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## **Inter-Communal Violence and Land Rights:** Bugisu-Bugwere Territorial Boundary Conflict

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# Inter-Communal Violence and Land Rights:

## Bugisu-Bugwere Territorial Boundary Conflict

Reports of violent clashes involving Bagisu and Bagwere rice farmers in the Namatala wetland, bordering Budaka and Mbale districts in eastern Uganda, have featured in the Ugandan media in last six to seven years (*The New Vision* November 21, 2011; *The New Vision* January 26, 2010; *Uganda Radionetwork* January 8, 2010).<sup>1</sup> In November, 2011, a group of unknown men brutally hacked to death three Bagwere rice farmers at the wetland. The deceased included Juma Sizomu, Isma Mutwalibi and David Mwanika, all residents of Mugiti sub-county in Budaka district. Although the attackers were not known, the Bagwere thought that Bagisu rice farmers were responsible for the brutal act. They suspected so because of their recurring disputes with the Bagisu over farming rights in the wetland. The November 2011 incident sparked off violence as infuriated Bagwere from Mugiti stormed Nyanza trading centre (located about 8 km from Mbale town), burnt logs on the Mbale-Iganga highway and turned back vehicles from either side. Mbale is one of the major administrative and commercial towns in eastern Uganda and therefore blocking traffic in such a manner was likely to stall several activities in the region.

My project uses this conflict as an entry-point to reflect on two major issues. First of all, I hope to use the eruption of violence and animosity among rice farmers in Namatala as a window to projecting and historicizing the Bugisu-Bugwere boundary conflict that dates back to the colonial period. What is it that the Bagisu and Bagwere fight over in Namatala and how does this relate to the historical territorial boundary conflict between Bugisu and Bugwere? What does this swamp mean to men and women from either group? My preliminary findings suggest that Namatala has become an object of intense contestation between the Bagisu and the Bagwere, in part, because it constitutes a productive farmland for rice growing. Rice farmers from both Mbale and Budaka districts compete over farming rights in the swamp with either group accusing the other of cultivating beyond its district boundary and, thus, encroaching on the other's territory. For example, in January 2010, the media reported a series of attacks and counter-attacks between the Bagwere and Bagisu rice farmers that resulted in about a dozen deaths (*The New Vision* January 26, 2010; *Uganda Radionetwork* January 8, 2010). In an effort to prevent further bloodshed, the army and the police deployed

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<sup>1</sup> Mbale and Budaka districts are located within Bugisu and Bugwere regions respectively. The inhabitants of Mbale are predominantly Bagisu while those of Budaka are predominantly Bagwere.

in the wetland while the district authorities declared the wetland a “no-go-zone” for farmers (*The New Vision* January 26, 2010).

Clearly, this conflict is not limited to rice growing. It involves struggles over access to farming rights and accusations and counter accusations of encroachment which stem from a larger historical problem – that of defining who has right of access to Namatala swamp. I would, therefore, like to make it clear that I am not interested in the political economy of rice growing per se because I believe that struggles over rice growing are merely offshoots of a longstanding problem. The real issue lies in the unclear territorial boundary demarcation between Bugisu and Bugwere that dates back to the colonial period. The conflict has a deeper history which one cannot understand without exploring both the colonial and post-independence history of creating, demarcating and defining districts as territorial and administrative units. This history dates back to the beginning of the twentieth century when the British colonial officials in Uganda put both Bugisu and Bugwere regions under one administrative unit, Bukedi district.<sup>2</sup> Over the course of the colonial and post-independence periods, Bukedi district was divided and further sub-divided into various districts. Present day Budaka and Mbale districts are part of the latest offshoots of colonial Bukedi district and their territorial boundary conflict is part of this colonial history.

