

**“MANY ABANABUDHINGIYA PRACTICE INTER-MARRIAGE WITH BAKONZO”:  
PROSPECTS FOR DETRIBALIZATION IN WESTERN UGANDA**

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ABSTRACT

This article examines the debates in both the NRM Government and the Rwenzururu Kingdom in western Uganda regarding the formation of tribal homelands (kingdoms and districts) and analyzes ideas on how tribe can be overcome as the basis for belonging to a political unit like a district. Since the colonial era when tribe assumed political salience, the agency of the state and the agency of society have been working together to reproduce this divisive and explosive tribe-based way of organizing society. By exploring the debates in parliament and other government organs, I argue that tribe has always been a puzzle in which political leaders are themselves confused instead of simply being patrons. I study another set of debates among the peoples of the Rwenzori and identity residence as opposed to ancestry (tribe) as an alternative basis for belonging to the Rwenzori. These debates provide lessons for thinking about appropriate responses to ethnic contestations at the center of much political violence in Uganda and Africa.

INTRODUCTION

Months to the 2016 general elections, the enthusiasts of the Bwamba Kingdom (Obundhingiya Bwa Bwamba) mounted a campaign against one of the contenders for the chair of the western Uganda district of Bundibugyo on grounds that his mother was a Mukonzo. But six clan leaders of the Bamba warned the cultural institution against defining the Bamba in terms of blood purity, pointing to long periods of intermarriage that complicate ancestry as the basis of belonging to society. Their letter to the prime minister of the institution was straight to the point:

Rev. Kamuhanda Tomasi says Bundibugyo District has been sold if Mutegeki Ronald is elected District Chairperson LC V because his mother is a Mukonzo that is why the Bakonzo have decided to give him votes hence he [i.e. Rev. Kamuhanda] appeals to whoever knows that he is Munabundhiya supporter should not vote Mutegeki in power or else there will be war and he will not allow Mr. Mutegeki Ronald to be in power if he is still alive. In spite of his remarks, we have discovered that many Abanabudhingiya practice inter-marriage with Bakonzo for example The founder of Rwenzururu Movement Late. Kawamara Yereimiya (May his soul rest in eternal peace), Hon. Jolly Tibemanya L.C. V Chairperson, Oweg. Rev. Kyomuhendo the Spokesperson Obudhingiya. Hon. Ntabazi Harriet the Bundibugyo District Woman M.P. Oweg. Sebugo Katuramu Gedion Minister of Education Obudhingiya he is from a Royal Family, Agaba from the Royal Family and many other big people in Obudhingiya. Our question is that;

will their children not be related to Bakonzo and will they not be Abanabudhingiya like Mutegeki Ronald?<sup>1</sup>

By challenging the definition of the Bamba in terms of tribal discreteness and defending the right of Mutegeki Ronald to compete for the highest political office in Bundibugyo, the clan leaders of the Bamba questioned the assumptions underlying the idea of ancestry as the basis for political inclusion. They questioned the official narrative of the Bamba cultural institution and argued that the diverse peoples of Bundibugyo could live and have rights together, including the right to compete for office, without foregrounding ethnicity.

For over forty years now, the Bamba activists, now led by the Bwamba Kingdom, have continued to propagate the idea that the Bamba are biologically and culturally different from the Bakonzo and that the Bakonzo are foreigners unworthy of equal treatment in the Bamba district of Bundibugyo. In a letter to the National Curriculum Development Center, the Deputy Prime Minister of the Kingdom said that “the major language of the kingdom is Lubwisi” (spoken by the Bamba) and that Lukonzo (spoken by the Bakonzo) belongs to “Obusinga Bwa Rwenzururu geo-cultural space” whose “center of gravity” is “Kasese District.” He wondered how “our Language Lubwisi” cannot “be promoted rather than promoting a foreign language in our District.” He concluded, “We as the kingdom, categorically say that there is no way you can impose that language to our children.”<sup>2</sup>

But the Bamba and Bakonzo did not always see themselves in such biological and cultural discrete terms. Indeed, as recently as the 1960s, during the struggle against Toro domination, the leaders of the Bamba said that the Bamba and Bakonzo were one in blood and custom and that it was their shared culture that distinguished both from, and defined their common hostility with, the Batoro. The main Bamba leaders in the Rwenzururu Movement,<sup>3</sup> Yeremiya Kawamara and Peter Mupalya, said that the “devastating marauding tribe” of the Batoro which “invaded the two innocent tribes would have been warmly welcomed as partners had it not been that their

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<sup>1</sup>The six clan leaders of Obudhingiya Bwa Bwamba Cultural Institution to the Rt. Hon. Prime Minister Obudhingiya Bwa Bwamba, 12 December 2015. The clan leaders included Rev. Mutogwabo Yovani (Barungu Clan), Baker Samuel Bamwendere (Babandi Clan), Mugenyi Elijah (Bandimaga Clan), Ngugha Justus (Baseghiya Clan), Bakahwerayo Hillary (Balilehe Clan), Bakuwa Silivasti (Basu Clan), Betamirwe Nsunga Isaya (Barugu Clan).

<sup>2</sup> Rev. Kamuhanda N. Tomasi (Deputy Prime Minister Obundhingiya Bwa Bwamba) to the Director, National Curriculum Development Center. 1 September 2015.

<sup>3</sup> The Rwenzururu Movement was formed in the early 1960s by the Bakonzo and Bamba to fight against marginalization in Toro Kingdom. See: Syahuka-Muhindo, Arthur (1991). *The Rwenzururu Movement and the Democratic Struggle*. Center for Basic Research Working Paper No. 15, Kampala, p.1.

traditions, customs deffered [sic] from ours so much that people begun to show indignation towards them. We for example practice circumcision which is detestable to Utoroki.”<sup>4</sup> But the dominant Bamba narrative changed from accommodation to rejection of the Bakonzo in 1974 when Bundibugyo was created as a district for the Bamba and Kasese for the Bakonzo.

