Land Board holds public land and allocates it to landless inhabitants of the district who apply for it; it is also responsible for determining the amount of ground rent (busuulu) tenants on mailo land pay to their landlords.²⁰⁹

The National Government supervises Local Government in various ways and also has possibilities to intervene in the workings of Local Government.

The Ministry of Local Government (MOLG) monitors the implementation of national policies and the adherence to performance standards by Local Governments. If necessary, the ministry also offers technical advice and supports supervision and training of Local Governments officials. It is further responsible for the coordination of Local Governments for the purpose of harmonisation and for advocacy for Local Governments.²¹⁰ Line Ministries monitor and coordinate those policies of the National Government that apply to Local Government.²¹¹

Each district has a Resident District Commissioner (RDC) who is appointed by the President of Uganda. The RDC represents the President in the district, coordinates the administration of National Government services in the district, advises the District Chairperson on National Government plans or programmes and monitors and inspects the activities of Local Governments in the district.²¹²

The President can take over the administration of a district if the District Council requests so, a state of emergency has been declared or when it has become extremely difficult or impossible for the district government to function. The President needs the support of two-thirds of all members of the National Parliament and can then assume executive powers in the district for 90 days or even longer.²¹³

District funds come from locally generated revenue and direct transfers from the National Government. There are three types of transfers: conditional, unconditional and equalisation grants. The most important of these are conditional grants that account for 85 % (2001) of all National Government transfers. Compared to these transfers locally generated revenue plays a minor role and on average makes up 10 % (2001) of a districts income.²¹⁴

Local Government in Uganda has elements of both devolution and deconcentration.²¹⁵ The Sub-County and Districts Councils are levels of government that are clearly separate from the National Government and also have a degree of autonomy in the exercise of their functions and competencies. Although it was not the main task of the field research to find out the perceptions of the local population, citizens did seem to perceive the LCs as distinctly different from the National Government and were aware of the services Local Government

²⁰⁹ Sec. 32 (5), 60 (1) (a) Land Act.

²¹⁰ Sec. 96, 97, 98 (2) (a) Local Governments Act.

²¹¹ Sec. 98 (1) Local Governments Act.

²¹² Sec. 71, 72 (1) Local Governments Act.

²¹³ Art. 202 Constitution; Sec. 101 Local Governments Act.

²¹⁴ Robert / James 2003, pp. 329f.

²¹⁵ Cf. Chapter 2.1. and Table 2.1.

provides for them – especially in the areas of education and health. Districts and Sub-County Councils have corporate status and a legally defined geographic territory in which they exercise authority.²¹⁶ Local Government is also enshrined both in the Local Governments Act and the Constitution.²¹⁷ Districts do have power to levy their own taxes, but are mostly financed through grants from the national government.²¹⁸ The relationship between different levels of government was not part of the research, thus it is not possible to state whether there are reciprocal, mutually beneficial, and coordinate relationships between different levels of government.

Kibaale District has three counties, Buyaga (8 sub-counties), Bugangaizi (6 sub-counties) and Buyanja (5 sub-counties including Kibaale Town).²¹⁹ Kibaale District Council has 37 members: 19 sub-county representatives (one for each sub-county), 17 special representatives for youth, women and people with disabilities and the District Chairman. The District Executive Committee has seven and with that the maximum legal number of members. A third of the District Councillors and two of the seven members of the Executive Committee belong to the settler community.²²⁰

The Local Governments Act uses the term Local Government only for Sub-County and District Councils. For the purpose of this study however, the term should be defined in a broader sense. It shall encompass all those political and administrative structures that are part of decentralised governance. Such political structures are the councils and their chairpersons as well as the elections of both.²²¹ Among the executive structures are the District Executive Committee, the CAO and boards and commissions at district level.

3.3.2. Impact of Local Government on the Intensity of Conflicts

3.3.2.1. Conflicts about Land

On the one hand Banyoro and Baganda are conflicting over the ownership of land that used to belong to the ancestors of the Banyoro but now belongs to Baganda absentee landlords, on the other hand non-Banyoro are migrating to Kibaale from other districts to settle on land that the Banyoro consider to be theirs.

When Kibaale became a district in 1991 the problem of absentee landlords was already existent. The analysis of conflict dynamics (see Chapter 3.2.1.1.) revealed a latent conflict that has remained at the same level of intensity since its climax in 1964. Local Government never attempted to address the issue except by lobbying for compensation of the absentee land-

²¹⁶ Sec. 7 Local Governments Act.

²¹⁷ Sec. 8 Local Governments Act ; Art. 5, 177 Constitution.

²¹⁸ In the financial year 2000-2001 centrally allocated funds on the average accounted for 90 % of a district's income (Francis / James 2003, p. 330).

²¹⁹ Cf. Appendix 3.

²²⁰ Cf. Appendix 8.

²²¹ Although this includes all levels of LCs, the focal point of this study is the District Council.

lords at the national level. This compensation exercise has started, but so far not progressed far enough to make any impact. Since there was no change in the intensity of conflict in recent years and the only possible point of interaction (lobbying) has not yet led to visible results, Local Government did not have an impact on land ownership.

In order to determine the impact of Local Government on settlement issues it is necessary to establish at which points in time the two may have interacted.

The analysis starts with the question whether Local Government does have the possibility to regulate settlement. The Constitution grants every Ugandan freedom of movement and settlement anywhere in Uganda.²²² There is no national settlement policy, but the Local Governments Act gives the district the responsibility for land administration.²²³ This includes the regulation of settlement. Kibaale District has so far failed to pass such a policy. As early as 1996 the then Chairman of the District Land Board was “embarrassed [...] that the district had never adopted any guidelines”²²⁴ on land policy. In 2002 the District Land Board started formulating the “Land Acquisition, Use and Management Policy” to address the issue of settlement. This policy was presented to the District Council for approval in May 2003, but since the issue is highly contentious it had not yet been approved at the time of research. As the issue is also politically sensitive it was not possible to study the policy document itself, but the Secretary and the Chairman of the District Land Board provided a rough outline of its contents: The policy intends to stop the influx of settlers by taking away their main incentive which is free available land. All land that is now available should be distributed to those who are already in Kibaale. The policy will also provide a procedure for settlement: The settler will need to officially register and present documentation (letters from the RDC, Sub-County and Village Chairpersons of his former home) in order to ascertain that he is “a good citizen” and not a “rebel”. He will then be able to apply to the District Land Board for land under the same conditions as a Munyoro. If he would want to buy private land he would need clearance from the chairperson of the sub-county in which the land is located.²²⁵ Since the policy is likely to be changed during the deliberations in the District Council it is difficult to judge its potential impact on settlement. It does however show that Local Government is now not only aware of the conflict, but also trying to address it by providing clear rules for settlement.

Neither Kagadi Resettlement Scheme (1973) nor Bugangaizi Resettlement Scheme (1992) were negotiated by Local Government, but in the case of Kagadi Bunyoro District Admini-

²²² Art. 29 (2) (a) Constitution.

²²³ 2nd Schedule, Part 1, No.5 (ix) Local Governments Act.

²²⁴ The Exposure, Dec: 1996 “Land in Bunyoro-Kitara: Settlers finishing it. Banyoro, Bakiga fighting it out”.

²²⁵ Interviews with M. Kitembo and G. Tusabomu, Chairman / Secretary to the District Land Board, Kibaale District.

stration and in the case of Bugangaizi Kibaale District Local Government gave their consent.²²⁶

A Rehabilitation Officer from the National Government headed the Resettlement Committee of the Bugangaizi Resettlement Scheme. LC officials were excluded from taking part in major decisions such as the allocation of plots. Over the years the Resettlement Committee lost power. After 1992 settlers, especially Bakiga, were elected into the LCs in the area of the scheme. Some are reported to have abused these political positions by giving land to other settlers against a token payment irrespective of whether the land is public or mailo land. Where LCs are dominated by settlers illegal allocation of land continues.

The dynamics of the conflict show that the conflict intensified further with increasing numbers of settlers. Thus any activity of Local Government that increased the number of settlers (such as the consent to the settlement schemes and the illegal allocation of land by LC officials) or failed to regulate settlement (as a settlement policy could have done) constitutes an intensifying impact. The allocation of land by the District Land Board in 2003 immediately preceded the violent land clashes and has thus also had an intensifying impact. It is only the implementation of the "Land Acquisition, Use and Management Policy" that could potentially have a mitigating impact. As the Local Governments Act puts the competencies for the regulation of settlement with the district level, no other actors can be expected to have a mitigating impact on settlement or regulate it. The failure lies at the local level.

3.3.2.2. Control of Political Institutions

While the conflict about the control of political institutions was described in detail in Chapter 3.2.2, this chapter is looking to the precise type of contact and possible interaction of Local Government with the conflict. One such point are elections as the institutionalised means of attributing political power. Elections before 2002 have been briefly covered above.

Local Council Elections were held in Kibaale District in early 2002. 36 District Councillors were elected, a third of them settlers, the other Banyoro. The Mukiga Fred Ruremera was elected as the District Chairperson; he won with an absolute majority (56 %) and polled 15.372 votes more than the incumbent Sebastian Sekitoleko, a Munyoro.²²⁷ Fred Ruremera is a member of the Bafuruki Committee. His attempt was the first time a non-Munyoro contested chairmanship in the district and he was himself surprised by his success at the elections.²²⁸

Banyoro hardliners on the MBC had only half a year before decided that only Banyoro should be allowed to occupy political positions in Kibaale.²²⁹ Now they started agitating against a

²²⁶ Nsamba-Gayiiya 2003, p. 6; New Vision 11.06.2003 "Kibaale: A political conflict that needs a moral solution".

²²⁷ Calculated from the Tally Sheets, District Directly Elected Councillors for Bugangaizi, Buyaga and Buyanja Counties, 2002. Fred Ruremera polled 55,9 %, Sebastian Sekitoleko 39,4 % and Christopher Kyambadde 4,7 %. The results broken down to the sub-counties are reproduced in Appendix 7.

²²⁸ Interviews with D. Gamey, VSO and P. Zikanshagiza, Bafuruki Committee.

²²⁹ Cf. Chapter 3.2.2.

non-Munyoro as District Chairman. Although Fred Ruremera is a Ugandan citizen who had lived in Kibaale for over 30 years,²³⁰ he was considered to be a "foreigner". The MBC refused to accept anyone other than a Munyoro as chairman and the incumbent Sebastian Se-kitoleko, a Munyoro did not hand over power to Fred Ruremera on grounds that he was not a Munyoro.²³¹ Objections were raised against the elections: Fred Ruremera and his followers were accused of having threatened other settlers in the district to vote for Ruremera by telling them that the Banyoro would chase them out of the district. They had also manipulated voters' registers: Refugees from the DRC, Sudan and Rwanda who are not allowed to vote since they are not Ugandan citizens had supposedly been illegally registered and voted for Ruremera. The settlers, especially the Bakiga were said to have "ferried" in their tribesmen from western Uganda by busloads. Those had then been registered as voters and - after they had voted for Ruremera - gone back to their home areas.²³² Lastly the settlers were also accused of ethnic bloc-voting meaning that all settlers (or all Bakiga) had voted for their "fellow settler" Ruremera. They had won the elections through an "alliance of numbers". The CAO of Kibaale District told me that the elections were "undemocratic", because the settlers had voted as a bloc in order to take away power from the indigenous Banyoro.²³³ A member of the MBC said that Ruremera was elected by sectarian voting which was undemocratic.²³⁴

More neutral observers, such as the staff of development organisations in Kibaale and Kampala, but also members of the Bafuruki Committee strongly reject the idea of threats. The settlers mention that on the contrary the National Government had forced the people not to vote for Ruremera. Before the elections a minister without portfolio was recruited. Kibaale Kagadi Community Radio broadcast a speech of this minister in which he said that the President had advised that a non-Munyoro should not stand for the chairmanship.²³⁵ President Museveni himself said that prior to the elections in Kibaale he "spent many hours trying to broker a broad-based arrangement in the district administration"²³⁶. The idea of manipulating voters' registers is also rejected.

²³⁰ New Vision 29.04.2002 "Kibaale District gets new chairman".

²³¹ Watson 2001-2002, p. 96, 6.09.

²³² Interview with Fr. D. Zziwa, Chairman of the District Service Commission, Kibaale District.

²³³ Interview with S. N. Kimono, CAO, Kibaale District. Mr. Kimono is neither a Munyoro nor a member of the settler community, but comes from Mbale in eastern Uganda.