Secondly and more broadly, exploring this conflict will cast light on broad debates relating to inter-communal violence and struggles over land, politicization of land rights and the role of land in the articulation of political belonging (Kuba & Lentz 2006; Lentz 2006 & 2003; Berry 2002 & 1992; ). No doubt, land is an important economic resource that figures prominently in the questions of authority and control – issues which drive politics and livelihood in many African societies. Disputes over rights to land constitute some of the prominent sources of conflict across the African continent. These struggles increasingly intensified during the second half of the twentieth century and they have continued to have adverse consequences on the continent. Land disputes generate violence resulting in the destruction of life, property, and generally affect people’s willingness to invest in economic activities. As Sarah Berry points out: “Competition over land has followed myriad social fault lines, pitting national and local elites against ordinary citizens, neighbor against neighbor, kinsman against kinsman, and husbands against wives” (Berry 2002: 639).

All over Africa, struggles over land respond to different social processes and they involve, among others, competing debates over power, precedence and entitlement. Their intensity and outcome varies, “depending on particular social, economic and political contexts in which they occur[ed]” (Berry 2002: 640). Focusing on the territorial boundary conflict between the Bagwere of Budaka and the Bagisu of Mbale districts, this study will examine the competing interests and how different men and women conflicted and clashed as they sought to gain, defend and justify their claims over the Namatala wetland during key historical moments.

<sup>2</sup> During this period Bugisu and the wider neighboring region in eastern Uganda was known by the British and Baganda as Bukedi, ‘land of the naked people;’ a description which closely reflected their shared perceptions of the region.

Through examination of both the local and official discourse relating to the boundary conflict and, together with the emergent competition over access to land rights, my project hopes not only to provide a historical evolution of the conflict but also to explore the historical processes that have shaped its terrains. By so doing, this study will contribute to scholarship on land conflicts and articulation of political belonging.

## **BUGISU-BUGWERE BOUNDARY CONFLICT: A BRIEF HISTORICAL OVERVIEW**

While recent media reports in Uganda suggest that the Bugisu-Bugwere dispute over land access and rice farming rights date back to 2006 when the Parliament of Uganda granted Budaka a district status (until then, Budaka was part of Palisa district), historical records show that this conflict has a deeper history which one cannot understand without exploring broader historical processes like the colonial and post-independence creation and demarcation of districts as well as shifts in the agricultural production and land use. Below, I provide a history showing the evolution of the boundary dispute. Note that, at this point, I have not gathered data that would enable me talk about the shifts in agricultural production and land use.

Although the British declared Uganda a British protectorate in 1893, large parts of the country, as we know it today, remained outside direct British administration until the beginning of the twentieth century. In 1902, in an attempt to consolidate their rule in eastern Uganda, the British colonial authorities created Bukedi district – consisting of Bugisu, Bugwere, Budama and Teso regions – with its headquarters located at Budaka in Bugwere. However, in January 1904, James Hayes Sadler, then Commissioner of the Protectorate government in Uganda, relocated the administrative offices of Bukedi district from Budaka to Mbale in Bugisu (Thomas 1937:134; Twaddle 1966: 36; *The New Vision*, October 7, 1986). This was a significant historical shift which later generated conflicts between the Bagisu and the Bagwere as they struggled over the ownership and control of Mbale town. Later, in 1923, the colonial officials split Bukedi district into Bugisu, Bugwere and Budama districts with the headquarters located at Bubulo (present day Manafwa district), Mbale and Tororo, respectively.<sup>3</sup> This further strained relations between the Bagisu and the Bagwere. Locating Bugisu District headquarters at Bubulo (which was not as developed as Mbale in terms of commercial activities) while leaving Mbale with its economic potential to the Bagwere angered the Bagisu and this issue became a source of controversy in the subsequent years.<sup>4</sup>

The Bugisu-Bugwere relations were further strained following the district administrative changes from 1936 to 1954. In 1936, owing to high administrative costs and the biting effect

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3 National Archives, Entebbe, A46/262 Uganda Protectorate: Annual Report of the Provincial commissioner on the Eastern Province for year 1923.

4 In the 1920s, the Bagisu formed the Bagishu Welfare Association while the Bagwere also formed an association of their own. Each association aimed at protecting land of its people and advocating for their welfare.

of the economic depression, the colonial officials merged Bugisu and Bugwere districts to form what was then called the Central district. This was, in part, intended to cut down colonial expenses on personnel as there would now be one district commissioner for both Bugisu and Bugwere. However, the creation of Central district generated confusion especially because the new district had two local governments – one for Bugwere and the other for Bugisu. This meant that although the two regions were technically under one district, Bugwere and Bugisu were administered as separate entities.

