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### **Okugenda Mu Maaso:**

The Link Between Tradition, Reform  
and Development

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# Okugenda Mu Maaso: The Link Between Tradition, Reform and Development

I am honored to be invited to speak on this auspicious occasion, the 15<sup>th</sup> anniversary of the coronation of Ssabasajja Ronald Muwenda Mutebi II. I would like join all of you in wishing the Kabaka a long and prosperous life.

I come with questions today, not answers. I have learnt over time that when you face a challenge, you need to focus first and foremost on framing the most appropriate questions, and resist the rush to seek answers.

The situation Buganda faces today is as important as the one it faced in 1900 and 1928 in the colonial period, and in the early 1980s in the Luwero Triangle. I will discuss all of these to place today's challenges in their proper context.

My response to questions will be provisional. Rather than present hard and fast positions, I intend to open up issues for a broad discussion.

## Tradition

My first question is: what do we understand by tradition? I suggest we begin with an understanding of two different and diametrically opposed notions of tradition. The first is that tradition does not change, that it is eternal. The second is that tradition must change if it is to survive, for modernity is a product of tradition. We no longer speak of modernity as synonymous with Westernization: the Indians speak of Indian modernity, the Chinese of Chinese modernity, and the Senegalese of Senegalese modernity.

British colonialism sold us the first notion of tradition: that tradition means *no change*. They themselves didn't believe in it. British modernity, after all, came out of British tradition and the fear of radical change if Britain did not change – a fear driven by a combination of two factors, the reality of a popular movement at home and the example of the French Revolution abroad.

If you ask an English historian for an account of the conservative tradition, he will most likely give you a history of key debates that have shaped the course of the conservative tradition through centuries. This history will highlight points of contention between different interpretations of the conservative tradition at critical times, each suggesting a different way forward. Had an alternative interpretation triumphed at any one point, it would have made for a different history of conservatism. From this point of view, tradition is change. There is no Chinese Wall between tradition and modernity.

The Americans have a constitution which has gone through several amendments over centuries. They believe it is essentially the same constitution. And yet we all know that this same constitution justified the enslavement of African peoples at one time and their emancipation at another. The British have no Constitution, but their notion of who belongs to Britain and is thus entitled to its citizenship have changed radically. I want to begin with this notion of citizenship, of political belonging, of living under the same political roof under the same laws. For to have the same rights means to live under the same laws.

## Colonial Uganda

Let us come closer to home, to colonial Uganda. British colonialism inscribed a very particular notion of tradition in colonial laws. Every British colony in Africa had two kinds of laws. One was called customary law, and the other modern civil law. What was the difference? And why the difference?

If you look at the census of a British colony, you will see that it divided the population into two broad categories: races and tribes. Every person living in the colony was counted in the census as member of either a race or a tribe. You could not be a member of both.

Who were races and who tribes? The main races were Europeans, Asians, mixed race persons that were called 'Coloureds' under apartheid in South Africa. The tribes were Baganda, Banyoro, Banyankole, Acholi, Langi, and so on. The division between races and tribes was not a division between colonizers and colonized, but between two types of residents living in the colony: immigrants and indigenous peoples.

Did it make a difference as to whether you were said to belong to a race or a tribe? The short answer is: yes. Races and tribes were ruled under different laws. Whereas races were governed under modern civil law, tribes were governed under customary law.

What was the difference between civil and customary law? The first difference was that there was only one civil law, but many customary laws, as many as there were said to be tribes. Why? The British said the reason for this was culture, so that each tribe could live under a law that reflects its own culture.

But that raises a question. Those identified as races – English, French, Scots, Irish, Greeks, Indians, Ceylonese, Chinese, and so on – came from different parts of the world. They had different histories, different languages, even different religions. Yet they were to live under the *same* law, civil law. But the ethnic groups of Uganda who were neighbors, whose histories often intersected, whose belief systems were not all that different, whose languages were in most cases so similar that they could 'hear' one another, these ethnic groups were required to live under separate laws. Why?