The Bamba argued that since the Bakonzo had been given a district in Kasese, it would be unfair for the Bakonzo to enjoy equal rights with the Bamba in Bundibugyo, a district created for the Bamba. After witnessing the marginalization of the Bakonzo at the hands of the Bamba in Bundibugyo for two decades, Mupalya, a Mwamba himself, protested to the Bamba Elders Council thus, “Today it is over a decade (22 years) since this district was created in 1974. A Mukonjo has never been through or allowed nor to become the Political head of the District, even a woman leader to go to Parliament...Sir remember that a Mukonjo man/Woman is born here, grows here, goes to school, comes back if successful, renders his/her services here at home, yet politically discriminated against. When we talk of a bigger [sic] cake or responsibility – He is only told oh (Mukonjo Bba) ‘Mukonjo No, if he wants let him go to Kasese’ even where he/she has never paid tax!”<sup>5</sup>

The creation of Bundibugyo and Kasese to end the marginalization of the Bakonzo and Bamba only gave each of these ethnic groups the opportunity to marginalize others. The creation of new districts as a solution to marginalization only reproduced marginalization in the new districts. After failing to defeat militarily the uprising of the Bakonzo and Bamba that had led to widespread instability since 1962, the central government in Kampala, this time under Idi Amin, decided to grant the two groups their own homelands. Whereas Amin’s cabinet realized the creation of a tribal homeland for the Bamba and Bakonzo would lead to a new wave of ethnic problems, they felled compelled by popular pressure to grant the demand of a homeland. Amin’s ministers, according to the minutes of a ministerial committee meeting held on 12, May 1971 to “discuss the dispute between Bakonjo/Bamba and Batoro,” expressed concern that the granting of a separate district would “create a loop-hole for other dissatisfied tribes to demand separate districts.” They also asked what would be the fate of the Batoro—and by extension all non-Bakonzo and non-Bamba peoples—in a district created for the Bamba and Bakonzo. “Even

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<sup>4</sup> Kawamara and Mupalya to the chairman, commission of inquiry, 16 September 1962, p.6. In the archival collection of David Pasteur.

<sup>5</sup> Petero Kaamba Mupalya to the Chairperson Elders Council, Bundibugyo District, 12 April 1996.

if the Bamba/Bakonjo were given a separate district, there was no guarantee that they would not become a security problem by harassing and/or trying to chase out the Batoro who might be included within the boundaries of the new Bamba/Bakonjo district.” Even more interesting, the ministers noted that “there was no guarantee that the creation of a separate district for the Bamba/Bakonjo would not eventually result in those two tribes quarreling over which one of them should dominate the administration of that district.”<sup>6</sup> But because “there is no other way of solving this dispute except by granting a separate district to the Bamba/Bakonjo,” as a security committee concluded, it was resolved thus, “This is the time to give the Bamba/Bakonjo a chance to heal their wounds by managing their district and developing it.”<sup>7</sup> Hence the two districts of Kasese and Bundibugyo were created as tribal homelands for the Bakonzo and Bamba, respectively. The fears of the ministers came to pass as the Bamba systematically marginalized the Bakonzo in Bundibugyo and as the Bakonzo marginalized the Basongora and Banyabindi in Kasese.<sup>8</sup> Basing on this situation that the current NRM Regime of President Yoweri Museveni inherited and grapples with in the Rwenzori and other parts of the country, I make two arguments.

First, the fragmented state that Uganda exemplifies is self-reproducing regardless of who assumes the leadership of the state. In other words, the creation of tribal constituencies, districts and kingdoms has less to do with the politics of patronage of President Museveni than with the kind of state he inherited and presides over. This state keeps on giving rise to new tribal fragments, as I elaborate herein. Marginalized tribes demand for institutional recognition in the form of tribal homelands because they live in a state in which dominant tribes already enjoy such institutional protection dating back to the colonial era. To give institutional recognition to one tribe in the form of a tribal district is to institutionalize the marginalization of another tribe living

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<sup>6</sup> Minutes of the Second Meeting of the Ad Hoc Ministerial Committee of the Cabinet, held at 4:00p.m. on Wednesday 12<sup>th</sup> May, 1971, in the Cabinet Library to discuss the dispute between Bakonjo/Bamba and Batoro over the possible partitioning of Toro District. In the possession of Frank Muhereza of Center for Basic Research, Kampala.

<sup>7</sup> Security Committee’s Report on Bamba/Bakonjo Vs. Batoro-District Dispute. Not dated, but 1971. In the possession of Frank Muhereza of Center for Basic Research, Kampala.

<sup>8</sup> On the marginalization of the minority groups in Kasese, see: Banyabindi White Paper on Peaceful Co-existence in the Rwenzori Region: Challenges and Responses, 15<sup>th</sup> December 2012. The paper, presented in the 6<sup>th</sup> Kasunga Regional Leaders’ Retreat in Fort Portal, was signed by the leaders of the Banyabindi Cultural and Development Trust, including Byabasaija Augustine, Bart Kitakire and Francis Kamuhanda.

in that district and consequently invite more demands for tribal institutionalization. President Amin's cabinet faced this dilemma when it deliberated on the creation of a separate district for the Bakonzo and Bamba and Museveni's regime now faces the same puzzle. Short of reforming the state itself and replacing tribe as the basis for political membership, no government can avoid creating new tribal homelands without being accused of condoning the suffocation of marginalized tribes and without potentially facing tribal uprisings. I contextualize the formation of tribal homelands under Museveni's rule and reveal how this formation is enabled by circumstances bigger than the president.

Second, I argue that there are suggestions in society pointing to ways of overcoming tribe as the basis for political belonging. If the demand for tribal homelands comes from below within an institutional framework dating back to the colonial era, detribalization equally has potential capital in society—potential capital that can be tapped and made to flow in the veins of the state. By detribalization, I do not mean the abolition of tribe or the elimination of cultural differences, as some legislators discussed later suggest. Detribalization here simply means replacing tribe (ancestry) as the basis of belonging to a political unit such as a district. Detribalization, in this case, means depoliticization of tribe. To shed light on the ideas in society pointing to detribalization, I examine a debate among the Bakonzo that preceded the establishment of the Rwenzururu Kingdom in 2009 and identity residence as opposed to ancestry as an alternative and less divisive basis for belonging to the Rwenzori.