The administrators complicated the confusion further in 1941 when they Budama to the Central district, forming Mbale district – but, again, with both Bugisu and Bukedi as sub-districts. To make matters worse, the territorial boundary separating the two districts was not clearly defined. Owing to rising concerns from both sub-districts, a boundary commission was formed to define the territorial boundary. The commission recommended that the eastern part of Mbale be given to Bugisu. This, however, “greatly angered the Bagwere, who felt that the Bagisu had been given their land.”<sup>5</sup> This issue was left unresolved and the colonial authorities instead decided to subdivide Mbale district.

Accordingly, in 1954, they split Mbale District on the basis of the two sub-districts to create Bugisu and Bukedi districts with Mbale as a separate entity belonging to neither district (Karugire 1980: 175-6; Burke 1964: 204-7). If the colonial officials hoped that doing so would solve the boundary conflict, they were mistaken. The boundary demarcations did not satisfy either district, let alone generating contention over the control and ownership of Mbale township. No doubt, the splitting and merging of different territories into districts generated competition and struggles in the region because those changes upset prevailing patterns of wealth and patronage, including access to land, marketing of cash crops like coffee, collection and use of tax revenue, and access to social services like health and education.

As already mentioned, according to the provisions of the 1954 division of Mbale district, Mbale Township would belong to neither Bukedi nor Bugisu district. But, it was to host the shared administrative headquarters for the two districts at Malukhu. The colonial officials might have decided to give Mbale an independent status as a township in order not to seem to favor either the Bagisu or the Bagwere but this did not solve the problem. The possession and administration of Mbale Township evolved into a major controversy and caused heightened ethnic tensions between the Bagisu and Bagwere in the period after 1954. As Fred Burke points out, the Bagwere of then Bukedi district, “did not like sharing the mantle of leadership with the Bagishu and resented their presence in Mbale town.” They contested the fact that following the 1954 district boundary demarcations, much of the land around Mbale was allocated to Bugisu district. Besides, Burke argues, the Bagwere “very much disliked the fact that Bukedi district headquarters, though technically lying in neither district was surrounded by territory now belonging to Bugishu” (Burke, 2006). The officials from Bukedi District hated the fact that they had to cross “a narrow section of Bugishu soil to reach their [political]

<sup>5</sup> Mbale Archives, Bukedi District Report, March 1957.

capital” at Malukhu in Mbale (Burke, 207). In response to this development, the Bagwere councilors who constituted part of the Bukedi District Council, sought the removal of the Bagisu from headquarter offices at Malukhu in Mbale, without success.

The 1954 creation of Bugisu and Bukedi districts – with Mbale as a separate entity but hosting administrative headquarters of the two districts at Malukhu – caused heightened tensions between the Bagisu and Bagwere as they struggled over the territorial control and ownership of Mbale. This culminated in demonstrations and riots in 1954, 1956, and 1962. During the 1954 and 1956 riots, some Bagisu men violently attacked and forcibly circumcised some Bagwere men in Mbale streets. These violent acts lay at the center of territorial struggles.

As independence drew closer, Michael Twaddle points out, tensions between the Bagisu and Bagwere increased because of “the urgency of getting the boundary between the two ethnic areas adjusted before subjection to majority rule by other Uganda ‘tribes’” (Twaddle 1969: 201). The Bagisu particularly wanted the Protectorate government to resolve the Bugisu-Bukedi boundary dispute and the “Mbale problem” before Independence. In 1961, in an attempt to impress their demands on the colonial authorities, members of Bugisu District Council threatened to cut off water supplies in Mbale town.<sup>6</sup> The prospect of Uganda getting independence in 1962 and the subsequent withdrawal of the British “protection” accentuated fear among the members of Bugisu District Council as they worried about the likely outcome of the pending boundary disputes.<sup>7</sup>