I suggest that the real reason was not culture, but politics. A single polity requires a single law. The colonial power understood that those who live by the same rules will over time learn to live as one people. But those who live by different rules will continue to be different peoples no matter how long they live in the same place. The political project of colonialism was two-fold: to teach the races in Uganda to live together, but to make sure that the tribes in Uganda continue to live separately. That is what they called apartheid in South Africa.

Remember that the key demand of nationalists was that every one living in the colony must live under the same laws. When colonialism was over, the most outstanding nationalists were determined to bring to an end this legacy of apartheid – separate laws for different ethnic groups.

Mwalimu Nyerere was the most successful. He created over decades the legal basis of a nation in mainland Tanzania. He forged a single Tanzanian law by drawing on the best from multiple traditions: customs of ethnic groups, colonial civil law, colonial customary laws, and the traditions of the anti-colonial struggle of the people of Tanganyika. And he merged all law-enforcing authorities into one.

The result is that every person in mainland Tanzania today lives under the same law, regardless of his or her ethnic group or race. In the East African region where those in power in every country have at one time or another targeted one ethnic group or another for systematic discrimination and violence, mainland Tanzania has been an exception. It has been an island of stability and order. The credit for this humanity and political wisdom goes to Mwalimu Nyerere.

Like Mwalimu Nyerere, we too face a challenge: how to decolonize our notion of tradition, to move away from the idea that tradition is opposed to change, and that tradition is only ethnic. Custom and reform are not opposites. When faced with a challenge, every society must turn to its own history and culture to martial resources for change.

## **Culture Is Not Race**

I did not come here with a written text. Aware that I have not been around for some time, I wanted to listen to your discussion before deciding what to say. I wanted to make sure that I address the issues you consider important.

I listened with great interest to Bishop Ssenyimba's talk this morning. I agree with how he defined the relationship between culture and environment, and with his warning that we do not reduce our understanding of culture to songs and dances, as the colonial officials often did. But I would add one thing. When we speak of environment, let us be clear that it is not simply physical, ecological. It is also social. The social environment also changes.

This is why culture is not race. Racial theory is static. From the point of view of racial theory, change is negative for it is said to lead to impurity. Racial language characterizes products of inter-racial unions in negative terms, as ‘Chotera’ here, ‘Coloureds’ in South Africa.

In contrast, the notion of culture is dynamic. A people’s culture grows, indeed, must grow if it is to survive. In cultural terms, it is healthy to borrow from others. The truly relevant distinction is not between being isolated and borrowing from others, but borrowing freely and critically, or being forced to take on other ways, as an external imposition.

Take the example of President Leopold Sedar Senghor of Senegal who is often thought of as a great Francophile. But President Senghor was never an uncritical Francophile. He often said to the Senegalese: “Assimilate, but do not be assimilated.” The real point is not whether we borrow from others, but whether or not we are free to decide the terms on which to borrow.

The point is not to be locked into a defensive position. A defensive position means that someone else is defining the terms of your thinking. A defensive position is generally a losing position. The real challenge is to initiate the terms of any discussion.

Thus, my second question: what are the relevant terms for discussing the challenges that Buganda faces today? A brief look at the recent history of Buganda will help us answer this question.

## **From 1900 to 1980**

Most discussion today has focused on economic issues. I want to shift the focus to the political, starting with the 1900 Agreement, going on to the 1928 Busulu and Envujjo Law, and then the 1980 guerrilla struggle in the Luwero Triangle – before I discuss the land Bill before us.

The 1900 Agreement needs to be analyzed as a political document. The British understood that they would not be able to rule Buganda alone; they needed allies. The 1900 Agreement first and foremost spelt out the terms of the alliance between the British and the pro-British faction landlords in Buganda.