The replacement of ancestry with residence as the basis for political inclusion has a brief precedent in the Luwero Triangle in central Uganda where the National Resistance Army (NRA) sought to forge an alliance between the Baganda indigenes and Banyarwanda immigrants in the territories it controlled as a rebel group. This reform, according to Mahmood Mamdani, was possible in this area and not in the Rwenzori Mountain where a separate state had been declared because of the “different social dynamics of the Luwero Triangle” embodied in its “ethnically mixed population” and because of “the ingenuity” of the NRA “leadership.”<sup>9</sup> In other words, the diversity of ethnic groups posed a challenge that the leadership of the NRA insurgency needed to address to ensure a united front. It was a pressing necessity that pressed the minds of the

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<sup>9</sup> Mamdani, Mahmood. (1996) *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Kampala, Fountain Publishers, p.207.

leadership of the rebellion to produce a solution. If the mountain-based population of the Rwenzururu separatist state was by then almost entirely Bakonzo, things today are different in Kasese and Bundibugyo and other areas of the Rwenzori. Rwenzururu King Charles Mumbere says that he saw “over 40 different tribes and nationalities” in “Karusandara Sub County [of Kasese] when I visited my people there.” Even though Mumbere, and many like him, retains a firm distinction between the Bakonzo and “other minority ethnicities,”<sup>10</sup> the ethnic diversity of the Rwenzori has brought to the fore the jeopardy of retaining tribe as the basis for land access and political inclusion.<sup>11</sup> If the traditional, local and national leadership is yet to open its eyes to the danger of sustaining tribal political bonds, sections of the population are beginning to wake up.

The mere existence in sections of society of such ideas that question tribe as a political category is definitely not enough to dislodge the firmly entrenched tribal framework with a concrete foundation in state institutions. These ideas are nevertheless important in the sense that they point to another way of organizing society. I therefore do not seek to imply a simple society-led detribalization from below. I only call for lessons from views pointing to residence as opposed to tribe as the bond of membership in a polity. I argue that it is in residence that we are able to have some glimpse into what it means to overcome the puzzle of tribe as a political category. As a researcher in the social sciences and not in mechanical engineering, I explore prospects for reform as opposed to authoring a template or prescribing a step-by-step course of intervention. Taking such a mechanical approach would be to embrace the progressive view of history in which “present contradictions” are smoothly developed “into their inherent synthesis” to make a predetermined future.<sup>12</sup>

## TRIBAL HOMELANDS IN MUSEVENI’S REIGN

Even before he captured power, Museveni was confronted with the challenge of the state whose leadership he sought to seize. In his early days as an NRA rebel leader, he was asked to make his position known on the much-loved restoration of the disbanded kingdom of Buganda. Museveni

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<sup>10</sup> Mumbere, Charles Wesley (2016). His Majesty Omusinga Charles Wesley Mumbere Irema-Ngoma’s 50<sup>th</sup> Anniversary/7<sup>th</sup> OBR Recognition Speech. 19, October, Kasese, p.10,

<sup>11</sup> Political violence based on ethnic rivalry remains prevalent in the Rwenzori

<sup>12</sup> Arendt, H. (1970). *On Violence*. Florida, Harcourt Brace Jovanovich. p.27-28.

writes in his autobiography that the Uganda Federal Alliance of Andrew Kayiira asked him to “declare that we were fighting to restore the monarchy in Buganda.” Museveni, who could have also been driven by similar pressure from other corners, was compelled to address a rally. He says:

Therefore, we invited a large number of local people to listen to our side of the argument. Addressing a big gathering at Kikungu in Makulubita sub-county, near Kangwe Hill, we argued that we were fighting to restore power and sovereignty to all the people of Uganda and that it would be up to the people to decide how they used this freedom. If they wanted to restore the monarchy, that would be up to them, not us. Our mandate was a limited one: to fight to restore freedom, by which we meant that the people should be given the chance to decide on their own destiny, without manipulation. We also pointed out that the Kayiira group were trying to divide the fighting forces by raising issues like the restoration of the monarchy at the wrong time. We emphasized that, in doing so, we were weakening the struggle against Obote.<sup>13</sup>

Museveni says that his mandate was to empower the people so that they may make their own choices. He does not seem to have realized that choices are hardly made in a historical or political vacuum. He never asked why the people yearned for tribal institutions in the first place. Convinced that he was honoring the demands of his people, Museveni’s regime would restore kingdom after kingdom and even provided for the invention of new ones. But the head of state did not do this through personal networks, as it is often assumed. The restoration and establishment of kingdoms was clearly provided for in the 1995 Constitution and therefore clearly institutionalized after being debated in the national assembly. As they debated in the National Resistance Council in 1993 to amend the Constitution and provide for tribal kingdoms, lawmakers asked questions similar to those that President Idi Amin’s ministerial committee raised ahead of the creation of Semuliki (Bundibugyo) and Rwenzori (Kasese) districts in the 1970s. Brig. Kyaligonza asked questions that have come to haunt the Rwenzori today. He asked what would happen when more than one tribal institution claimed ownership of the same territory. He said that

many of these fellows [i.e. kings] have revolted and gone and established their own places where they are of course, being supported. Now, we talk of Toro, Toro will be claimed by Bunyoro because they will ask for *ebyaffe*; the Banyoro for the Babiito in Busoga, because they are also people who have ran away and so on and so forth.

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<sup>13</sup> Museveni, K. Yoweri (1997). *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*. (Moran Publishers Uganda Limited), p.153.

*(Laughter)*. So, when we talk of ebyaffe, we are opening an avenue of claims. Bunyoro as we speak today, we shall have to come up to claim ebyaffe because in Buruuli and Mubende we still had that referendum that was not supported.<sup>14</sup>

In fact, a serious argument broke out in the Resistance Council on which tribal institution would own the salt lake at Katwe in Kasese. State minister for internal affairs Tom Butime said that the lake would return to the Omukama (king) of Toro who owned it before the secession of Kasese.<sup>15</sup> This infuriated Mbura Muhindo, a member of the Council from Kasese. “Did the King create a salt lake in Kasese that was never there?” he asked amidst laughter. “That lake, from time immemorial was in Kasese. And the lake to belong to a man who came to suppress the people and took it over, and you say that is a property of an individual. It defeats common sense.”<sup>16</sup> Mbura Muhindo’s claim that the salt lake belongs to the people of Kasese was aptly understood to mean that it belongs to the Bakonzo. Mr. Bitamazire disagreed, saying that the Bakonzo have always lived in the mountains and cannot lay claim to any natural resources in the plains.<sup>17</sup> Elly Karuhanga intervened and said that the salt lake belongs neither to the Bakonzo nor to the Batoro. Instead, it belongs to the Basongora because it is located in “a place occupied traditional[ly] by people called the Basongora, who have been marginalized to the extent that they have run out of the area and that the harassment has come from one of those tribes being discussed here [i.e. the Bakonzo].”<sup>18</sup>

This dispute shows that the legislators represented tribes and tribal interests, not citizens or national interests. The argument on the salt lake further demonstrated the peril of retaining and reinforcing tribe as the basis for claiming territory and resources. But the minister in charge of moving the Bill, Abu Mayanja, and other pro-Bill legislators assured the House that the cultural institutions would have no right to violate the right to property.