Continued agitation by the Bugisu District officials underscored the need for a lasting solution to the boundary dispute, prompting colonial authorities to establish a Boundary Commission in May 1962. This Commission was composed of Sir Kenneth O’Connor, retired president of Eastern Africa Court of Appeal, as chairman, Messrs. A.B. Mutashwere and P. Oola, Chief Judges of Ankole and Acholi District Courts respectively.<sup>8</sup> Both Bugisu and Bukedi districts had boundary commission committees to represent them. The primary focus of the Commission was to review the present boundary between Bugisu and Bukedi and give opinion as to the boundaries and status of Mbale.<sup>9</sup>

Members of this Commission visited the disputed areas and made recommendations in June 1962. Among others, the Commission recommended that “in order to give Bukedi unrestricted access to Mbale through their own district,” some of the Bugisu parishes in Nakaloke sub-county and a portion of Bungokho be transferred to Bukedi. They also proposed that Mbale retain a municipality status as a distinct entity from Bugisu District and that the land in Mbale “be conveyed to or vested in the Bugisu District Land Board on condition that they

6 Mbale Archives, Bugisu District Annual Report, 1961, 3.

7 The Bagisu had another boundary dispute with the Sabiny and they had been upset by the Central Government decision to accede to the wishes of the Sabiny and grant them a separate district status with effect from February 1<sup>st</sup> 1962. They felt that this decision was unfair and they feared that the same might happen with the Bugwere-Bugisu boundary dispute.

8 Bukedi District Annual Report, 1962 (Africana Library, Makerere University).

9 Mbale Archives, Bugisu District Annual Report 1962; Bukedi District Annual Report 1962.

forthwith execute a lease of it to the Mbale Municipal Council for 199 years.” In addition, they suggested that Bugisu District headquarters remain in Mbale while those of Bukedi be moved to Tororo or Budaka. The Commission also recommended that Gisu villages in Lwanjusi including Bumatola, Buwere, Bumasoko and part of Butiru be transferred to Bukedi.

As soon as the Commission released its report, officials from both Bugisu and Bukedi districts rejected the recommendations. The rejected report became “the subject of Council meetings, delegations to the Minister of Local Government, and correspondence in the press.” During these moments, the Bukedi District annual reports states: “The possibility of violent conflict arising from the Bukedi/Bugisu dispute kept the forces of law and order constantly on the alert.”

Perhaps putting the police on alert was justified for, in June 1962, while members of the boundary commission investigating the Bugisu-Bugwere dispute were in session at Malukhu district offices, a crowd of Bagisu consisting of circumcision dancers and boundary dispute demonstrators stormed the district offices while singing, dancing and shouting slogans. Johnson who was the District Commissioner of Bugisu reported that on arrival at Malukhu, both the circumcision dancers and demonstrators encountered the police who, “attempted to disperse [them] by using loudhailers.” This appeared to be effective for a while but it did not last long for, as Johnson observed, “the crowd later reformed and attempted to march through the main streets of Mbale.”<sup>10</sup> This violence prompted the police to use tear gas to disperse it. There were subsequent confrontations between the Bagisu and the colonial authorities in the later part of 1962 (Khanakwa 2011: 215-222).

The struggle over Mbale Township was not resolved until 1967 when, following the recommendations of the Commission of Inquiry, Bugisu retained the Township as its headquarters while Bukedi district headquarters were moved to Tororo. By this arrangement, the struggle over Mbale township had been resolved but the territorial boundary dispute between the Bagisu and the Bagwere was still pending. In the present project, I would like to understand how the conflict has evolved since the 1960s and what that tells us about the recent tensions between Bagisu and Bagwere rice farmers over farming rights in Namatala wetland . For instance, when, how and why did rice growing and access to farming rights in Namatala become contentious? Who has access rights to this swamp? Where is the exact boundary marking off Mable district from Budaka? If the problem lies in the undefined boundary, why has the Department of Lands and Survey not addressed this problem? This conflict may seem local but it certainly speaks to larger issues like the centrality of land and related immobile resources not only in the construction of political belonging but also in the politics of decentralization (Lentz: 2006).