I listened to my friend Peter Mulira’s intervention this morning. I want to begin where I agree with him. It is true that there is an element of continuity in the 1900 Agreement. The Agreement recognized one aspect of the existing situation, particularly the peasants as cultivators of the soil. But there was also an element of change. The 1900 Agreement was at the expense of three groups in Buganda. The first loser was the Kabaka, who ceased to be a trustee of all land in Buganda in the name of its people, but was now turned into another



landlord, even if the biggest. The second loser was the group of the *bataka*, the clan heads who traditionally had a role as trustees of the land and who were now totally marginalized. And the third group to lose was that of peasants (*bakopi*), who were now turned into tenants of landlords with absolute private property rights in *mailo* lands, rights these landlords never possessed before but which they could henceforth use to evict tenants at will.

Without this change, we would never have had the situation that led to 1928. Two important changes took place in Buganda from 1900 to 1928. First, colonial power stabilized with the help of *mailo* landlords. The second was that these *mailo* landlords began to flex their economic muscles and demand more rent from tenants, and even took to expelling those who were either unwilling or unable to pay increased rent. The result was a decline in peasant production of cotton in Buganda, since *mailo* landlords were not only demanding ground rent (*busulu*) but in addition rent on cash crops (*nvujjo*), the main one being cotton.

Figures collected by the colonial government showed that the acreage of cotton planted in Buganda and Eastern Province was roughly the same in 1911-12. But in a short space of five years, it had declined in Buganda from 27,380 to 20,100 acres, but increased in Eastern Province from 29,720 to 97,961 acres. Even worse from the point of view, there was the possibility of a political crisis, since the *bakopi* in Buganda were being organized by The *Bataka* Association who demanded that the 1900 Agreement be revised.

It is in this context that the colonial government decided to redefine, actually cut down, the powers of *mailo* landlords. They did this through two changes. To begin with, the colonial government claimed the right to appoint all chiefs in Buganda, as in the rest of Uganda, and to define their job description. Leading chiefs, led by the *Katikiro*, resisted. In the confrontation between Postlewaith, the Acting Provincial Commissioner, and the *Katikiro*, Sir Apollo Kagwa, most leading chiefs, including the *katikiro*, the *omuwanika* (treasurer) and the Secretary to the *Lukiko* (Yusufu Bamuta) were dismissed. Martin Luther Nsibirwa, former clerk in the Protectorate Government, was appointed the new *katikiro*, and Serwano Kulubya, an interpreter and a former inspector of schools with the Protectorate Government, was appointed the new *omuwanika*.

Once the Protectorate Government had broken the political backbone of the *mailo* landlords, it set about undermining their economic position. That was done through the 1928 *Busulu* and *Envujjo* law. The law not only set a limit on the rent the landlord could demand from the tenant, it also gave the tenant effective security of tenure.

These changes had an immediate and positive effect in Buganda. Peasants responded by increasing production.

The new land law is patterned after the 1928 law. But the situation today is not the same as in 1928. I will focus on one big change: the demography of Buganda.

## The Land Law

Some of the participants in this conference have argued that immigrants began to flow into Buganda following Amin's land law of 1975. My own research leads me to question this. When I was doing research on the Luwero Triangle, I remember looking at the results of the 1948-49: nearly half the population of the Luwero Triangle was made up of immigrants. What percent of the population of Buganda is made up by immigrants today? I have failed to find definite figures. But there is no doubt that the figure is substantial. Most observers seem to agree that it is at least a third of the population of Buganda.

The NRA/M confronted the migrant issue in the Luwero Triangle during the guerrilla war. That experience is important to look at for it sheds light on the experience the NRM is drawing on for the proposed Land Bill. When the NRA took control of a village during the guerrilla war, it was faced with the question of organizing the governance of the village: Who should be entitled to participate in the Resistance Council? And who should be entitled to run for office in the Resistance Committee?

If they followed custom as defined in the colonial period, the answer to both questions would have been: those native to the village, excluding migrants. But the NRA had the political sense to realize that if it adopted this formula, then it would alienate the migrants who would have nowhere to turn to except the government. And if that happened, the guerrillas would lose. So the NRA looked for an alternate formula, one that would unite native villagers with long term migrants. The alternative solution invited everyone resident in the village to participate in the Resistance Council and to run for office in the Resistance Committee. This answer made it possible for the NRA to unite the entire village population and isolate government agents.