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<sup>14</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.78-79.

<sup>15</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.78-79.

<sup>16</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.140.

<sup>17</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993 p.140.

<sup>18</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.141.

I now wish to talk about property rights. My hon. Friend hon. Mbura-Muhindo there, in his contribution he said if they [i.e. Toro Kingdom] came to own land in Kasese, they would not [be allowed]. The question of traditional rulers or whatever you call it, first of all, as somebody has explained, this Bill is not territorial...The ownership of the property rights cannot or should not, and must not be tied to a person's status if any body has got legal ownership of property anywhere. We shall be landing in very difficult, political and other problems if we said that the Omukama of Toro cannot own land in Kasese. We cannot say that. This should be very clear. This is ownership of land; ownership or property.<sup>19</sup>

Abu Mayanja seemed to suggest that the Bill would not tribalize territory. But the heated dispute in the House on the ownership of the salt lake should have informed him that territory was already tribalized, and that the creation of cultural institutions would only cement the claim of a tribe whose kingdom has been established in a particular area. Abu Mayanja was either ignorant or insincere when he turned to the language of rights to respond to matters of land vis-à-vis tribe. In his second reading, Mayanja made it clear that the Bill sought to return “cultural assets and property” to their rightful owners, that is, the tribal institutions.<sup>20</sup> How can any citizen really have rights over the property designated for a particular tribe? Indeed, his assurance on rights did little to allay the fears of the legislators from Kasese and Bundibugyo. Mr. Bambalira, for example, sought to add a clause in the Bill stating categorically that should Toro Kingdom be restored, “*it shall exclude the District of Bundibugyo and Kasese and counties of Kitagwenda and Kibaale.*”<sup>21</sup> The proposed addition was rejected, but it demonstrated the fear that some legislators had in the implication of restoring kingdoms.

Interestingly, the fear that various members expressed did not stop the Bill from being voted for overwhelmingly. How do we explain the passing of such a Bill that many legislators, as we shall further show in the course of this paper, saw as conflict-ridden? Mr. Akure, a member of the Resistance Council, wondered why “For the first time” the minister “is very fast with the Bill.”<sup>22</sup> With the critique that the Bill suffered, it is surprising that it passed with almost unanimous support. When Mrs. Bwambale, like many other members, concluded her strong criticism of the

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<sup>19</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p. 120.

<sup>20</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.72.

<sup>21</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.125.

<sup>22</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.82.

bill by saying that she supported the bill, the House burst into laughter.<sup>23</sup> What explains the passing of such a bill that was attacked left and right?

Minister Abu Mayanja, the mover, gave at least two arguments for the Bill. The first was “to confer on every person the freedom to adhere to his culture and the cultural institution of the community to which he belongs.” This would “clearly enable any community in Uganda to practice, promote and uphold their culture and cultural institutions including having, if they so desire, traditional rulers.”<sup>24</sup> This argument assumed two things. First, every “community”—in other words every tribe—has its own culture stable and distinct from the culture of another community. Second, an institution is required to protect this culture from corruption or extinction. These are the very assumptions on which the colonialists established native authorities like the Toro Native Authority, which enforced custom as Toro customary law in order to preserve tradition. The regime that Abu Mayanja represented entertained ideas that can be traced back to colonial rule. If we are to understand why the Bill was fronted, we need to pay attention to the colonial origin of the assumptions driving it. Indeed, some legislators were quick to identify the colonial roots of the Bill and cautioned its mover seriously. For example, Dr. Byaruhanga, representing Kabarole’s Kitagwenda County, dismissed Mayanja’s argument of culture on grounds that the things called traditional culture are colonial creations. “Colonialism was cultural” as it “changed our methods of production, and it changed our manners of dress, our manners of eating, and even our sexual habits,” said Dr. Byaruhanga, and then elaborated:

We are actually Europeans in black skin because, when you look at for example the Buganda Institution, when the Bazungu [i.e. Europeans] came here, first of all, we had the 1900 agreement. The 1900 agreement created a feudal system. They created landowners. This was not part of Buganda Culture. Then the Missionaries came in and created super clans – the clan of the Protestants, the Clan of the Catholics and the Clan of the Moslems and then they told the Baganda that the Kabaka must always belong to the Protestants super class. Now, the Kabaka who used to be the head of the Baganda clans and virtually was neutral in the affairs, found himself having a side. Now, this did not stop there. The assault on Buganda culture or on the Buganda traditions continued. We had the 1955 agreement, we had the 1961 Constitutional Conference and then the 1966 crisis and even this one, and this 1993 Bill is actually an assault on Buganda Culture (*Laughter*)... in the final analysis, a Batagwenda culture is no longer possible, even an

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<sup>23</sup> *Parliamentary Debates* p.113.

<sup>24</sup> *Parliamentary Debates* p.72.

African or Ugandan culture is not sustainable. We are actually moving towards the human culture.<sup>25</sup>

Byaruhanga's point is quite interesting. He warned the House that the restoration of the kingdoms, while done in the name of tradition, was actually only a continuation of the assault on tradition that the colonialists started in 1900. He challenged those who spoke of culture in timeless and discrete terms. If legislators like Lwemiyaga representative Dr. Higiro compared "a people without culture" to "a car without gasoline,"<sup>26</sup> Dr. Byaruhanga problematized the very idea of traditional culture. By dismissing the assumption that culture represented ancestral ways passed down from generation to generation, Hon. Byaruhanga challenged the foundation on which the Bill rested. If the Bill was infested with colonial assumptions, it may mean that those who advanced it so passionately were themselves products of the colonial school. The manner in which the mover of the Bill mixed up issues indicated that he had no clue on tribe as a colonial distortion. He freely compared the tribal kingdoms he sought to restore with the kingdoms of England, Spain and Japan.<sup>27</sup> But even if he had some clue on tribe as distorted by the colonialists, he still felt compelled to restore the kingdoms, which brings us to his second reason for moving the Bill.