²³⁴ Interview with S. P. Kandole, MBC, Kibaale Town Clerk, Minister in the Kingdom of Bunyoro. According to the official doctrine of the NRM voting along ethnic lines is considered to be sectarian behaviour. In the Ugandan context the word sectarianism is fraught with meaning. While the NRA was still fighting the "bush war" they drew up their political programme, the "Ten Point Programme". Point 3 of this specifies: "Consolidation of national unity and elimination of all forms of sectarianism [...] The NRM will not tolerate any sectarian opportunists of any shade." (Museveni 1992, p. 279) For many people in Uganda the mention of the word sectarianism brings to mind the terror regimes of Amin and Obote and will cause an almost automatic response of rejection. Establishing whether that is a genuine feeling or due to political indoctrination would go beyond the scope of this study.

²³⁵ Interview with Rev. G. Tibenda, Bafuruki Committee.

²³⁶ President Museveni's statement on the Kibaale situation at State House on April 15th 2002, cited in: New Vision 24.04.2002 "Kibaale: Museveni's plan".

There is general agreement that the Bakiga and other settlers did indeed vote as a bloc for Ruremera. But whether they did or not, the allegation of bloc-voting does not concern the validity of the election. Voting as a bloc is not undemocratic, but part of political competition. People will vote for the person they feel will best represent their interests and thus those with the same interests (as the settlers in Kibaale) will vote "as a bloc". A look at the results of election reveals that not only settlers (and much less only Bakiga) voted for Ruremera.²³⁷ The settlers are estimated to account for half of the population of Kibaale, yet Ruremera polled 56 % of votes. This shows that even Banyoro must have voted for him. When looking at the results broken down to sub-county level it becomes clear that Fred Ruremera has polled votes from all over the District and not just in the areas of settlement as could be expected had only settlers voted for him. Religious identity may also partly explain the result: The majority of Banyoro are Catholics. Under the former chairman Sebastian Sekitoleko who is a Catholic, Protestants were marginalised – even those who are ethnic Banyoro. Ruremera as a Protestant also gained votes from those.²³⁸ Lastly, the presence of two different Banyoro candidates, Sebastian Sekitoleko and Christopher Kyambadde, may have split the Banyoro vote.

Mid-February 2002 accusations broke out into open violence. Houses and huts belonging to settlers were burned down, settlers were threatened and physically attacked, there was an incident of stoning. Their plantations were slashed down at night and bicycles destroyed or stolen. Even the houses of Banyoro families were set on fire because they had voted for Ruremera.²³⁹ At one point 200 people fled from Kakindo village (Kakindo Sub-County, Bugangaizi County) that was the centre of violence.²⁴⁰ In Buyaga County settlers in political positions were attacked: the office of the newly elected chairman of Kiryanga Sub-County was set on fire and documents were burned.²⁴¹ Arsonists unsuccessfully tried to burn down the office of the new chairman of Kagadi Sub-County.²⁴² The clashes killed five people.²⁴³ The army and riot police were deployed to Kibaale and roadblocks set up to stop the clashes.²⁴⁴ The violence stopped about May 2002.

There were fears that the situation could turn into another genocide comparable to that in neighbouring Rwanda in 1994.²⁴⁵ This was also reflected by the headlines in the press warn-

²³⁷ Cf. Appendix 7.

²³⁸ Interviews with G. Namyaka, Kibaale District Chairman and G. Okello-Omoding, Ireland Aid; Uganda Confidential 05.-11.04.2002 (No. 487) "New LCV chief explains Kibaale crisis".

²³⁹ Watson 2001-2002, pp. 97 f., Table 6.1 gives a detailed account of incidents of violence. Cf. Appendix 5 for a map showing in which sub-counties of Kibaale violence took place.

²⁴⁰ IRIN 08.04.2002 "Uganda: Kibale violence blamed on history and settlements".

²⁴¹ New Vision 17.04.2002 "Museveni visits strife-stricken Kibaale".

²⁴² Interview with W. Bamwesigye, Chairman of Kagadi Sub-County.

²⁴³ New Vision 25.06.2003 "Kibaale time-bomb is ticking".

²⁴⁴ IRIN 08.04.2002 "Uganda: Kibale violence blamed on history and settlements".

²⁴⁵ Interviews with S. Friedrichsen, Peace and Conflict Studies Programme, Makerere University and S. N. Kimono, CAO, Kibaale District.

ing of "genocide" and "ethnic cleansing".²⁴⁶ Local FM radios were reportedly running hate messages, speakers vowing to chase away all "foreigners" from the land they had "fought for from Buganda".²⁴⁷ The proprietor of Kibaale Kagadi Community Radio was later instructed by President Museveni to stop airing these programmes: "You should air things that unite and those we have agreed upon. Leave controversial political points because they may disrupt the reconciliation process [...] Start talking about coffee."²⁴⁸

Other voices warned that the situation was being exaggerated in the media in order to make the nation believe that there was a war going on in Kibaale.²⁴⁹ This was confirmed by volunteers from abroad who were working in Kibaale Town and Kakindo at the time.²⁵⁰ There was also local talk in Kakindo that politicians had given poor people alcohol and some money to set houses on fire.²⁵¹ The Regional Police Commander Haji Balimwoyo reported that politicians had "been on the forefront though they do not want to be seen as being behind it."²⁵²

The National Government responded to the refusal of Sekitoleko to hand over office by forming the "Committee of Inquiry into the Political Developments in Kibaale District" headed by the National Political Commissar (NPC) Crispus Kiyonga. The committee presented its report in April 2002 and recommended that Fred Ruremera should be persuaded to resign in favour of a neutral candidate.²⁵³

On April 17th 2002 President Museveni visited Kibaale District and "persuaded" Fred Ruremera: "If Ruremera does not stand down voluntarily, we use the powers under Article 202 of the Constitution to take over the district using the powers of the President supported by two thirds of Parliament."²⁵⁴ The same day Fred Ruremera was officially sworn in as chairman and agreed to step down in due course to allow for the nomination and election of a compromise candidate.²⁵⁵ This compromise candidate was George Namyaka, a Munyoro and a Protestant whose late wife was a Mukiga and whose daughter is also married to a Mukiga. Members of the MBC, the Bafuruki Committee and the MPs for Kibaale District agreed on him, but he was the settlers' choice, the Banyoro had originally preferred another candidate.²⁵⁶

²⁴⁶ Watson 2001-2002, p. 94, 6.01 and p. 96, 6.08 with a list of headlines.

²⁴⁷ Watson 2001-2002, pp. 96 f., 6.11.

²⁴⁸ New Vision 22.04.2002 "Museveni warns Kagadi Radio on Kibaale debate".

²⁴⁹ Kibaale District Settlers / Immigrants Community News to the Probe Committee, Concerning Ethnic Tensions and Violent Clashes, 22.03.2002; Uganda Confidential 05.-11.04.2002 (No. 487) "New LCV chief explains Kibaale crisis".

²⁵⁰ Interview with M. Cahill, VSO.

²⁵¹ Interview with R. van Stappershoef, VSO.

²⁵² Watson 2001-2002, p. 96, 6.08.

²⁵³ Watson 2001-2002, p. 99, 6.16f.

²⁵⁴ President Museveni's statement on the Kibaale situation at State House on April 15th 2002, cited in: New Vision 24.04.2002 "Kibaale: Museveni's plan".

²⁵⁵ New Vision 19.04.2002 "Ruremera resignation clarified".

²⁵⁶ New Vision 29.04.2002 "Kibaale District gets new chairman"; New Vision 01.05.2002 "Kibaale's compromise leader"; Communiqué on Kibaale Situation, 17.04.2003.

On June 8th 2002 President Museveni chaired a meeting of members of the National Government, MPs for Kibaale District, members of the MBC and the Bafuruki Committee. Point 7 of the Communiqué issued after the meeting reads:

“In the interest of harmony in the District [...] it is strongly recommended that the principles of power sharing and representation be followed in appointments of the District Executive Committee, district commissions, district boards and other committees at the District level.”²⁵⁷

It was further decided that the President would give Fred Ruremera support to pursue further studies in England.²⁵⁸ He also received 10 million Uganda Shillings as reimbursement for the cost of his campaign.²⁵⁹

On June 21st 2002 Fred Ruremera declared his resignation in the “desire to promote development, peace and harmony in the district”²⁶⁰. The electoral commission set a date for the nomination of candidates for the chairmanship. Representatives of MBC and Bafuruki Committee agreed that only “their” candidate George Namyaka should be nominated: “under no circumstances should any person other than George Namyaka come to Kibaale for nomination for Candidature for office of Chairman LC V”²⁶¹. They asked the National Government to take “appropriate action”²⁶² against any other person who would want to register at the nomination.

On July 10th 2002 George Namyaka was declared Kibaale District Chairman since he was the only one nominated.²⁶³ On July 26th 2002, half a year after the original elections, George Namyaka was sworn in as the Chairman of Kibaale District. Speaking at the swearing-in ceremony he appealed to the population of Kibaale to unite and forge a way ahead.²⁶⁴ Following the recommendation of power-sharing and representation contained in the Communiqué of June 8th 2002 (quoted above) he appointed seven secretaries to the District Executive Committee representing all three counties, among them two women and four non-Banyoro settlers.²⁶⁵ Banyoro outnumbered non-Banyoro by just one and all three religious groups, Catholics, Protestants and Muslims were represented. Contrary to the recommenda-

²⁵⁷ Communiqué on the Political Situation in Kibaale Following a Meeting at the State House under the Chairmanship of H.E. the President of the Republic of Uganda, 08.06.2002, (7).

²⁵⁸ Communiqué on the Political Situation in Kibaale Following a Meeting at the State House under the Chairmanship of H.E. the President of the Republic of Uganda, 08.06.2002.

²⁵⁹ Interview with the representative of an NGO active in Kibaale District.

²⁶⁰ Letter of Fred Ruremera to the Speaker of Kibaale District Council, quoted in: New Vision 22.06.2002 “Ruremera steps down from office”.

²⁶¹ Communiqué on the Nomination of the Chairperson LC V Kibaale, 08.07.2002.

²⁶² Communiqué on the Nomination of the Chairperson LC V Kibaale, 08.07.2002.

²⁶³ New Vision 22.06.2002 “Ruremera steps down from office”; New Vision 10.07.2002 “Kibaale nominates LC5 compromise candidate”; New Vision 12.07.2002 “Nyamyaka takes Kibaale LC5 seat”.

²⁶⁴ New Vision 29.07.2002 “Kibaale new chairman sworn in, calls for unity”.

²⁶⁵ Cf. Appendix 8.

tions power-sharing was not applied in the choice of chairpersons of sectoral committees and the District Speaker.²⁶⁶

In June 2003 George Namyaka dismissed two secretaries from the District Executive Committee. He had originally appointed seven secretaries, although the Local Governments Act sets a maximum number of five.²⁶⁷ The MOLG had at first tolerated the two additional secretaries seemingly in the interest of defusing ethnic tension. Now it threatened to stop the transfer of funds should the number not be reduced.²⁶⁸ Both of the dismissed secretaries are settlers, which upset the tribal balance. The settlers on the District Council did not agree with this decision and it led to unrest among the settlers. But both of the dismissed secretaries and the members of the Bafuruki Committee managed to calm down the upset settler community.²⁶⁹

Based on the account given above various points of interaction between Local Government and the conflict can be established, but before they can be discussed, it is necessary to again look at the dynamics of conflict in 2002 and 2003. Chapter 3.2.2 established that the conflict reached a violent climax between February and May 2002 after which violence subsided; the intensity has since remained at a high level.

The elections in early 2002 that returned the Mukiga Fred Ruremera as District Chairman immediately preceded the outbreak of violence. The MBC agitated because they did not want a non-Munyoro as head of the district. Local Government, specifically the elections intensified the conflict and led to its climax.

The refusal of the incumbent chairman Sebastian Sekitoleko to hand over office to a Mukiga took place during the phase of violence. Indirectly he sided with those who were opposed to a settler as chairman and thus contributed to the intensification of the conflict. Although this was the decision of a single person, Sekitoleko was at that time the chairman and as such part of Local Government.

The violence stopped around May 2003. Around this time there were various points of interaction between Local Government and the conflict. Fred Ruremera was sworn in as chairman, but announced his intention to step down for a compromise candidate. Negotiations between Banyoro and settlers for a compromise chairman started. At this point the Banyoro agitators had managed to avoid being governed by a non-Munyoro. The swearing in of Fred Ruremera as interim chairman, but more so the start of the negotiations for a compromise chairman had a mitigating impact.

²⁶⁶ Memorandum to the Chairman LC V Kibaale District about Appreciation and Grievances of Non Banyoro in Kibaale District, 06.11.2002.