We know that the alliance the NRA/M then created did not last beyond the departure of the Obote and the Lutwa governments. The failure of the citizenship bill to confer Uganda citizenship on all migrants, especially those from Rwanda, led to their departure. This was the background to the civil war in Rwanda and the genocide that followed.

The important point to realize is that today the NRM is trying to recreate that same unity between natives and long term migrants in Buganda under its leadership. The instrument of that unity is to be the land bill. The heart of that bill is the same as that of the 1928 Busulu and Envujjo Law: security of tenure to all cultivators of the land, natives and migrants, kibanja-holders and *bona fide* cultivators.

The big question is: What will be Buganda's response to this bill? For Buganda's leaders, it is crucial to begin with the realization that security of tenure is in the interest of all cultivators in Buganda: natives and long term migrants. An alliance between the two groups is in the interest of Buganda. If the leadership of Buganda is so short-sighted as to break this alliance

– to split peasants between natives and long term migrants on ethnic grounds and to pit one against the other – Buganda will lose. There may be no winner, but Buganda will surely lose.

Buganda's challenge is to move away from a strategy of exclusion and to work out a strategy of inclusion. Historically, Buganda thrived by being open to long term migrants, so that over time they *became* Baganda. It is vital that the leadership of Buganda draws on that tradition today.

This takes us to the question of *federo*.

## **Federo**

My colleagues, Professors Sempebwa and Jjuko, discussed the question of federation earlier. I suggest to you that the crucial issue is not whether there should be a federal arrangement, but what kind of federal arrangement? To put it in Professor Jjuko's language: the really crucial issue is not whether there should be self-determination, but who is self in self-determination?

Basically, there are two types of federal arrangements: ethnic and territorial. The USA and Canada are territorial federations. You can move from one state in the USA to another and that same day you will have the same rights as anyone who was born in that state and has lived there all his or her life. Even in the United Kingdom, which is not a federation but has regional governments such as in Scotland, rights are not ethnic. An Englishman living in Scotland will have the same rights as a Scotsman in Scotland.

A federation has a division of powers between different units, local and central. But for a federation to be one country, it must not discriminate between citizens: its citizens must have the same rights no matter which local unit they live in. The bottom line is that those who belong to the same polity must be judged by the same laws – in other words, they must have the same rights.

This is not the case in ethnic federations. Take the example of Nigeria, where the civil war of the 1960s led to a new constitution in the 70s. The key stipulation in that constitution was summed up in a single phrase: 'federal character'. It said that key federal institutions in Nigeria must reflect the federal character of Nigeria. According to the constitution, there were three the key federal institutions: the army, the civil service, and the federal universities. What did it mean for these institutions to reflect the federal character of Nigeria? It meant that recruitment into these institutions must be quota-driven, with each state in the federation having a quota depending on the size of its population. Who is each state could compete for this quota? Here was the rub: not every Nigerian who lived in the state, but only those native

to the state, were given this right. The definition of a native was one who was born in the state of a father also born in the state.

This last qualification turned Nigeria into an ethnic federation. It also created two kinds of citizenships in Nigeria. Every Nigerian was defined in relation to the state he or she lived in, as either an indigene or a settler. The number of settlers in each unit increased over time. The more Nigeria introduced market reforms, the more the market economy moved the most dynamic sections of the population: industrialists, traders, professionals at the top, and jobless workers and landless peasants at the bottom.

The irony was that the market economy moved people but the ethnic constitution penalized those who moved by branding them as settlers in their own country, and thereby depriving them of some basic rights. If you look at the land struggles in Nigeria, you will find that they are mainly between settlers and indigenes in different states.

Like Nigeria, the ethnic question in Buganda is not an external one, one that sets Buganda against other ethnic groups. It is right inside Buganda. The real challenge for Buganda is to come to terms with the fact that it is increasingly an immigrant society.