The Bill, Mayanja said, sought "to correct mistakes that were made by past administrators that have in turn resulted in the turmoil and instability that Uganda has gone through since independence."<sup>28</sup> The Minister of Finance and Urban Planning Joash Mayanja Nkangi (not related to Bill mover Abu Mayanja), elaborated amidst applause, "Our mission in this country of Uganda must be to pacify Ugandans," and then proceeded to narrate the political violence that followed the abolition of the kingdoms.<sup>29</sup> If the people had killed one another over the abolition of tribal institutions, the solution was to restore them. If the legislators ever noticed any problem with restoring tribal institutions, they must have viewed such institutions as an evil that was nevertheless necessary to calm down the population and stop violence. Museveni's Government

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<sup>25</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p.89—91.

<sup>26</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p.77.

<sup>27</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p. 105.

<sup>28</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p.70.

<sup>29</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p.103.

must have seen in the restoration an opportunity to avoid popular resentment and win the hearts and minds of the population. It is at this point that some authors, as we shall see toward the end of the article, conclude that Museveni restores kingdoms for personal gain. Such authors, like the legislators who sought the solution to violence in the restoration of tribal institutions, do not consider why people make tribal demands in the first place. Why does the population seek sanctuary in tribal homelands to the extent that violence breaks out, or is feared to break out, when such homelands are not granted?

Some legislators, like Amin's ministerial committee discussed in earlier, foresaw the divisive escalation of restoring tribal institutions but had no way out because they failed to identify the historical and institutional underpinning of tribalism. Some consoled themselves by believing that modernization would ultimately sweep away tribe. "Uganda is a country we are trying to build into an industrial society-a modern society," said Tourism Minister J. W. Wapakhabulo. "So, while today people talk about 'ebyaffe' here and there, the truth of the matter is that Uganda is going to develop into a modern society where backward ideas of 'this place is for us' will be so dangerously opposed to the interests of the modern Ugandan elite who will be looking at Uganda as a market."<sup>30</sup> The idea that modernization would eradicate tribalism after the fashion of Marx's capitalist revolution ignores the marriage of the state and tribe that the colonialists masterminded. This marriage makes tribe as modern as the state itself. If tribe as a political category is itself modern, how can it crumble in the face of modernization? Contrary to this modernist perspective, modernization cannot lead to detribalization.

One may therefore be excused to think that the legislators, like Museveni himself, did not seem to understand the institutional foundation of tribalism. If they understood that tribalism was a problem, they did not know how to address it because they failed to historicize it. Faced with popular tribal demands, they decided to honour them even when they sensed that what they were doing was not right. It is therefore not right to think like Elliot Green,<sup>31</sup> Joshua Rubogoya,<sup>32</sup>

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<sup>30</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June—29 July 1993, p.99.

<sup>31</sup> Green, Elliot (2010). Patronage, District Creation and Reform in Uganda. (St Comp Int Dev 45:83—103) p.94.

<sup>32</sup> Rubogoya, Joshua (2007). *Regime Hegemony in Museveni's Uganda: Pax Musevenica*. (New York: Palgrave MacMillan) p.4—7.

Claire Medard and Valerie Golaz<sup>33</sup> and others that Museveni incites the population to demand for tribal homelands so that he may become their benefactor. Museveni has been driven by popular pressure to recognize tribal homelands. He sometimes tries to circumvent this pressure but often fails. Prime Minister Cosmos Adyebo told the National Resistance Council what was common knowledge:

As you are aware, these people who are about four million, the Baganda call them – have been bitter for what happened on the 8<sup>th</sup> of September 1967...new generations have come, these generations were being told the tales of the day of 1966 what happened, what happened in 1967. Even if they have been very quiet, but they have been very bitter, they have been quiet with a lot of bitterness, a lot of bitterness that sometimes turns into hatred, hatred that turns into disunity, disunity that turns into chaos, chaos that turns into destruction, and destruction that we have come to correct. Government has been approached systematically and through constructive engagements including meetings of highly placed Ugandans in our society. We came [to] resolve that, let us resolve this thing democratically.<sup>34</sup>

Indeed, the demand for the restoration of Buganda kingdom predates Museveni. As soon as Idi Amin overthrew Obote in 1971, “Elders from Buganda” organized an “elders conference” in which they “requested the restoration of a Monarchy in Buganda.”<sup>35</sup> The granting of the Buganda monarchy in the 1990s came with a proliferation of demands for kingdoms throughout the country. This has prompted some to claim that Museveni incites smaller ethnic groups to demand for separate kingdoms in order to weaken larger ethnic groups. This thinking is not entirely convincing. Evidence indicates that the popularity of tribal homelands went far beyond Buganda to become prevalent in the whole of Uganda. The demand for the Rwenzururu Kingdom started back in the 1990s when the debate on the restoration of kingdoms in Uganda was ongoing. In 2001, Charles Mumbere wrote to the Chairman of Rwenzururu Kingdom recognition committee complaining that Museveni had insistently refused to recognize their kingdom. “I wish to reveal to my Bakonzo people a secret that I have kept to myself for a long time,” Mumbere said. “[I]n 1993 Museveni made a secret agreement with Patrick Kaboyo, the late king of Tooro, in which it was agreed that for as long as Museveni was President of Uganda,

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<sup>33</sup> Medard, Claire and Golaz, Valerie (2013). Creating dependency: land and gift giving practices in Uganda. *Journal of Eastern African Studies*, 7:3, 549—568

<sup>34</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.105.

<sup>35</sup> People of Kigezi District to His Excellency the President, State House, 17 August 1971. This letter was a counter-petition to the demands of the Baganda elders.

he (Museveni) would never allow the Bakonzo/Bamba to establish their Obusinga as the latter was considered a risk to the Kingdom of Tooro. Today Museveni still honours the agreement he gave the Batoro.”<sup>36</sup>

The frustration expressed in this letter suggests that the demand for the Obusinga (kingdom) had been made for quite long. It also indicates that Museveni’s Government was not in a hurry to recognize the Obusinga. This piles doubt on the assumption that Museveni is the instigator of the demand for kingdoms. When he felt the pressure of the demand for kingdoms, Museveni applied further delaying tactics, including the establishment of a ministerial committee to study the matter. The 2005 committee conducted “fieldwork observations and documentary analysis” and established that there was “overwhelming support for the OBR Cultural Institution among the Bakonzo.” It was on the basis of this overwhelming support—and not Museveni’s machinations—that the Rwenzururu kingdom was created. Given that the Bakonzo “constitute a big percentage of the population of the Rwenzori Region, their demand for OBR cannot be ignored,” the report said. It concluded thus, “In view of the expressed wishes and aspirations of the majority of the Bakonzo in the Rwenzori Region to have a Cultural Institution, the Committee recommends that a Cultural Institution for the Bakonzo be allowed to exist within the Region in accordance with the article 246 of the Constitution, 1995.”<sup>37</sup>