²⁶⁷ Sec. 17 (2) (c) Local Governments Act.

²⁶⁸ Interview with J. B. Bukya, Secretary for Finance, Kibaale District.

²⁶⁹ Interviews with Rev. G. Tibenda, Bafuruki Committee and S. Baluku, Kibaale District Councillor, Secretary for Health (2002-2003), one of the dismissed secretaries.

George Namyaka was declared chairman after the violence had already stopped. The power-sharing policy he applied in appointing the District Executive Committee gave the settlers representation and in a way compensated them for the “loss” of the chairmanship. Both the new chairman and the power-sharing policy helped to stabilise the situation.

The dismissal of two non-Banyoro secretaries did not have an impact on the intensity of conflict. It did certainly have the potential, but must be seen in conjunction with the activities of the dismissed secretaries who calmed down the settler community. Although no longer secretaries these two men are still District Councillors.

The above analysis has shown that there are various other actors that also influenced the way Local Government interacted with the conflict. Among the most important of these actors seem to be President Museveni on the one side and the MBC as well as the Bafuruki Committee on the other. Their role is discussed in Chapter 3.4.

3.3.3. Summary

It was the intention of Chapter 3.3 to test the first part of the hypothesis in the light of the empirical findings. The analysis has shown that Local Government has indeed had an impact on conflict – although it did not have an impact on all conflicts present and the impact has been both mitigating and intensifying.

Local Government has not had an impact on land ownership. A purely intensifying impact can be seen in the case of settlement: Local Government consented to schemes that brought in more settlers, LC officials illegally allocated land to new settlers and finally the District Council failed to pass a policy that could have regulated settlement. With regard to the conflict about the control of political institutions Local Government has had both an intensifying and a mitigating impact: The election of a non-Munyoro as District Chairperson and the refusal of the incumbent chairman to hand over office constitute an intensifying impact while the swearing-in of Fred Ruremera as interim chairman together with the beginning negotiations of a compromise chairman reduced the intensity of conflict. The swearing-in of the compromise chairman in conjunction with the power-sharing policy served to stabilise the situation.

The first part of the hypothesis has thus been found to be correct in regard to the conflicts about settlement of non-Banyoro and the control of political institutions.

3.4. Explanatory Factors

This chapter intends to provide an explanation for the observed impact of Local Government on conflicts using the four factors proposed by the hypothesis: the competencies and resources transferred to Local Government (legal framework), outside interventions into Local Government, the inclusiveness of Local Government and the type of conflict.

Legal framework in the context of this study includes all formal competencies and resources that have been transferred to Local Government and as they are laid down in the Constitution and the Local Governments Act. Regulations with regard to land are found in the Land Act.²⁷⁰ Three questions should be asked with regard to the legal framework: Does the legal framework allow Local Government to address a conflict and its roots? How much flexibility does Local Government have in dealing with the conflicts? Does the legal framework force Local Government to impact on certain conflict in a certain way?

Behind the second factor (outside interventions into Local Government) stands the idea that Local Government has a given legal framework and in order to work satisfactorily within this framework needs to be largely free from disturbances. An intervention comes from the outside if it originates with any organisation, group or force not included in the definition of Local Government given in Chapter 3.3.1. This could be the National Government, traditional rulers or civil society organisations in the district.²⁷¹

Inclusiveness of Local Government is expected to lead to more accommodating decisions that in turn would reduce the potential for conflict. Two indicators can be used to measure the inclusiveness of Local Government. The first indicator is the representation of different parts of the population in councils and especially in the District Council, the second one the actual participation in the process of decision-making in these councils. It was not possible to obtain data on decision-making processes in the councils since minutes of councils meetings were not available and there was no possibility to attend council meetings. In dealing with the first indicator (representation of different parts of the population in councils) this chapter will concentrate on the representation of ethnic groups only since the Local Governments Act already specifies set quota to ensure the representation of "special interest groups" such as women, the youth and people with disabilities. The focus of this analysis will be the representation of ethnic groups in the current District Council as the main legislative council and focus of the field research.

3.4.1. Land Ownership

Land Ownership is the only conflict on which Local Government had no impact.²⁷² In general the legal framework provides for two different ways of addressing this question: adjusting the amount of ground rent (busuulu) that "tenants by occupancy"²⁷³ pay to their landlord and compensation of absentee landlords with the aim of giving the land to the tenants by occupancy.

²⁷⁰ The legal analysis in this chapter is limited to these laws. Other or earlier laws governing Local Government or predecessor structures are not included in this analysis. Analysing older laws on decentralised government would go beyond the scope of this study that is concerned only with the current system of Local Government and its relationship with conflicts.

²⁷¹ It does however not include those Banyoro who illegally sold mailo land on which they were tenants to settlers, who – although coming from outside – have not intervened in the workings of Local Government.

²⁷² Cf. Chapter 3.3.1.2.

²⁷³ "Tenant by occupancy" is the term used in sec. 32 of the Land Act to refer to a tenant on mailo land.

The right to determine the amount of ground rent (busuulu) to be paid to the mailo land-owner rests with the District Land Board. But the Land Act sets the maximum amount at 1,000 Uganda Shillings (less than EUR 0.50) per year regardless of the size or location of the land.²⁷⁴ For most cases this is far below the market price and cannot reflect the real value of the land. An impact can thus not be expected.

The legal framework is not clear on whether the compensation of absentee landlords is in the hands of the Local or the National Government. Both have rights that would enable them to do this.

The District Land Board has powers to "acquire by purchase or otherwise rights or interests in land"²⁷⁵. Under this law the District Land Board could theoretically purchase land from the Baganda landlords. But Local Government does not have the financial means to do this. 84 % of a district's income are conditional grants from the National Government that have to be used according to certain purposes.²⁷⁶ Unconditional grants are largely spent on general management and administration of the district.²⁷⁷ Thus only locally generated revenue would be available for the purchase of land. But locally generated revenue in Kibaale District is low, because the district as such is poor. Also, locally generated revenue will become a key factor in raising the counterpart cash contribution of 10 % for partaking in the second phase of the Local Government Development Programme (LGDP).²⁷⁸

The National Government is currently undertaking the compensation of absentee landlords through the Uganda Land Commission and the Land Fund. The Uganda Land Commission can "acquire by purchase, exchange or otherwise hold land rights, easements or interests in land"²⁷⁹. The money used to do this comes from the Land Fund that the commission manages.²⁸⁰ The Land Fund has the mandate to "purchase or acquire land where necessary in order to redistribute it to the tenants in occupancy"²⁸¹.

The transferred resources are not sufficient for the District Land Board to compensate the absentee landlords even if it is formally able to do so. This and the limitation of the ground rent at 1,000 Uganda Shillings explain the lack of impact.

²⁷⁴ Sec. 32 (5) Land Act.

²⁷⁵ Sec. 61 (2) (a) Land Act.

²⁷⁶ Francis / James 2003, p. 330.

²⁷⁷ Francis / James 2003, p. 330.

²⁷⁸ LGDP is a World Bank programme and functions as an umbrella body for those donors that have so far supported decentralisation in Uganda. These donors are in the process of phasing out support to specific district and channelling their funds through LGDP instead. In order to qualify for LGDP II a district needs to raise locally the counterpart cash contribution of 10 %. In the future LGDP will become the main donor-funded source of district funding as there will be no more direct support to districts. (Interview with J.-P. Kamanga Dyrbak, Decentralisation Advisory Office (DANIDA)) Kibaale District has received direct support from Ireland Aid from 1994 to June 2003. This support was used to build basic facilities such as the district headquarters and provide office equipment; a major trunk road was also build. (Interview with P. Muhwezi, Ireland Aid)

²⁷⁹ Sec. 54 (a) Land Act.

²⁸⁰ Sec. 42 (2) Land Act.

²⁸¹ Sec. 42 (5) (b) Land Act.

Interventions into the workings of Local Government are not evident. The small albeit existent Baganda population of Kibaale District is not represented on the District Council, but because of the limitations contained in the legal framework this would be irrelevant anyway.

3.4.2. *Settlement of Non-Banyoro*

Three different ways in which Local Government contributed to the intensification of the settlement conflict need to be explained, these are the consent to the two resettlement schemes, abuse of office by LC officials and the failure of the District Council to pass a settlement policy.

It is not possible for the current legal framework to explain the consent to the resettlement schemes that took place in 1973 and 1992. Although it is very likely that the consent of Local Government was a legal requirement at the time, this cannot be said for sure since the legal framework of 1973 and 1992 is not available.²⁸²

Data on the representation of settlers within Local Government for this time is not available and interventions are not evident.

Both the legal framework and the inclusiveness of decision-making can potentially explain why abuse of office took place.

Since 1997 the Local Governments Act has provided Local Government with a way of dealing with abuse of office. Nsamba-Gayiiya's reference to "LC officials"²⁸³ instead of RC officials indicates that abuse took place after 1995.²⁸⁴ Illegal allocation of land in Nkooko Sub-County, Bugangaizi County reportedly started around 1998.²⁸⁵ This shows that most illegal activities by LC officials should fall under the jurisdiction of the Local Governments Act.

The Local Governments Act allows the removal of District and Sub-County Chairpersons from office on grounds of corruption, abuse of office, misconduct or misbehaviour by a resolution supported by two thirds of all council members.²⁸⁶ The District Speaker and his Deputy

²⁸² Neither are these older laws part of this analysis, cf. Chapter 3.4.

²⁸³ Nsamba-Gayiiya 2003, p. 10.

²⁸⁴ The Constitution that changed the names of the Resistance Councils to Local Councils was promulgated in 1995 (Tukahebwa 2000, p. 15; Villadsen / Lubanga 2000, p. vii).

²⁸⁵ Nsamba-Gayiiya 2003, p. 11.

²⁸⁶ A notice in writing needs to be submitted to the Speaker of the District Council stating the intention to remove the chairperson from office. This notice must set out the charge and contain necessary documentation. The Speaker then sends a copy to the District Chairperson and the Chief Justice (Chief Magistrate in case of a Sub-County Chairman) who convenes a Tribunal comprising three Justices of the High Court (three Magistrates in case of a Sub-County Chairman) which then decides whether there is a *prima facie* case for the removal of the chairperson. If there is such a *prima facie* case and the District Council (Sub-County Council) decides the removal of the chairperson with the votes of at least two thirds of all members the chairperson ceases to hold office. (Sec. 15 Local Governments Act)

as well as members of the District Executive Committee can only be removed from their positions, but they retain their offices as District Councillors.²⁸⁷

Although the Constitution determines that “Parliament shall by law prescribe the grounds on which and the manner in which the electorate may revoke the mandate of an elected member of a local government council”²⁸⁸, the Local Governments Act does not contain such a provision. Nor does it provide for a way in which councillors can remove fraudulent or corrupt colleagues from their midst.

Even the legally possible removal of a corrupt Sub-County Chairperson may have been difficult in practice. A quorum of two thirds of the members of the council is necessary. Since the LCs in the settlement areas were actually dominated by Bakiga or other settlers it might not have been possible to remove the chairmen illegally allocating land to settlers if councillors colluded or themselves had an interest in or profited from the illegal allocation of land.

The abuse of office by LC officials was not effectively addressed under the current legal framework. In case these corrupt LC officials were councillors this is due to a lack of rules, in case they were Sub-County Chairpersons to lack of implementation of existing rules. The provision to remove corrupt Sub-County Chairpersons from their office seems to have failed. The reasons for this failure are not clear. It could be that the majority of the councillors had chosen to turn a blind eye on what was going on. Another reason could be that the requirements were simply too high and too many. But the conditions for removing a directly elected official from his office should be high both in order to respect the decision of the electorate and to protect the official from political manoeuvring.

To what extent can the inclusiveness of Local Government explain the abuse of office? Representation of settlers on LCs in the area of the Bugangaizi Resettlement Scheme (1992) was apparently high enough to “dominate” the councils.²⁸⁹ Their representation was so good that some settlers actually managed to abuse this dominant position by illegally allocating land to other settlers. Information on the decision-making process in these LCs is not available, but it is unlikely that illegal allocation of land would be openly debated since allocation of land is not the function of the councils but of the District Land Board. The dominance of settlers does not automatically mean that Banyoro on these councils were underrepresented, since the settlers actually are the (dominant) majority in the area of the resettlement scheme. But the presence of settlers on LCs did make the abuse possible.

The last impact that needs to be explained is the failure of Local Government to pass a settlement policy.