Buganda is also the largest ethnic group in Uganda. It is not the majority, but it is the largest of all ethnic groups. Every major political change in Uganda has been driven by the participation of Buganda. This was true of the 1945 and 1949 peasant uprisings in Buganda and the Kabaka's leadership in the 1953 agitation against the scheme of a settler-dominated East African federation. It was also true of the NRA/M bush war in Luwero in the early 1980s.

The irony is that the Baganda have fought but seldom led. Every time there has emerged a national leader from Buganda, the tendency has been to excommunicate that leader. The assumption has been that for some reason it is not possible to be a leader of Uganda and Buganda at the same time.

If you look around the world, you will find that the largest groups usually vie for political leadership in a country: the English in the United Kingdom, the Prussians in Germany, the Kikuyu and the Luo in Kenya. But in Uganda, this has not been true. Not that the Baganda are unable to lead; the Baganda have simply been unwilling to lead. The great political riddle of Uganda politics is that the largest nationality in the country is gripped by a minority psychology.

## **Politics and Alliances**

Politics is about building alliances. To build an alliance, one must begin with the point of view of the other. It is not enough to say that others should have what Buganda wants. That

is too Buganda-centric a point of view. The more relevant question is: what do others want? What troubles others, even if it has no relevance for Buganda? What are their concerns? Without acknowledging the concerns of others, it is not possible for Buganda to vie for national leadership.

Someone said that there should be coexistence between Buganda and Uganda. I believe this kind of view is misleading. Buganda is a part of Uganda; it is not external to Uganda. How can one talk of coexistence with Uganda, as if Uganda is external to Buganda? You can have co-existence with other ethnic groups, but not with something of which we are a part.

Any group that seeks national leadership has to begin by identifying key issues throughout the country: not just the land question in Buganda, but other issues, like the war in the North, or oil in Bunyoro. The next step is to develop a national agenda on all these issues with a view to generating a national consensus behind each issue.

It means to abandon the habit of taking a defensive position on all issues. A defensive position is one where you wait for someone else to define the terms of discussion and then you take a position within those terms. This is a losing proposition. To get out of it, one needs the courage to take initiative, to define the terms of the debate on key issues.

We also need to broaden our notion of leadership. It seems to me that our notion of leadership is too narrowly defined by our histories of armed struggle. Leadership does not just come with a gun. The day a group or party relies on just the gun to maintain its hold over power, that day its days will be numbered. Leadership is, first of all, intellectual leadership, and then it is organizational and political.

From an intellectual point of view, we need to recognize the strength of the land bill. That strength is that it reflects the common interests of the majority of the population in Buganda, the bakopi. That interest lies in security of tenure on land. At the same time, its key weakness lies in having failed to consult that majority, indeed to consult all the people in Buganda, so as to generate a consensus behind that bill.

The real challenge that Buganda faces today is internal, not external. The challenge is how to secure unity within Buganda: a unity between natives and long term immigrants, a unity between all those who are residents of Buganda and look to making a future in Buganda.

Let me put the question differently. Dr. Sejjaka spoke earlier of the need for a paradigm shift. But he did not specify that shift. Let me suggest one.

Who is a Muganda today? Take an example. The Americans used to think of Americans as whites. It has taken Americans one of the costliest civil wars in modern history, and then an extended civil rights struggle, to recognize descendents of former slaves as fellow citizens: not Negroes, but African-Americans. Take the example of the British who have now come

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to acknowledge, at least legally, that former colonized peoples who live in Britain are Black British and Brown British, that one does not have to be White to be British.

I see that you have Bahindi Ministers in the Buganda Parliament. Are there any Ministers representing immigrants from the rest of Uganda?

The challenge is to distinguish culture from politics. A common culture is the product of a common history. But all those with a common culture do not necessarily have a common political future: some of them may emigrate and live in the diaspora. In contrast, a common polity is made up of all those who agree to forge a common future. Not all of them have a common past. Some, like me, may be the children of immigrants.



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