Even then, it still took the government four more years, including an election loss in 2006, to recognize the Obusinga. Asked by a journalist whether he mobilized the Bakonzo in Kasese to vote against the NRM in 2006 because the government had not granted the kingdom, Charles Mumbere made an interesting response. “The way the people of Kasese voted...reflected their feelings...The Obusinga bwa Rwenzururu has overwhelming support in the region, and it seems people here feel that the NRM leadership has ignored their demands.”<sup>38</sup> If Museveni had to recognize the Obusinga in order to reverse his losses and win the votes of Kasese in the 2011

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<sup>36</sup> Charles Mumbere to Consta Bwambale, 14, March 2001 in the Appendix of Bwambale and Kyaminyawandi (2000, p. 108-9).

<sup>37</sup> Government of Uganda (2005). Report of the Ministerial Committee on the Controversy Surrounding Obusinga Bwa Rwenzururu Cultural Institution, October, p.42—43.

<sup>38</sup> Vision Reporter (2007). We did not decampaign Museveni—Mumbere [online] 4 February. Available at: [https://www.newvision.co.ug/new\\_vision/news/1171668/decampaign-movement-eur-mumbere](https://www.newvision.co.ug/new_vision/news/1171668/decampaign-movement-eur-mumbere) (Accessed on 4 November 2017).

general elections, as one political commentator rightly notes,<sup>39</sup> why is the Obusinga a decisive electoral factor? Why are the kingdoms and districts so popular that Museveni has to grant them to win an election? Even if we agree that he grants homelands to win supporters, what makes the homelands so popular that people will support whoever grants them? The authors who accuse Museveni of creating kingdoms for personal gain do not ask these questions.

Like other agitators of cultural institutions in the rest of Uganda, proponents of the Rwenzururu Kingdom argued that they sought to protect culture. This is the reason that the colonialists gave for establishing the Toro Native Authority and Toro customary law. According to the Obusinga Bwa Rwenzururu Charter submitted to the Ministerial Committee, supporters said,

For almost a century, the culture of the people living around Rwenzori Mountains has been denied and looked down upon. In between, the people have lost some value traits, festivals and practices that used to preserve them as a nationality...the recognition of Rwenzururu Kingdom will help people to proudly display their cultural values and traits without fear.<sup>40</sup>

Among the objectives that the kingdom emerged to achieve was to “uphold, preserve and protect and defend the cultural values, norms and functions of the people of Rwenzururu Kingdom.”<sup>41</sup> The Charter of the Rwenzururu Kingdom speaks as if it acknowledges the fact that culture changes, but seems to treat this change as a top-down affair dictated by the palace. “People shall be accorded the freedom [to] practice their cultures subject to timely changes and modifications,” it reads.<sup>42</sup> But not all the people in the Rwenzori agree with this official Rwenzururu narrative. This brings us to the argument of those who reject tribe as the basis of organizing society.

## BEYOND TRIBAL HOMELANDS

To refresh our minds, tribal constituencies, districts and kingdoms have been justified on at least three grounds. The first claim, which comes from both the state and societies, is to emancipate

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<sup>39</sup>Kiggundu, E. (2015). How Museveni took Besigye votes in 2011. The Observer [online] October 7. Available at: <http://observer.ug/news-headlines/40284-how-museveni-took-besigye-votes-in-2011> (Accessed 15 January 2016).

<sup>40</sup>Appendix V: OBR Cultural Institution Charter in Obusinga Bwa Rwenzururu Charter in Government of Uganda (2005). Report of the Ministerial Committee on the Controversy Surrounding Obusinga Bwa Rwenzururu Cultural Institution, October, p.77.

<sup>41</sup> Aims, Objectives and Organisation of Rwenzururu Kingdom, p.3, not dated.

<sup>42</sup>Aims, Objectives and Organisation of Rwenzururu Kingdom p.17

marginalized tribes from the subjugation of other tribes. The second, which is also often advanced by the spokesmen of ethnic groups and even the government, is to preserve culture. The third, advanced by the state, is to prevent ethnic violence and restore stability.

But questions have been raised against these claims. During the parliamentary debate on the Constitutional Amendment Bill, Hon. J. Kaija said that the creation of tribal institutions would not be wise in places where many tribes shared residence. “We now look at Kibanda County,” Hon. Kaija cited an example. “We have 56 tribes living together living in one small-packed area of a county called Kibanda and when you take the originals that are to serve under the king, we may be one or two tribes out of 56 tribes. I do not know whether the attorney general has something to do with that?”<sup>43</sup> By calling attention to the reality of 56 tribes “living together” in a place in which the “original” tribe is one or two, Kaija wanted the legislative assembly to move away from the illusion of cultural purity to the reality of ethnic diversity. He wanted the legislative assembly to consider the idea of shared territory or residence—which he describes as “living together” by numerous tribes—as the defining mark of society as opposed to ancestral culture or autochthony.

A similar critique came when the central government instituted a ministerial committee in 2005 to assess the demand for the Rwenzururu Kingdom in the Rwenzori. In its report, the committee led by Deputy Prime Minister Henry Muganwa Kajura said that those who opposed the formation of the Obusinga Bwa Rwenzururu (OBR) pointed to the diversity of ethnic groups of the Rwenzori. “The Anti-OBR contend that there are several ethnic groups in the Rwenzori Region, which include Bakonzo, Banyabindi, Basongora, Bamba, Babwisi, Batuku, Batoro and Batwa.”<sup>44</sup> Critics asked what would happen to the rest of the ethnic groups if the area covered by the proposed kingdom is identified with one ethnic group. They, in other words, problematized the assumption of tribal homogeneity on which ancestral homelands are founded. They turned to history to question the continued tribalization of the Rwenzori. “There has never been an indigenous Kingdom/ cultural institution governing all the ethnic groups or any one of them,” the report says in reference to the argument of the opponents of the creation of the kingdom. “They

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<sup>43</sup> Parliamentary Debates (Hansard) National Assembly Official Report, Seventh Session 1993—1994 Issue No. 29, 24 June –29 July 1993, p.111.