²⁸⁷ The District Speaker and his deputy can be removed from office on grounds of abuse of office, incompetence, misconduct or misbehaviour by a resolution supported by not less than two thirds of all members of the District Council (Sec. 12 (6) Local Governments Act). A member of the District Executive Committee loses his office when the District Chairperson revokes his appointment or when a vote of censure is passed against him supported by at least half of the council members (Sec. 21 (a), (d), 22 (1) Local Governments Act).

²⁸⁸ Art. 182 (2) Constitution.

²⁸⁹ Nsamba-Gayiiya 2003, p. 10; cf. Chapter 3.2.1.2.

The district is responsible for land administration, which includes the regulation of settlement.²⁹⁰ Although this provision has been part of the Local Governments Act since its promulgation in 1997, the District Council has only started debating the "Land Acquisition, Use and Management Policy" in May 2003. The motive behind this policy was to influence the conflict by reducing the present tensions on land, providing guidelines for settlement and harmonising the two communities of Banyoro and settlers.²⁹¹ The failure to make use of the provision in the Local Governments Act may stem from lacking willingness to address the problem. The Land Board was certainly aware of it, as a statement its chairman made in 1996 shows.²⁹² But the legal framework certainly cannot explain why the District Council failed to pass a settlement policy.

In order to determine whether the non-representation of settlers within Local Government can explain the failure, it needs to be established who actually had which type of interest in such a policy. The indigenous Banyoro had the interest to regulate the influx of settlers and stop illegal settlement (in the case of some Banyoro, stop any kind of settlement). The interest of the settlers already present in Kibaale would have been to stay there and ideally to avoid further illegal settlement so as not to weaken their own positions. On the other hand their interest could also have been to invite more settlers from their home areas in order to provide them with a place to live, but also in order to increase their number and thus have a stronger standing against the Banyoro. This shows that both sides had interests, but that these were at times going into the opposite direction. Based on these considerations, can the presence of settlers on the District Council and especially the District Land Board explain why such a policy was not passed earlier? Exact figures on the presence of settlers in both of these are not available, but under the chairmanship of Sebastian Sekitoleko (1998-2002) Banyoro dominated boards and commissions.²⁹³ This means that the Banyoro members had the possibility to pass such a policy and that the settlers could not have stopped them. Thus neither the presence of settlers nor of Banyoro can explain the failure to pass a settlement policy.

Can interventions explain why Local Government did not pass a settlement policy? The MBC's political agitation against the settlers was not an intervention into the activities of Local Government in the sector of settlement and thus cannot explain the failure to pass a policy.

I do strongly suspect that another actor whose activities could not be identified during the field research played an important part in this failure, but empirical evidence cannot support this. Kibaale was a convenient place for the National Government to resettle people from

²⁹⁰ 2nd Schedule, Part 1, No. 5 (viii) Local Governments Act.

²⁹¹ Interview with M. Kitembo, Chairman of the District Land Board, Kibaale District.

²⁹² Cf. Chapter 3.3.2.1. He was "embarrassed [...] that the district had never adopted any guidelines" on land policy (The Exposure, December 1996 "Land in Bunyoro-Kitara: Settlers finishing it. Banyoro, Bakiga fighting it out").

²⁹³ Uganda Confidential 05.-11.04.2002 (No. 487) "Genocide brewing in Kibaale District".

other parts of Uganda. In the case of the Bugangaizi Resettlement Scheme the Bakiga settled in Kibaale had been evicted from Mpokya Game Reserve, in which the National Government had a (financial) interest. President Museveni comes from what is today Ntungamo District in the Southwest of Uganda.²⁹⁴ The NRM has most support in the densely populated south-western districts.²⁹⁵ Land pressure in these districts was reduced if some of their inhabitants could be resettled somewhere else – and it also ensured their continuing support for the NRM Government and President Museveni. In order to keep Kibaale as a settlement area, both National Government and the President may have exerted pressure on politicians in Kibaale District not to pass a settlement policy. This is a possible explanation why Local Government failed to make use of the provision in the Local Governments Act to regulate settlement.

The legal framework at the time can most likely explain the consent to resettlement schemes. Abuse of office by LC officials was made possible by the presence of settlers on LCs and can to an extent be explained by flaws in the legal framework that did not allow Local Government to protect itself against illegal activities within its own membership. The National Government and President Museveni had an interest in resettling people from the densely populated districts of south-western Uganda in Kibaale District and thus may have exerted influence on politicians in Kibaale, but this can only tentatively explain the failure to pass a settlement policy.

3.4.3. Control of Political Institutions

In the case of the conflict about the control of political institutions both positive and negative impacts need to be explained. Negative impacts are the election of the Mukiga Fred Ruremera as chairman and the refusal of the incumbent Sebastian Sekitoleko to hand over office to Ruremera while the swearing-in of Fred Ruremera as interim chairman and the beginning negotiations of a compromise candidate are positive impacts that were reinforced by the swearing-in of the compromise chairman George Namyaka and the power-sharing policy. All these impacts are related to the way political power is negotiated. Under the Local Governments Act power is negotiated by election and also by appointment as in the case of members of the District Executive Committee, boards and commissions. The distribution of political power by election has three aspects: the electoral system, the position of the District Chairperson and the implementation of electoral results. The discussion of these aspects that are part of the legal framework will be supplemented by the other explanatory factors whenever they can provide additional explanation for the observed impacts.

A plurality system is used to elect the District Chairperson. The chairperson is directly elected and every vote has the same weight.²⁹⁶ The disadvantage of a plurality system is

²⁹⁴ Museveni 1997, p. 1.

²⁹⁵ Molt 1996, pp. 198f.; cf. Chapter 3.1.

²⁹⁶ Sec. 13 (1) (b) Local Governments Act.

that the candidate who polls most (ie. the plurality of) votes goes through – although he may not necessarily have been elected by the majority of the population. In the case of Fred Ruremera who was elected with an absolute majority (56 %) this did not become relevant and cannot explain why Ruremera was violently rejected.

Power is centred in the position of the chairperson who is the political head of the district.²⁹⁷ Although the District Executive Committee does have powers, it is the chairperson who nominates the members of this committee and who is perceived as the district “leader”.²⁹⁸ Since leadership is concentrated on a single person, everyone has to agree on this person. Power-sharing is not possible since the highest political post in the district is attributed to one person and not to a group of people. This explains the potential for polarisation around the chairperson, but not why it took such a violent form in Kibaale. This is due to outside intervention by the MBC. When the Mukiga Fred Ruremera was elected as District Chairman in 2002, the Banyoro population of Kibaale stood to loose control over the leadership of the district. In this situation the MBC started to agitate against Fred Ruremera as a “foreigner”. They incited the Banyoro to such an extent that they rejected Fred Ruremera and committed acts of violence against settlers and their property. The activities of the MBC may also in part be responsible for the refusal of Sebastian Sekitoleko to hand over office to Fred Ruremera.

The Local Governments Act offered two options to act after the elections in 2002. Fred Ruremera could have refused to give in to the pressure of President Museveni so that the results of the elections would have been implemented – even with the use of force – and he would have been sworn in as chairman for the usual four-year term.²⁹⁹ On the other hand President Museveni could have taken over executive powers in the district as provided for in the Constitution and the Local Governments Act.³⁰⁰ But what happened instead was that President Museveni “persuaded” Fred Ruremera to resign after a short period in office by threatening to make use of this provision. Fred Ruremera has the right to resign as chairman if he chooses to, but in this case his resignation was forced upon him and not completely voluntary.

Fred Ruremera had no chance to prevail against the pressure of the President. He faced a practical and more importantly a legal obstacle. As described in Chapter 3.3.2.2 the situation in Kibaale was so tense that implementing the results of the elections may have led to an uncontrollable escalation of violence. Further the situation actually met the requirements of the Local Governments Act (and the Constitution) for President Museveni to assume execu-

²⁹⁷ Sec. 13 (1) (a) Local Governments Act.

²⁹⁸ Sec. 19 (1), (3) Local Governments Act.

²⁹⁹ Sec. 172 (1), (2) Local Governments Act.

³⁰⁰ Sec. 101 Local Governments Act; Art. 202 Constitution.

tive powers.³⁰¹ First of all the President would have needed the approval of two thirds of the members of Parliament, which seemed very likely at the time.³⁰² The second requirement is either a request from the District Council to take over, a state of emergency in the district or in Uganda in general or a situation “where it has become extremely difficult or impossible for [the] District Government to function”.³⁰³ In the last case Parliament and not the District Council or any other elected body at district level decides whether the District Government can still function. After ninety days the President could have handed back the administration of the District to the incumbent District Government.³⁰⁴ That would have been under the chairmanship of Sebastian Sekitoleko or – had Fred Ruremera not resigned – under his. But Parliament could also have decided that the prevailing circumstances still made it “impossible for the incumbent District Government to assume the administration of the District”³⁰⁵ and the President have ordered new elections.³⁰⁶ In this case Fred Ruremera still would not have been able to stay in office, but would have needed to campaign for re-election.³⁰⁷

The legal framework put Fred Ruremera in a deadlock situation. No matter what he would have decided, whether he would have given into the pressure of President Museveni or not, he would not have been able to serve a full term as chairman. Local Government was in the same situation. It had no way to permanently implement the results of the election since the legal framework allowed the National Government to take over at any time. Giving in to the pressure provided Ruremera at least with a way to serve as chairman and travel the district to explain the reasons for his decision to his voters.³⁰⁸

The decision of Fred Ruremera to give in to the pressure and serve as interim chairman until a compromise candidate would be found can be explained by a combination of the intervention of President Museveni and the deadlock situation that sec. 101 of the Local Government put Ruremera in. But it has to be noted here that sec. 101 of the Local Governments Act not only put Ruremera in a deadlock situation but actually made the intervention of President Museveni possible by giving him such far-reaching powers.

³⁰¹ The wording of sec. 101 of the Local Governments Act and Art. 202 of the Constitution is almost identical, the Constitution allows the President to take over legislative powers as well as executive powers. The Local Governments Act allows the President to take over only executive powers. This may be an editorial oversight.

³⁰² Sec. 101 (1) Local Governments Act.

³⁰³ Sec. 101 (1) (a), (b), (c) Local Governments Act. The President can declare a state of emergency in consultation with the Cabinet by proclamation. Although he must within 14 days lay this proclamation before Parliament for approval, the state of emergency stays in place for 90 days on the proclamation by the President. It is only the extension over the original 90 days that requires a parliamentary resolution supported by the votes of at least half of the MPs. (Art. 110 Constitution)

³⁰⁴ Sec. 101 (4) (a) Local Governments Act.

³⁰⁵ Sec. 101 (4) (b) Local Governments Act.

³⁰⁶ Sec. 101 (4) (b) (i) Local Governments Act.

³⁰⁷ He would have been able to do that only if he had been allowed to register as candidate at the nomination! Even his first candidacy did not meet with the approval of the NRM and President Museveni, cf. Chapter 3.3.2.2.

³⁰⁸ Communiqué on the Political Situation in Kibaale Following a Meeting at the State House under the Chairmanship of H.E. the President of the Republic of Uganda, 08.06.2002, (2).

The negotiations for a compromise candidate that started after Fred Ruremera had been sworn in can be explained by the intervention of President Museveni, since the pressure he exercised on Fred Ruremera was a precondition for the negotiations.

After the resignation of Fred Ruremera the normal proceedings after the resignation of a District Chairperson were followed. The electoral commission set a date for nomination at which George Namyaka was nominated and declared chairman because he was the only candidate.³⁰⁹ The intervention of members of the MBC and the Bafuruki Committee explains why he was the only candidate, since they had made clear that George Namyaka was the only candidate who should be nominated and asked government organs to take appropriate action against any other person who would want to register.³¹⁰ But it is also a result of the intervention by President Museveni who not only recommended that a compromise candidate should be found, but also that he should be the only nominated candidate.³¹¹

The power-sharing policy George Namyaka applied led to a high presence of settlers (44 %) on the District Executive Committee.³¹² This explains its stabilising impact. The Chairman is legally allowed to follow the principles of power-sharing, although in this case he appointed two additional secretaries. This was made possible because the MOLG did not object to it for over a year.³¹³ The actual decision to apply power-sharing on the District Executive Committee goes back to the recommendation that was made at a meeting under the chairmanship of President Museveni.³¹⁴

The intensifying impact of Local Government in case of the election of the Mukiga Fred Ruremera as District Chairman is first of all due to the intervention by the MBC, which mobilised the Banyoro against Ruremera. Secondly it can also be explained by the way the Local Governments Act arranges the political leadership of the district, which led to the concentration of power in the position of the chairman. The refusal of the incumbent Sebastian Sekitoleko to hand over office to Fred Ruremera is explained by the intervention of the MBC.