<sup>44</sup> The Republic of Uganda (2005). Report of the Ministerial Committee of the Controversy Surrounding Obusinga Bwa Rwenzururu Cultural Institution. October. p.31.

instead paid allegiance to clan heads (Ise Malhambho and Bakulu Ba Malhmabho). They feel that they cannot submit themselves to one Supra Cultural Institution.” For that matter, they warned, “Any attempt to establish a single cultural leader for one or all of the ethnic groups is likely to elicit violent reactions in the region.”<sup>45</sup>

By summoning history, opponents of the establishment of the kingdom wanted to show that the idea of defining territory in cultural and tribal terms was not part of tradition. Not even a single ethnic group ever had a cultural institution until lately. “It must be emphasized that the areas covered by Bundibugyo and Kasese have never had an indigenous kingdom entity covering all the ethnic groups or even any one of them,” wrote a group of anti-kingdom activists led by Crispus Kiyonga in a petition to the Kajura Committee.<sup>46</sup> Both the proponents and opponents of a tribal society for the Bakonzo summoned history to strengthen their respective positions. The opponents said that it was Isaya Mukirane who attempted to introduce tribal authority in the Rwenzori. To prove that the idea of a kingdom was alien and recent in the Rwenzori, the opponents of the Obusinga cast Mukirane’s Rwenzururu monarchy as an objectionable innovation and violation of the tradition of the Bakonzo and Bamba. One prominent anti-Obusinga campaigner was former Kasese District Chairperson, Bamusedde Bwambale, who co-authored a booklet in which he contested the official historical narrative of the Rwenzururu, arguing that Mukirane deviated from the vision of the movement and called himself the tribal leader of all the Bakonzo. To effect his deviation from custom, Mukirane, according to Bamusedde, had to silence his peers who would question his vision for the Bakonzo. Bamusedde based his critique of the Obusinga on the accounts of Mukirane’s co-founders of the Rwenzururu Movement who did not share the vision of a kingdom. He found Cosmas Mukonzo, one of Mukirane’s peers in the 1960s, to say it as unequivocally as follows:

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<sup>45</sup> The Republic of Uganda (2005). Report of the Ministerial Committee of the Controversy Surrounding Obusinga Bwa Rwenzururu Cultural Institution. October. p.31.

<sup>46</sup> Anti-Obusinga Group to the Chairperson Ministerial Committee on issues of a kingdom in Kasese and Bundibugyo districts, 28 February 2005. The letter was signed by Crispus Kiyonga “on behalf of” Hon. Kamanda Bataringaya, Hon. Jane Alisemera, Bamwitirebye Frulgensio, Burnabas Bamusedde Bwambale, Byabasaija Patrick, Rev. Kasuuka Enoka, Mageya Bashir, Masereka Israel, Mukonzo Cosmas, Mulindwa Nathan, Mugwanyi Tadeo, Mupalya Kawamara Peter, Mwigha Ezekiel, Nyarwa Robert, Rwabuhinga Charles. It seems Mupalya later reconsidered his opposition to Obusinga as he appealed to the President of Uganda to recognize Obusinga. See Peter Kaamba Mupalya to His Excellency the President of Uganda, 30 April 2006.

Emilio Kibingo and I as lovers of peace and concerned people of the Rwenzururu Freedom Movement and as people who participated in the Walk-out from Toro Council tried to go and meet Isaya Mukirania at Isaleri Kambere's home we were told that we were unfortunately late by one hour for Mukirania had just left that home for a better hiding place. Later on, Blasio Maate, Emilio Kibingo, Daudi Muhindo (Isebiira) and others went again to meet Mukirania on the same issue. They pleaded with him to change his heart and pursue the same motive for a separate district and not a separate state and kingdom. Surprisingly, Mukirania ordered these respectable men to lie down and receive a number of wracks on their buttocks. The man was already mad with his dream that he could not imagine pieces of advice from his subjects. He was to be obeyed and his orders were final. Now this marked the split in the Rwenzururu Movement because after this incident no person with dissenting views from Mukirania's dared to go near him. Some of his semi-educated followers like Peter Badaki from Kyarumba deserted him and that marked the beginning of a new wave of suffering for the Bakonzo and Bamba. They were now being hunted from two fronts; that of Isaya Mukirania's soldiers which were to terrorise them into submission and that from the Government forces who were hunting for any rebellious Bakonzo and Bamba.<sup>47</sup>

Cosmas Mukonzo favoured a separate district, which was no less tribal than Mukirane's dream of a separate kingdom or state for the Bakonzo. But this is not the point that Bamusedde sought to make when he quoted Mukonzo. Bamusedde's point was to question the basis on which a tribal formation can claim custodianship of the interests of the Bakonzo and Bamba. He wanted to show that Mukirane only created such a formation after deviating from tradition. Their idea of liberation did not involve establishing a tribal authority for the Bakonzo and Bamba. According to Bamusedde, "Isaya Mukirania found justification of what he was doing from a Biblical reading 'a kingdom fights against a kingdom'." Consequently, "He surrounded himself with illiterate elders and advisers and called his fellow founders of the Rwenzururu Movement traitors of the kingdom." Bamusedde says that Mukirane was killed possibly by the spirits angered by his pretence to the leadership of all the Bakonzo.<sup>48</sup> Opponents of the Obusinga summoned history and custom to question the establishment of a tribal institution in a place inhabited by multiple ethnic groups.

To demonstrate the inclusiveness of the idea of residence as opposed to the narrowness of the claim of origin, I will cite one court case outside the Rwenzori area but similar to the contest in the Rwenzori. On 24, November 2016, Lady Justice H. Wolayo of the High Court in Kampala dismissed a case by a student who had sued his district of residence—Nakasongola—for denying

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<sup>47</sup> Quoted in Bwambale, B. and Kyaminyawandi, A. (2000). *The faces of the Rwenzururu Movement*, p.32.

<sup>48</sup> Bwambale and Kyaminyawandi *The faces* p.38—40.

him a scholarship on grounds that his parents were not born in that district and that the district was not his ancestral homeland. The student, Mugisha Fred, had applied “for admission to Makerere University under the government sponsorship scheme for the Nakasongola district quota.” When he was denied the scholarship on grounds of ancestry, he went to court and argued that he was eligible because he “was born in Nakasongola and studied both primary and secondary school in Kakooge in Nakasongola district.” But the Attorney General and the district defence team counter-argued that the student “did not qualify for Nakasongola district quota because he was born to his father Rwabogo Andrew whose birthplace is...Luwero district.” Defense lawyers maintained that by denying him the scholarship, the district “was simply enforcing a government policy in taking into consideration district of origin as opposed to place of birth of the applicant.”<sup>49</sup>

Dismissing the case, the judge argued that “the applicant’s contention that the birth place of the applicant’s father is irrelevant is not tenable because in our communities, ancestry is traced to place of origin of one’s parents.” The judge ruled that the defendants’ “understanding of district of origin [was] consistent with ordinary usage in the public service” and with “instructions from the Ministry of Education and the policy behind the district quota system.” Deviating from ancestry as the basis for allocating public opportunities, the judge said, “would lead to a haphazard standard for verifying eligibility for the district quota system and defeat the purpose for which it was designed.” Nakasongola district, she concluded, “acted within the ambits of its powers to verify students and lawfully took into account the birthplace of the parents as the place of origin.”<sup>50</sup>

The district quota system was introduced to ensure that all regions of the country, including less privileged ones, send students to university. But students like Mugisha who no longer reside in their ancestral homelands are left out. Mugisha is not eligible for public opportunities in the district in which he was born and in which he has lived the whole of his life. Given the reality of migration, there are many people born and living in districts not of their ancestors. Even

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<sup>49</sup> Mugisha Fred versus Attorney General, Nakasongola District Local Government, Makerere University. In the High Court of Uganda at Kampala, Misc. Cause No. 37 of 2015.

<sup>50</sup> Mugisha Fred versus Attorney General, Nakasongola District Local Government, Makerere University. In the High Court of Uganda at Kampala, Misc. Cause No. 37 of 2015.

“ancestral homeland” is subject to dispute. The Bakonzo, for example, question the ancestral claim of the Basongora on Kasese District and vice versa. To overcome the marginalization of the children of migrants like Mugisha and end the contestation over who is a native and who is a latecomer, there is need to replace ancestry with residence as the basis for qualifying for rights in an area, as the opponents of the Obusinga seem to suggest.

The problem of making common ancestry as the basis for membership in a political formation did not begin in Africa. This problem, according to Hannah Arendt, is at the very heart of the modern nation state born in nineteenth century Europe. The nation state, she says, presupposes the existence of people of common origin who come together to form a state. When new states emerged from “the liquidation of the Dual Monarchy and Czarist Empire” following the First World War,<sup>51</sup> various populations equally emerged that did not fit in these new states whose respective populations (nations) supposedly shared origin. Because the state was created in the name of the nation (people allegedly with a common origin) whose “right to self-determination was recognized for all of Europe,”<sup>52</sup> those who did not belong to the nation became stateless and “lost all those rights which had been thought of and even defined as inalienable, namely the Rights of Man.”<sup>53</sup> The “essential conviction” of the nation state was “the supremacy of will of the nation over” the state.<sup>54</sup> This means that the nation state made origin (biology) the basis for political belonging and therefore closed the door to plurality. The nation state institutionalizes difference between nationals, defined basing on blood and culture, and minorities, seen as outsiders because of their biological and cultural difference. Despite interventions to grant rights to those who have been uprooted from their homelands, Arendt’s critique of the nation state as an inherently marginalizing entity still stands. As Seyla Benhabib notes, whereas today “the right to seek asylum is recognized as a human right, the *obligation to grant asylum* continues to be jealously guarded by states as a sovereign privilege.”<sup>55</sup>

If the European state that Arendt attacks creates one political majority, the variant of the state that colonial rule installed in Africa produces multiple political majorities and political minorities so that every district has its own political majority and political minorities. There can be as many

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<sup>51</sup> Arendt, Hannah (2009). *The Origins of Totalitarianism*. Benedicto Classics, p.268

<sup>52</sup> Arendt *The Origins* p.275.

<sup>53</sup> Arendt *The Origins* p.268

<sup>54</sup> Arendt *The Origins* p.275.

<sup>55</sup> Benhabib, Seyla (2004). *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge University Press, p.69

political majorities and minorities in an African state as the number of ethnic groups in that state. If the European state has a solid nation that constitutes a national majority and coherently defines itself in opposition to its minorities, the post-colonial African state only has regional political majorities who instantly become political minorities when they cross to another region. A member of the political majority in Kasese becomes a political minority the moment he or she sets foot in Bundibugyo and vice versa. This makes the African strain of the modern state exceptional in its polarization and explosiveness. This is the specific African condition of making tribe—and not simply nation—as the basis for political belonging. Before we even think about the problem of the nation, we have to address the problem of tribe.

To depoliticize tribe in our case means to replace it with residence as the basis for political belonging. This means that Mugisha would be eligible for scholarship in Nakasongola by virtue of being a proven resident of that district. Mugisha proved to court beyond doubt that he was born in Nakasongola where he lived and studied throughout his life. His only crime was to be born to parents who were immigrants from another district. His bigger crime was possibly having a name—Mugisha—associated with western Uganda, meaning that he was not regarded as a Muganda. Not only was he not a native of Nakasongola, but he was also not a native of Buganda in which Nakasongola is found. His name must have made him a subject of scrutiny until an excuse was found to deny him the scholarship. By replacing ancestry with residence as the basis for inclusion, ethnicity would have no foundation in state structures. It means that people like Mugisha would be defined by the territory in which they live instead of their ancestral origin with which they may no longer have contact. This is what the opponents of the establishment of the Rwenzururu Kingdom had mind when they argued that no tribal institution should be created in a place shared by many ethnic groups.

## CONCLUSION

Proponents of the Rwenzururu Kingdom used history and custom to make a tribal claim on the Rwenzori. The opponents equally summoned history and custom to problematize this claim. To the opponents, the Rwenzori was a diversified area, which could not be defined in narrow tribal terms. The diversified reality of Ugandan territories, with which the Ugandan state is yet to come to terms, calls for the replacement of ancestry with residence as the basis of qualifying for rights in a district. Enacting laws that prohibit discrimination without revisiting the question

of tribal homeland has proved to be a waste of time. To overcome the contestation over which tribe is native in a particular district and which one is not, there is need to abandon tribe in favour residence as the basis of qualifying for rights in an area. This means that all those who reside in a district, as opposed to simply those who trace their ancestry in that district, qualify for opportunity.

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