The legal framework, specifically sec. 101 of the Local Governments Act, put Fred Ruremera into a deadlock situation and enabled President Museveni to intervene and force Fred Ruremera to be sworn in as interim chairman. The negotiations for a compromise candidate were started as a result of President Museveni's intervention. George Namyaka was the only one nominated because of interventions by the MBC and Bafuruki Committee, but also by

³⁰⁹ Sec. 102, 120 (2) and sec. 115, 121 (2) Local Governments Act.

³¹⁰ Communiqué on the Nomination of the Chairperson LC V Kibaale, 08.07.2002, cf. Chapter 3.3.2.2.

³¹¹ Point 1 of the Ten Point Programme reads: "Since Uganda's independence in 1962, Ugandans have not enjoyed 'government of the people, by the people and for the people' [...] the National Resistance Movement believes in free and fair elections held at regular intervals." (Museveni 1992, p. 279). By excluding possible other candidates from being nominated President Museveni actually circumvented the election process and "government by the people".

³¹² At this point in time four out of the nine members of the District Executive Committee belonged to the settler community.

³¹³ Cf. Chapter 3.3.2.2.

³¹⁴ Communiqué on the Political Situation in Kibaale Following a Meeting at the State House under the Chairmanship of H.E. the President of the Republic of Uganda, 08.06.2002.

the President. Even the last positive impact, power-sharing in the District Executive Committee can be explained by the intervention of President Museveni. The most important finding here certainly is that every single one of the mitigating impacts of Local Government goes back to the actions of President Museveni.

3.4.4. The Type of Conflict as an Explanatory Factor

The type of conflict as a variable differs from the other three explanatory factor in that it does not look at Local Government, but at the conflict itself. The starting point for including it among the explanatory factors is the assumption that Local Government is able to manage certain types of conflict better than others. The aim of this chapter is to establish whether that statement is correct and if so, which types of conflict are managed better and which are managed less well.

Types of conflicts can be grouped together in different categories, for example by subject matter. For Kibaale this would mean that the conflicts about land ownership and settlement of non-Banyoro are based on the subject matter "land", while the conflict about control of political institutions is based "political power". One would expect that the impact of Local Government on the latter category is bigger since Local Government is a way of negotiating political power.

It is also possible to distinguish conflicts by the level on which they take place: at the national level, at the district level, concerning both the national and the district level or concerning two or more different districts.³¹⁵ In this case one would expect that Local Government can best address conflicts taking place at district level, but would be progressively less successful when turning to conflicts where other districts or the national level are also involved. The conflict between Banyoro and Baganda about land ownership takes place in Kibaale, but also in those districts in which the Baganda landowners live and the national level. Settlement takes place in Kibaale, but the settlers' districts of origin are also concerned. Lastly conflicts between different ethnic groups about political power take place within Kibaale District.

The conflict between Banyoro and Baganda over the ownership of land in Kibaale District predates the establishment of Local Government. By its nature the conflict concerns more than just Kibaale District: the Baganda landlords live in other districts where they are not under the jurisdiction of Kibaale District Local Government. The solution of the conflict by way of compensating the Baganda landlords is outside of the financial scope of Kibaale District Local Government since Kibaale is a poor district with very little local income. Also, the National Government has already started compensating the absentee landlords.

Since the Local Governments Act gives Local Government the right to pass settlement policies for the district, the conflict about settlement of non-Banyoro is as such open to regula-

³¹⁵ This division of layers is an adaptation from Mehler 2001, cf. Chapter 2.3.

tion by Local Government. Depending on how such a settlement policy is designed it can decrease, but also increase the intensity of settlement-related conflicts. Also, if Local Government is responsible for regulating a certain area, regulations from the National Government in this area cannot be expected. In these cases failure to regulate settlement may cause disorganised and uncontrolled settlements that increase the intensity of conflict.

By its nature the closest to Local Government is the conflict about the control of political institutions. Local Government is a form of distributing political power and the councils are political institutions. A conflict about the control of such institutions will automatically include Local Government. Local Government is the arena in and through which struggles for political power are carried out. On the one hand this offers the chance to guide the conflict in such a way that it becomes less intensive. On the other hand conflicts taking place within the structure of Local Government have the potential to destabilise Local Government itself.

Chapter 4: Discussion of Results and Recommendations

4.1. Discussion of Results

The hypothesis proposed that Local Government generally has an impact on conflicts and that the type of impact depends on a variety of factors. These factors are the competencies and resources transferred to Local Government (legal framework), outside interventions into Local Government, the inclusiveness of Local Government and the type of conflict.³¹⁶

In the context of Kibaale three different conflicts were identified upon which the impact of Local Government had to be analysed. Roughly 70 % of land in Kibaale is private mailo land that belongs to Baganda landowners. Because this land used to belong to Banyoro prior to the 1900 Buganda Agreement, Banyoro still consider the land as their property. The second type of conflict is concerned with the settlement of non-Banyoro in Kibaale. That settlement has now reached such an extent that over half of the population of Kibaale are non-Banyoro. The presence of these settlers on Local Councils in Kibaale led to the third conflict about the control of political institutions in the district.

Local Government had no impact on questions of land ownership. This is explained by the legal framework that does not permit Local Government to address the conflict, and also by the type of conflict itself. The conflict takes place outside of the scope of Local Government.

With regard to the settlement of non-Banyoro an intensifying impact of Local Government was observed. Local Government consented to the two official resettlement schemes in 1973 and 1992 which led to an increased influx of settlers, settlers within Local Government abused their positions to illegally allocate land to other settlers and lastly the District Council failed to make use of its statutory right to regulate settlement. The legal framework in place at the time of the consent can very likely explain the consent to the resettlement schemes. The abuse of office was made possible by the presence of settlers in Local Councils (a sign of the inclusiveness of Local Government) and perpetuated by the legal framework that did not allow Local Government to effectively address abuse of office within the system. The Local Governments Act gives Local Government the right to regulate settlement in the district. The failure of the District Council make use of this provision and pass a settlement policy can tentatively be explained by the interest of the National Government in Kibaale as a settlement area. That interest may have led to an intervention at the district level – but this is not supported by the empirical evidence collected during the research.

Local Government had both positive and negative impacts on the conflict about the control of political institutions. Negative impacts are the election of the Mukiga Fred Ruremera and the refusal of the Sebastian Sekitoleko to hand over power to him while Fred Ruremera's

³¹⁶ Cf. Chapter 2.4.: "Local Government has an impact on conflicts. Whether it mitigates conflict or creates new or intensifies existing conflicts depends on the following factors: a) the formal competencies and resources transferred to Local Government (legal framework), b) outside interventions into Local Government, c) the inclusiveness of Local Government and d) the type of conflict."

decision to serve only as interim chairman, the negotiations that led to the nomination of George Namyaka as compromise chairman and the power-sharing in the District Executive Committee had a positive impact on the conflict.

Local Government was able to make an impact on the conflict about the control of political institutions because it is itself a way of distributing this control (type of conflict as explanatory factor). This also means that to a large extent the conflict will be carried out within and through Local Government.

The intensifying impact of the election of Fred Ruremera is a result of the propaganda by the MBC, but the position of the District Chairman is an equally important factor. The chairman is the political head of the district and as such an object of polarisation. The refusal of Sebastian Sekitoleko to hand over the District Chairmanship to Fred Ruremera was influenced by the activities of the MBC. Although Fred Ruremera agreeing to serve as interim chairman and the beginning negotiations for a compromise chairman served to stop the violence, they only came about because of a provision in the Local Governments Act and the Constitution.³¹⁷ This provision put Fred Ruremera in a deadlock situation so that he was practically forced to give in to President Museveni's demands. Still, without the intervention of the President he would not have stepped down in this way. But it needs to be noted that the same provision that "forced" Ruremera to give in to President Museveni's demands enabled President Museveni to make these demands in the first place. All further mitigating impacts, the negotiations of the compromise chairman, the nomination of George Namyaka as the only candidate and the power-sharing in the District Executive Committee were results of the intervention by President Museveni, although the MBC and Bafuruki Committee played their part in making sure that no one else but George Namyaka would be nominated.

Thus it had to be reconsidered whether the mitigating impacts can really be ascribed to Local Government. All of them were a direct result of the intervention of President Museveni and followed his suggestions: he suggested a compromise candidate, he suggested power-sharing. This leads to the reclassification of the mitigating impacts as impacts of the actions of the President. Would it thus be correct to ascribe all intensification of conflict to Local Government (regardless of other actors present) and at the same time ascribe all mitigating impact to interventions of the President? An important difference between the MBC and the President is that the former is a civil society organisation while the latter is another, higher level of government. The impact of the MBC took place outside of the legal framework while the actions of the President are actually provided for within the legal framework.

A summary of the findings of the field research as they have been described above is presented in Table 4.1.

³¹⁷ Sec. 101 Local Governments Act, Art. 202 Constitution; cf. Chapter 3.4.3.

Table 4.1. Overview over the Findings of the Field Research

Conflict	Impact of Local Government*	Explanatory Factors			
		Legal Framework	Outside Interventions	Inclusiveness	Type of Conflict
Land Ownership		Responsibility of National Government			Outside of the scope of Local Government
Settlement of Non-Banyoro	Consent to resettlement schemes	Consent was very likely a legal requirement at the time			Open to regulation by Local Government
	Abuse of office	Insufficient to deal with corruption within the system		Representation of settlers on LCs made abuse possible	
	Failure to pass a settlement policy		National Government / President Museveni <i>may</i> have influenced politicians in Kibaale not to pass a policy		
Control of Political Institutions	Ruremera elected as District Chairman	Concentration of power in the position of the chairman	Political agitation against settlers by MBC		Open to regulation by Local Government / Conflict is likely to take place within the structures of Local Government
	Incumbent Sekitoleko refused to hand over		Political agitation against settlers by MBC		
	Ruremera as interim chairman	Deadlock situation due to sec. 101 Local Governments Act	President Museveni used sec. 101 Local Governments Act		
	Negotiations for compromise candidate		President Museveni		
	Compromise chairman		President Museveni, MBC, Bafuruki Committee		
	Power-sharing on District Executive Committee		President Museveni	Representation of settlers on District Executive Committee	

*Type of impact:

Mitigation

No Impact

Intensification

The case of Kibaale has shown that the ability of Local Government to address and manage conflicts does indeed depend on the factors proposed in the hypothesis. These factors are of differing importance and sometimes need to be combined in order to provide an explanation. The legal framework can be considered as a key factor in all three types of conflicts. However, based on the available empirical evidence, none of the four factors was able to explain why the District Council failed to pass a settlement policy. However, the National Government and President Museveni may have had an interest in Kibaale as an area for the resettlement of people from the overpopulated south-western districts and thus may have intervened at the district level to stop the passing of such a policy. Therefore the second variable, outside interventions into Local Government, may indeed be able to explain the District Council's failure to pass a settlement policy.

The hypothesis has thus been partially verified. Contrary to the hypothesis, Local Government does not generally have an impact on conflict; whether it has any impact at all depends on the type of conflict. The type of impact (whether Local Government intensifies or mitigates conflict) however does indeed depend on the other three factors proposed in the hypothesis: the legal framework, outside interventions into Local Government and the inclusiveness of Local Government. Further research on the subject should take this into consideration.

The theoretical framework introduced four possible layers of conflict within a given society to illustrate typical positive and negative impacts of decentralisation on conflict.³¹⁸ The hypothesis was based on the second of these layers between different ethnic or other groups within a district. But only the conflicts about settlement of non-Banyoro and the control of political institutions took place between ethnic groups – Banyoro and Bakiga (as well as other settlers that are not ethnic Banyoro) – within Kibaale District. The conflict about land ownership concerned two ethnic groups – Banyoro and Baganda – but the Baganda do not live within Kibaale District. Thus it cannot be accommodated within the second layer of conflict. Nor can it be accommodated in any of the other layers introduced in Chapter 2.3. The conflict does not take place within the first layer between individual citizens and the central state or community. Neither is it located between different regions since the Baganda and Banyoro - but not the regions they live in - conflict over land ownership. The conflict also does not take place between these regions and the national state Uganda. Nor is it such that the Baganda and Banyoro are conflicting with the national state. Thus the conflict cannot be accommodated within the forth layer either.

These observations can lead to two different conclusion: First, that it is necessary to add a fifth layer in order to accommodate conflicts such as the conflict about land ownership. Secondly, that not every conflict can be accommodated within these four layers. The four layers of conflict do not claim to cover all possible conflict constellations that can be found within a given society. They intend to illustrate only those conflicts on which Local Government can

³¹⁸ Cf. Table 2.2. and Chapters 2.3.1 to 2.3.4.

actually have an impact. It is thus no surprise to find that the conflict about land ownership on which Local Government did not have an impact does not fit into any of the four layers. This is also supported by the above findings that the type of conflict determines whether Local Government has an impact on the conflict.

The conflicts that have been observed in Kibaale can be traced back to the four structural causes of conflicts in Africa identified in Chapter 2.2.1. These are the political and cultural legacy of colonialism, the scarcity of resources and the mechanisms for their distribution, a persistent imbalance opportunities and a specific form of inadequate (bad) governance.³¹⁹

The political and cultural legacy of colonialism plays an important part in all three conflicts. After the British had defeated the Kingdom of Bunyoro-Kitara they took part of its territory and gave it to Baganda chiefs (the lost counties). This was set down in the 1900 Buganda Agreement which for the first time demarcated the borders of Uganda as they are today, but more importantly changed the borders between the two kingdoms Bunyoro-Kitara and Buganda. For the Banyoro in the lost counties this meant that their land was taken away. As a result of this experience they remained very sensitive and very protective of their land. When settlers came and settled in Kibaale they also "occupied" land the Banyoro considered to be theirs. The more land they occupied, the more the Banyoro were reminded of the dispossession of land by the British and the Baganda. But not only the land was taken from the Banyoro, they were now also ruled by Baganda - foreigners with whom they had been at war prior to the arrival of the British colonial power. When the settlers started to assume positions of political leadership in the district to many Banyoro this was a repetition of the "foreign rule" they had previously experienced under the Baganda chiefs. The settlers who are Ugandan citizens but not ethnic Banyoro were and still are perceived as foreigners – much like the Baganda were.

Another aspect of the settlement conflict is also a result of the colonial legacy: The British established mailo land that was to be used for production, while they classified the peoples of south-western Uganda as "workers". As a result many people from these regions came to work on the plantations in the lost counties. Migration of workers was also necessitated by the fact that the lost counties were depopulated after the war between the British and the Kingdom of Bunyoro-Kitara. In addition to this the settlement conflict is in part caused by the mechanisms that exist for the distribution of the scarce resource land. Settlement is not regulated and people are settling without control by the district or national authorities.

But the three conflicts do not only share causes, they are also linked in their dynamics. When Fred Ruremera was elected as District Chairman in 2002 this led to a violent climax not only of the conflict about the control of political institutions, but also of the settlement conflict. The same groups – Banyoro and non-Banyoro settlers – are parties to both conflicts. The dynamics of these conflicts can potentially be influenced by the way the National Government has chosen to address the third conflict land ownership. The land bought from

³¹⁹ Cf. Chapter 2.2.1.

the Baganda landlords will need to be distributed among both Banyoro and the settlers living in Kibaale.

Chapter 2.3.2 proposed that decentralisation would contribute to the management of conflicts in the second layer (between different ethnic groups in a district) by providing a local arena in which conflicts are carried out in a non-violent area. It further proposed that at the local level it should be easier to organise participation of all relevant stakeholders. In the case of Kibaale these assumptions failed: conflicts were carried out in a violent manner after the elections in 2002. Participation of all relevant stakeholders took place at lower levels of Local Government, but when it came to the highest political position within the district, the chairmanship, the participation of settlers was violently rejected by forces within the Banyoro community. The theoretical framework further proposed that different groups would be forced to cooperate for the common good – in the case of Kibaale the Banyoro choose not to cooperate regardless of the common good. They did not work for a common but for their tribe's good or what they perceived to be their tribe's good. This went beyond a mere blockade of the decision-making process as proposed in Chapter 2.3.2 and led to what some people perceived as a "war".

But the theoretical framework also looked at ways in which decentralisation could intensify conflicts; in connection with this it points to changes in the existing balance of powers through the demarcation of district borders. The proportion of settlers in the total population rose dramatically after Kibaale was split from Hoima District in 1991.

The expected ability of decentralisation to contribute to the management of conflicts did not show in the case of Kibaale. On the contrary, the positive expectation of inclusion of all relevant stakeholders actually led to increased conflict when the Mukiga Fred Ruremera was rejected as District Chairperson.

4.2. The Way Forward for Kibaale District

Since the way the three conflicts will be handled both by Local and the National Government is decisive for the future of Kibaale, this chapter aims to give some recommendations on how these conflicts should be addressed in order to avoid further intensification. But it will do without recommendations along the lines of "the two tribes should be harmonised" as I believe that harmonisation will come more easily but also only if the underlying problems of land and settlement are addressed properly. Furthermore the problems between the two groups are a result not so much of actual differences but far more of political mobilisation.

As the land clashes between Banyoro and settlers in May 2003 have shown, the way land will be redistributed after it has been bought from the Baganda landlords is crucial. The process of distribution should be fair, transparent and well organised. Great care should be taken in establishing the status of the people (in terms of the time they have been in Kibaale, the circumstances under which they came, their status of occupancy which is related to both) to whom the land is given. Preference should be given to those already in Kibaale

(whether Banyoro or settlers) and who are lawful or *bona fide* occupants. No land should be given to newly arriving settlers as long as those who are already there in accordance with the law do not have land. It may be worthwhile to think about installing a committee of neutral outsiders, but also representatives of settlers and indigenous Banyoro to oversee the distribution process. The District Council should pass a settlement policy that takes into account the same considerations as the redistribution process.

The settler community should not only be considered in the distribution of land, but also be included into the politics and administration of the district. Thus the power-sharing should be extended beyond the District Executive Committee to boards and commissions and the District Service Commission should employ settlers in the local public service. This should not reach the extent of affirmative action or positive discrimination, but settlers should be given equal chances as the indigenous Banyoro.

It is important for the reconciliation that everyone who took part in ethnic violence is brought to justice in due course. Those who committed other crimes such as grabbing land from its rightful owners or issuing threats against the settlers should also be put on trial. It may further be useful if those who are found to be occupying land illegally (as specified by the Land Act, not by the MBC!) and are not *bona fide* occupants are evicted.

The way ethnic tension was handled in Kibaale has implications beyond Kibaale District. It set a potentially dangerous precedent. The will of the majority of the population who elected Fred Ruremera was ignored. The case of Kibaale shows that the instigation of violence is enough to remove a democratically elected official from his position. This has implications for the next elections in Kibaale, but also for other parts of Uganda. Bakiga and other tribes from western Uganda are also settling in other districts. Even though the history of these districts may be different (and Kibaale's history of the lost counties certainly is unique) and the proportion of settlers in the total population may not yet be as high, there may be forces opposed to settlers in positions of leadership. The case of Kibaale has taught them a lesson on how to avert the political participation of settlers and gain the support of the National Government for it.

The intervention of President Museveni was made possible by Sec. 101 of the Local Governments Act and Art. 202 of the Constitution that give the President the right to take over executive and legislative powers in a district for an unlimited period of time and with very little formal requirements. A decision supported by two-thirds of the members of Parliament is sufficient. Even though the President has so far not made use of this provision (and it has not even been in place for a full decade), it was used in Kibaale to impose the President's will on a democratically legitimated official and it can be used in that way in other districts or under other circumstances.

4.3. Recommendations

The experience of Kibaale District gives rise to recommendations on both the legal and the institutional design of decentralisation policies.

Provisions such as Art. 202 of the Constitution and Art. 101 Local Governments Act (cf. Chapter 4.2.) have the potential to seriously inhibit the independence of Local Government. They represent a loophole through which National Government maintains a high degree of control over nominally independent Local Governments. In order to strengthen the independence of Local Government provisions such as these should be revised. At least the period of time for which the President can take over the district administration should be limited and the circumstances under which such an action is possible should be clearly specified. Also, a group of people rather than the President himself should be considered for the administration of a district in case of a take-over.

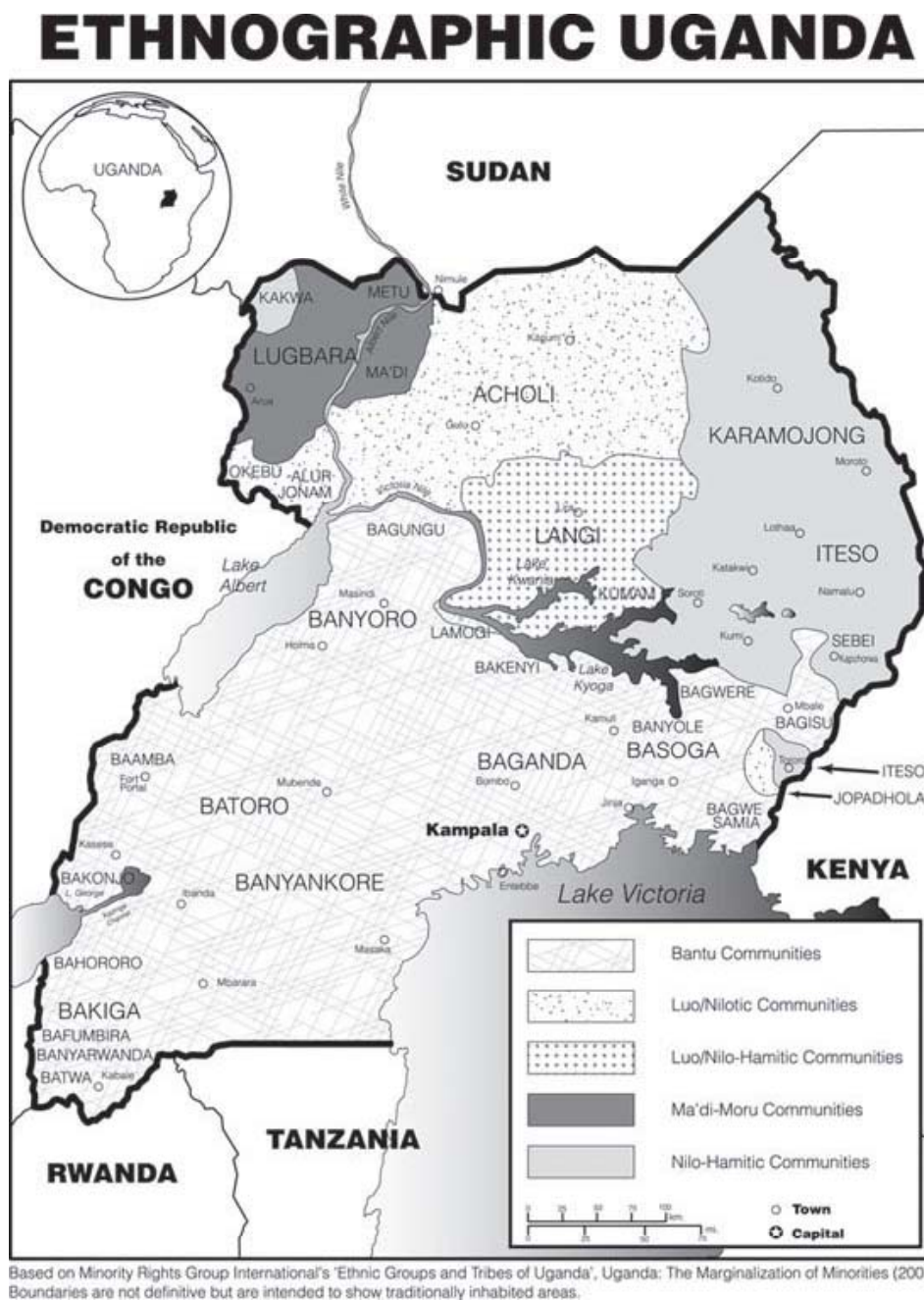
The electoral system used to elect the District Chairman should be changed. The District Chairman should not be elected directly. If however he is directly elected, a more inclusive electoral system than the current plurality system should be used. Such a system should ensure that the candidate it returns will have been elected by the majority (and just not the plurality) of the population.

The position of the District Chairperson as the political head of the district has led to significant polarisation around the person of Fred Ruremera. Power is re-centralised in the position of the District Chairperson. In order to avoid such a centralisation within decentralisation, positions of leadership should not be attributed to a single person, but preferably be spread over a group of people. However, one should also take into consideration that a group of people may be less efficient in governing the district. Both, the need for effective and the need for decentralised governance need to be balanced.

1. Map of Uganda

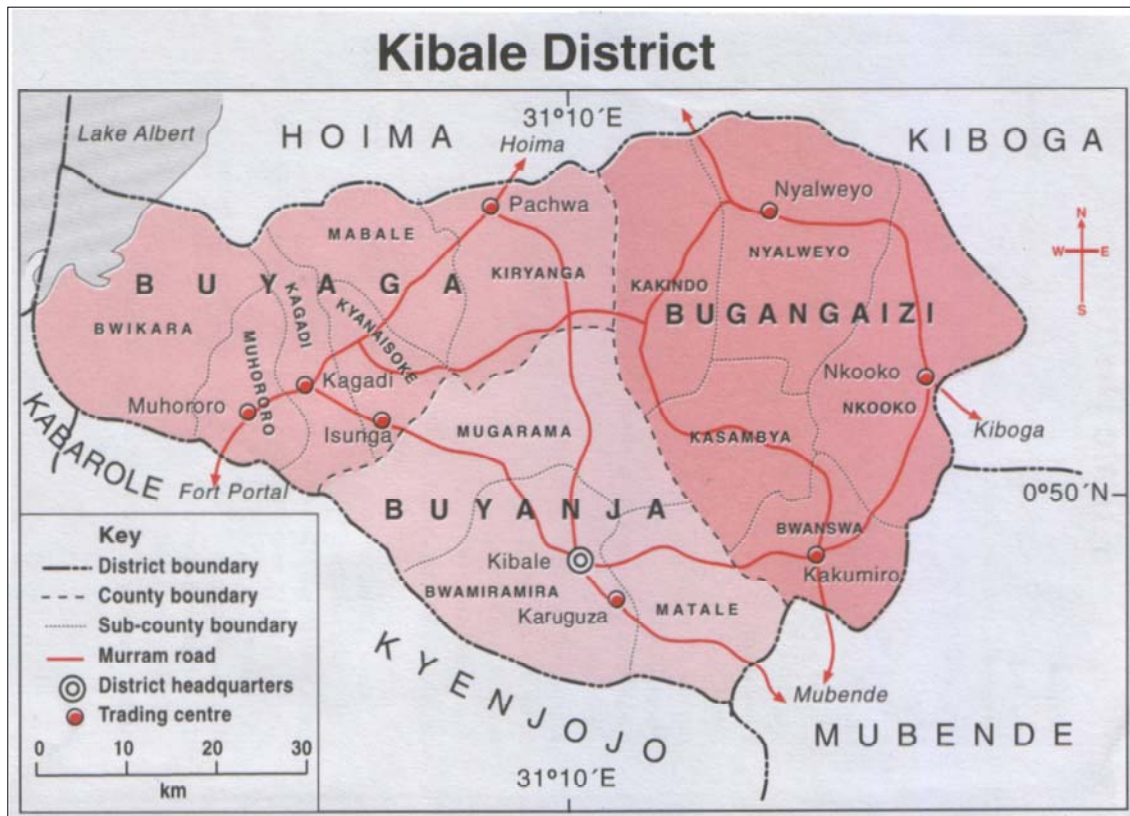


2. Ethnographic Map of Uganda



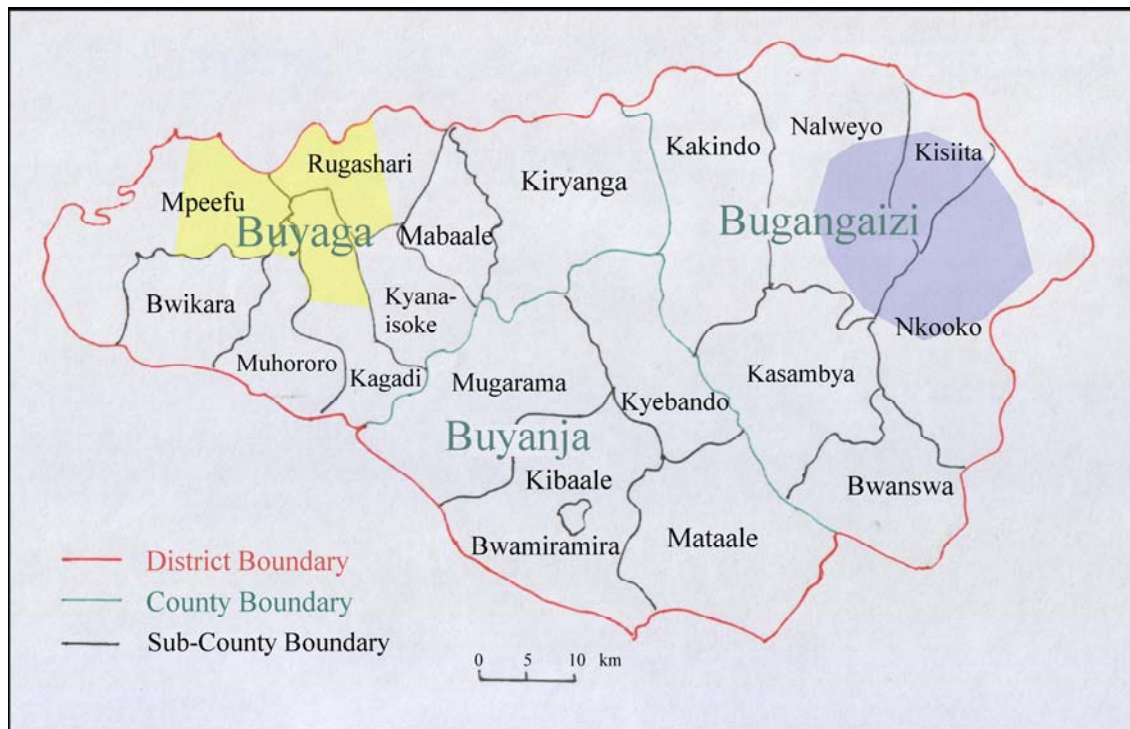
Source: <http://www.c-r.org/accord/uganda/accord11/map2.shtml>, 03.02.2004.

3. Map of Kibaale District



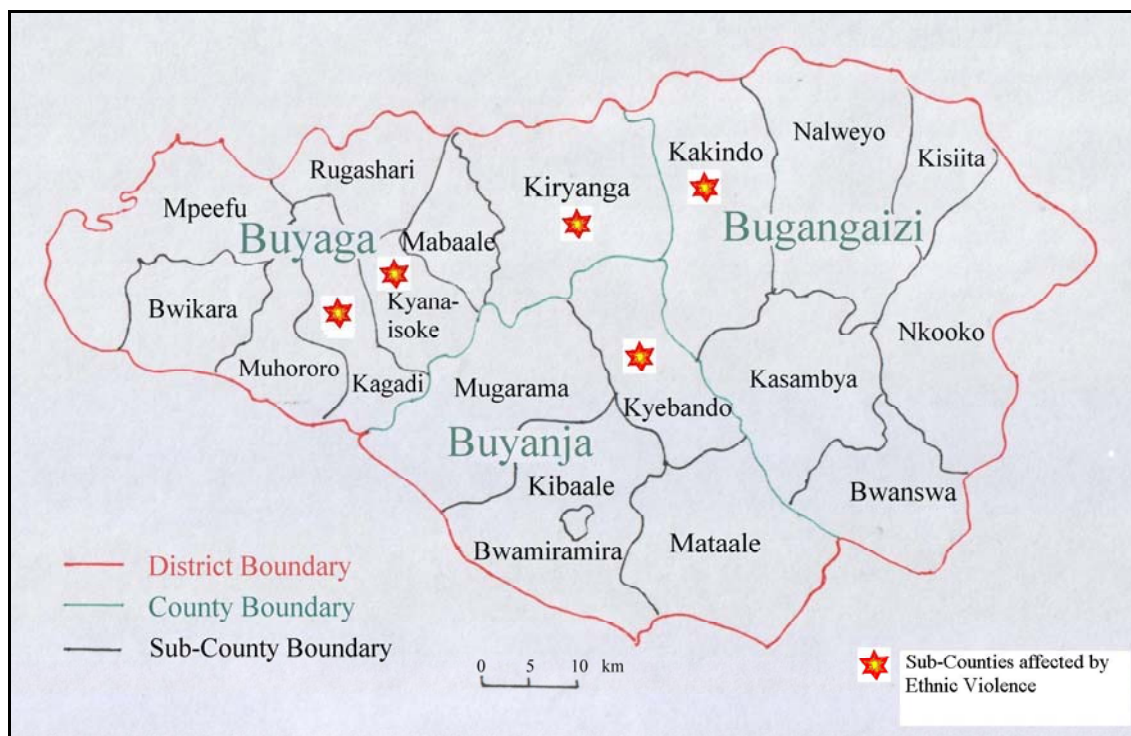
Source: Uganda Districts Information Handbook 2002, p. 82.

4. Approximate Location of Resettlement Schemes in Kibaale District



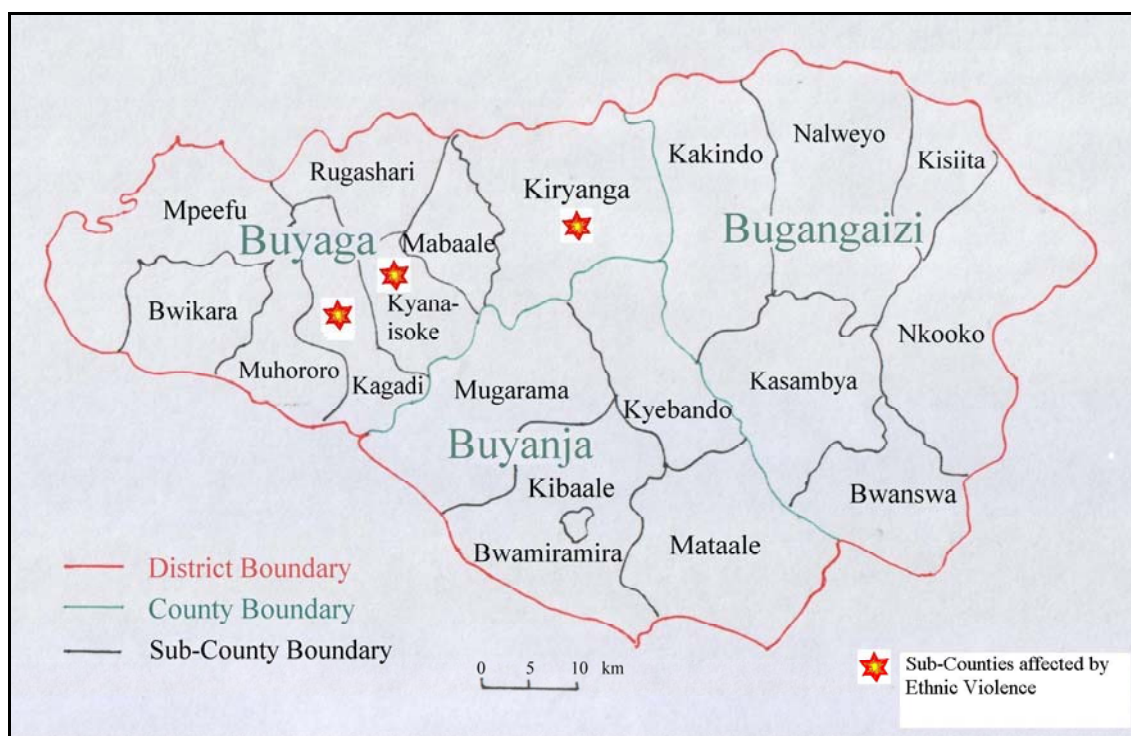
in Buyaga: Kagadi Resettlement Scheme (1973); in Bugangaizi: Bugangaizi Resettlement Scheme (1992) ; Source: Author's own sketch based on Nsamba-Gayiiya 2003.

5. Sub-Counties of Kibaale District Affected by Ethnic Violence (2002)



Source: Author's own sketch based on Watson 2001-2002, pp. 97f.

6. Sub-Counties of Kibaale District Affected by Ethnic Violence (2003)



Source: Author's own sketch based on various articles in Monitor and New Vision, 2003.

7. Results of the Kibaale District Chairperson Elections 2002

	Christopher Kyambadde	Fred Ruremera	Sebastian Sekitoleko
Bugangaizi County			
Sub-County			
Bwanswa	115	390	3521
Kakindo	163	2386	2589
Kasambya	111	1367	2840
Kisiita	53	2593	342
Nalweyo	186	3189	1583
Nkooko	170	2022	1905
sub-total	798	11947	12780
Buyaga County			
Sub-County			
Bwikara	244	5622	1812
Kagadi	621	5455	2249
Kiryanga	257	4125	1780
Kyanaisoke	214	2169	3806
Mabaale	178	1396	2741
Mpeefu	238	4665	759
Muhorro	187	5155	2258
Rugashari	129	6166	406
sub-total	2068	34753	15811
Buyanja County			
Sub-County			
Bwamiramira	511	840	1830
Kibaale Town Council	108	86	825
Kyebando	218	1284	830
Matale	409	1085	2658
Mugarama	259	2071	1960
sub-total	1505	5366	8103
Total no. of votes	4371	52066	36694
In %	4,7	55,9	39,4

Source: Tally Sheets, District Chairperson LC V Elections, 2002.

8. Members of the 4th Kibaale District Council (2002-2006)

NAME	SUB-COUNTY	COUNTY	POSITION	ETHNIC GROUP
DISTRICT CHAIRPERSON				
Namyaka George			District Chairman	Munyoro
DIRECTLY ELECTED COUNCILLORS				
Kanyaihamba Robert	Kagadi	Buyaga	Speaker	Munyoro
Mutumba John	Bwanswa	Bugangaizi	Deputy Speaker	Munyoro
Tibasulwa Teddy	Kibaale Town Council	Buyanja	Vice Chairperson	Munyoro
Bukya John Bosco	Nkooko	Bugangaizi	Secretary Finance	Munyoro
Baluku Serapio	Mpeefu	Buyaga	Secretary until June 2003	Mukonjo
Lubowa Chrisestom	Kasambya	Bugangaizi	Secretary Security	Munyoro
Osingura Patrick	Kisiita	Bugangaizi	Secretary until June 2003	Mukiga
Magezi Nestorie	Mugarama	Buyanja	Secretary Lands	Munyoro
Sanyu Pascal	Matale	Buyanja		Munyoro
Byaboona Stephen	Kyebando	Buyanja		Munyoro
Baguma Henry	Kyanaisoke	Buyaga		Munyoro
Sentoogo John Bosco A	Kiryanga	Buyaga		Munyoro
Turyamureeba Victor	Bwikara	Buyaga		Mukiga
Katende Joseph	Mabaale	Buyaga		Munyoro
Turyakira Simplisio	Nalweyo	Bugangaizi		Mukiga
Betonda Ramuel	Rugashari	Buyaga		Mukiga / Mufumbira
Tumwesigye Josephat	Kakindo	Bugangaizi		Mukiga
Rubaire Januarius	Bwamiramira	Buyanja		Munyoro
WOMEN REPRESENTATIVES				
Nanseera Aisha	Mpeefu	Buyaga	Secretary Education	Munyankole
Namala Loy	Bwikara	Buyaga	Secretary Works	Munyarwanda / Mukiga
Senyomjo Vianney	Bwamiramira / Matale / Kibaale Town Council	Buyanja		Munyoro
Asaba Rovisa	Mugarama / Kyebando	Buyanja		Munyoro
Mbaziira Hedwig	Mabaale / Kiryanga	Buyaga		Mutooro
Namugwe Getrude	Kyanaisoke	Buyaga		Munyoro
Veronica Senyama	Nkooko	Bugangaizi		Munyoro
Nsereko Mary	Bwanswa	Bugangaizi		Munyoro
Byoto Rose	Kagadi	Buyaga		Munyoro
Namutebi N. M. Hamidah	Kasambye / Kakindo	Bugangaizi		Munyoro
Lubega Specioza	Nalweyo / Kisiita	Bugangaizi		Munyoro
YOUTH REPRESENTATIVES				
Namagembe Assumpta				Munyoro
Nkuuna Richard				Munyoro
REPRESENTATIVES FOR PEOPLE WITH DISABILITIES				
Bamanya Edward				Mukiga
Betty Lubowa				Munyoro
COUNCILLORS WHO COULD NOT BE ATTRIBUTED TO ANY GROUP*				
Kembabazi Anna	Muhorro	Buyaga		Mukiga / Munyankole
Namukisa Oliver	Rugashari	Buyaga		Munyoro
Asaaba Aheebwa	Muhorro	Buyaga		Mutooro / Munyoro

*Due to lack of available information.

Source: List of Councillors of the 4th District Council of Kibaale, 2003; Tally Sheets, Directly Elected Councillors, 2002; Interviews with S. P. Kandole, A. Nanseera and G. Tusabomu.

List of Interview Partners

ALDERTON-SMITH, Chris
Director of Programmes, URDT (Kagadi, 18.09.2003)

ASIIMWE, Edward
Secretary to the District Land Board, Hoima District (Hoima Town, 15.10.2003)

ASIIMWE, Juma Zaidi
Deputy Mayor of Hoima Town (Hoima Town, 21.10.2003)

BABI, Ali
Secretary for Production and Marketing, Hoima District (Hoima Town, 13.10.2003)

BAGUMA ISOKE, M.
Minister of State (Lands) in the Ministry for Water, Lands and Environment (Kampala, 22.09.2003)

BALIDEWA, Patrick
Resident District Commissioner, Kibaale District (Kibaale Town, 02.09.2003)

BALUKU, Serapio
Kibaale District Councillor representing Mpeefu Sub-County; Secretary for Health, Kibaale District (2002-2003) (Kibaale Town, 05.09.2003)

BAMWESIGYE, Wereni
Chairman of Kagadi Sub-County (Kagadi, 19.09.2003)

BASASIRA, Julius
Priest of Hoima Catholic Diocese (Hoima Town, 12.09.2003)

BUKYA, John Bosco
Secretary for Finance, Planning, Production and Investment, Kibaale District (Kibaale Town, 05.09.2003 and 08.09.2003)

BUSINGYE, Harriet
Coordinator, Uganda Land Alliance (Kampala, 30.09.2003)

BYAMUKAMA, Nathan
Head, Monitoring & Treaties Department, UHRC (Kampala, 01.10.2003)

BYANSI, Alex
Secretary for Finance and General Purpose / Security, Hoima District (Hoima Town, 14.10.2003)

CAHILL, Maura
Volunteer working in Kibaale District in 2002, VSO Uganda (Interview conducted by email, various dates)

DUDA, Gerald
Regional Technical Advisor (Conflict Management, Disaster Preparedness and Emergency Programs), GTZ (Kampala, 28.08.2003)

FRIEDRICHSEN, Stefan
Advisor, Peace and Conflict Studies Programme, Makerere University (Kagadi and Kampala, various dates)

GAMEY, David

Manager – Economic Development, VSO Uganda (Kibaale Town and Kampala, various dates)

HILBERER, Wolfgang
Resident Representative, KAS (Kampala, 30.09.2003)

HUTTER, Dorothee
GTZ Office Kampala Director, GTZ (Kampala, 26.08.2003)

KAGGWA, Andrew
Vice Chairman of Mubende Banyoro Committee; Judge on the District Land Tribunal, Kibaale District; District Chairman, Hoima District (2/1989 – 3/1991) (Kibaale Town, 10.09.2003)

KAJUBI, Marc
District Planner, Kibaale District (Kibaale Town, 09.09.2003)

KAMANGA DYRBAK, Jens-Peter
Senior Decentralisation Advisor, Decentralisation Advisory Office (DANIDA) (Kampala, various dates)

KANDOLE, Simon Peter
Town Clerk of Kibaale Town; Minister for Youth and General Duties in the Kingdom of Bunyoro-Kitara; former chairman of the Mubende Banyoro Committee (Kibaale Town, 04.09.2003)

KAYUNGA, Simba Ssali
Lecturer in the Department of Political Science and Public Administration, Makerere University (Kampala, 01.10.2003)

KIMONO, Simon N.
Chief Administrative Officer, Kibaale District (Kibaale Town, 03.09.2003)

KISEMBO, Mathia
Chairman of the District Land Board, Kibaale District (Kagadi, 18.09.2003)

KOPSIEKER, Fritz
Resident Representative, FES (Kampala, 27.08.2003)

KUMUMANYA, Ben
Donor Co-ordination Officer, MOLG (Kampala, 06.11.2003)

KYALIGONZA, K. Tom
Mayor of Kibaale Town (Kibaale Town, 03.09.2003)

KYAMANYWA, Moses Mugenyi
Acting CAO, Hoima District (Hoima Town, 15.10.2003)

LUWANGWA, Francis
Local Government Advisor, USAID (Kampala, 25.08.2003)

MUGANWA, Daisy
Chairperson of the District Service Commission, Hoima District (Hoima Town, 16.10.2003)

MUSOKE, Simon Katta
Acting Chairman of Mubende Banyoro Committee (Karaguuza, 04.09.2003)

MUHWEZI, Pontian
Rural Development Adviser, Ireland Aid (Kampala, 26.08.2003)

NAMYAKA, George

District Chairman, Kibaale District (Kibaale Town, 03.09.2003)

NANSEERA, Aisha

Secretary for Education, Kibaale District (Kibaale Town, 09.09.2003)

NGATEGIRE, Enoch

Deputy RDC, Hoima District (Hoima Town, 13.10.2003)

NSAMBA, Yolamu

Principal Private Secretary to Omukama (King) of Bunyoro-Kitara (Hoima Town, 16.10.2003)

OKELLO-OMODING, Godfrey

Programme Coordinator, Chief Technical Advisor for Ireland Aid in Kibaale and Kumi Districts, Ireland Aid (Kibaale Town, 01.09.2003 and 03.09.2003)

SEMWOGERERE, Rosette

Programme Director, FES (Kampala, 02.10.2003)

TIBASULWA, Teddy

Vice District Chairperson, Kibaale District (Kibaale Town, 05.09.2003)

TIBENDA, Geoffrey

Co-founder and Chairman of the Bafuruki Committee; Reverend of Bunyoro-Kitara Diocese (Hoima Town, 12.09.2003 and 16.09.2003)

TINKAMANJIRE, Ali

Secretary for Water, Lands and Environment / Works, Hoima District (Hoima Town, 15.10.2003)

TINKAMANYIRE, George Bagonza

District Chairman, Hoima District (Hoima Town, 17.10.2003)

TUKAHEBWA, Geoffrey

Senior Lecturer of Political Science, Department of Political Science and Public Administration, Makerere University (Kampala, 29.08.2003)

TUSABOMU, George

Secretary to the District Land Board, Kibaale District (Kibaale Town, 09.09.2003)

VAN STAPPERSHOEF, Remco

Volunteer working in Kibaale District in 2002, VSO Uganda (Interview conducted by email, various dates)

WANDEGA, Job

Secretary to the District Service Commission, Hoima District (Hoima Town, 16.10.2003)

WINKLMAIER, Michael A.

Country Director DED Uganda, DED (Kampala, 28.08.2003)

YASIN, Olum

Lecturer in the Department of Political Science and Public Administration, Makerere University (Kampala, 03.12.2003)

ZIKANSHAGIZA, Patrick

Bafuruki Committee (Kampala, 22.09.2003)

ZZIWA, Deogratias

Chairman of the District Service Commission, Kibaale District; Priest of Hoima Catholic Diocese (Rwenkobe / Hoima District, 14.09.2003)

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Abstract

The working paper contributes to the discussion of political instruments of conflict management by providing empirical evidence on decentralisation as a means of conflict management. The case study used in this paper is Kibaale District in Western Uganda. After independence migrants from southwestern Uganda settled in the sparsely populated district. They compete with the original population over the available land. In March 2002 Fred Ruremera – a member of the migrant community – was elected as the district chairman (head of local government). His election was not accepted by the original inhabitants and sparked ethnic conflict and widespread violence. Peace was only restored after the President of Uganda, Yoweri Museveni, intervened, Fred Ruremera agreed not to assume office and a compromise candidate was installed in his place.

While positive impacts of decentralisation on conflict are expected because of the increased participation and the possibility of addressing local problems at the local level, negative impacts can stem from increased competition over resources and access to power. The paper identifies four general factors that determine whether decentralisation acts as a means of conflict management: the legal framework of the decentralisation policy, freedom from outside interventions into the workings of local government, the inclusiveness of local government and the type of conflict.

The paper comes to the conclusion that – contrary to expectation – decentralisation and the increased participation have increased and created conflict rather than managed it. The reason lies mostly in the design of the decentralisation policy: The electoral system provides for the direct election of the chairman by plurality – not majority of the population and in the position of the district chairman power is actually re-centralised. Local government is also not sufficiently independent from central government, with constitutional clauses in case of a state of emergency allowing a high degree of control.

Anna Katharina Schelnberger, born in 1976, studied Law at the University of Freiburg where she graduated with the First State Examination in Law (*"Erstes Juristisches Staatsexamen"*) in 2000. She obtained her MA in Development Management in 2004 at the Institute of Development Research and Development Policy of the Ruhr-University Bochum. She has worked as advisor to a Microfinance Programme in East Africa and run a Good Governance Programme in Ghana. Her research interests lie in the areas of Good Governance and Conflict Management. The author may be contacted at Schelnberger@web.de.