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<sup>10</sup> Mbale Archives, Confidential: From District Commissioner, Bugisu to Permanent Secretary, Ministry of Regional Administration, 2<sup>nd</sup> July 1962.

I will not only historicize the boundary dispute but also examine the changing patterns in agriculture production and land use. In particular, I will explore the struggles over access to farming rights in Namatala wetland by both the Bagisu and the Bagwere during different historical moments of post-independence Uganda. Among other things, this project asks: What historical processes have shaped this conflict? How have these processes affected access to land and informed struggles over farming rights in the swamp? What does land mean to both the Bagisu and the Bagwere and how has the meaning changed or stayed the same over the years? What was the nature of the land tenure system in this region and how did it change (or remain the same) in shifting historical contexts?

## LITERATURE REVIEW

Some studies show that boundaries and borderlands are linking bridges and sources of cohesion that promote mutual interdependence. For instance, focusing on the example of Okpara river which forms the international border between Benin and Nigeria, Donna Flynn argues that the boundary promoted mutual interdependence and cohesion among the borderland population (Flynn 1997: 311) because it was a site on which political, cultural and social identities converged. However, other studies have revealed that boundaries are sources of conflict (Alvarez, 1995; Asiwaju, 1985; Berry, 2002; Lentz, 2003). One such dispute is that of the United States-Mexico border, involving a conflict between the “First World” and the “Third World” (Alvarez 1995). On the African continent, contestation of inter-state boundaries is common, in part, because borders and borderlands constituted a significant means by which colonial authorities divided African peoples and territories. It was European colonial officials who arbitrarily drew both national and local level administrative boundaries in most African countries and as such contributed to subsequent conflicts over boundaries.

Some scholars argue that under British indirect rule, people’s social identity became central to access rights (Berry: 1992). However, it is useful to note that more often than not, colonial boundaries also cut across homogenous cultural areas and ethnic groups (Asiwaju 1985) thereby splitting up members of given communities and putting them under different administrations with varying degrees of access to economic and political opportunities.<sup>11</sup> In response to such colonial initiatives, Berry argues: “Africans sought to negotiate new social identities in order to take advantage of commercial or political opportunities. This led to “an on-going debate about how rules of access were linked to social identity, and vice versa” (Berry 1992: 345-6). Berry’s assertion that under indirect rule, membership of a given community became the primary basis for claiming rights to productive resources (Berry 1992: 347) casts light on the fluidity of social identities in the struggle over economic or political opportunities in colonial Africa. However, it does not tell us how different groups articulated the politics of belonging and exclusion as they struggled over specific areas like

<sup>11</sup> The present Kenya-Uganda border provides relevant examples.

land. How did people negotiate rights of access those areas areas where colonial (and post-independence) authorities used ambiguous physical features like swamps to mark boundaries without making clear which part of such a swamp belonged to a given community or social group

It is also important to note that some of the colonial boundaries were both divisive and porous, in part, because they were “more obvious on the map than on the ground” (Asiwaju 1976: 584). Some of the post-independence district boundaries in Uganda are no exception. An ordinary man or woman may be aware that there are district boundaries, but exactly where these are on the ground, he or she may not know because there are no definite marks on the ground delimiting one district another. Even when the defining marks are indicated, the boundaries are fluid or permeable.

Some studies on the permeability of boundaries have tended to focus on issues of trade, mobility and citizenship. Eric Pisano points out that borders and borderlands constitute “portals through which people, goods and ideas might pass” (2003:60). However, other literature on the permeability of boundaries focuses on land rights and access to other ‘immobile’ resources (Lentz 2003). Carola Lentz, for example, examines conflicts over a fish pond in Kyetuu situated along the international border between Ghana and Burkina Faso. He explains how the local population perceives space and boundaries with particular respect to land and water, and how this shapes their relationship with the international border. As he points out, the Kyetuu conflict demonstrates “how claims to land and resources that are based on modernist discourses of the sovereign state can clash with local traditional rights vested in the custodians of earth shrines” (Lentz 2003: 273). In particular, his study shows the ways in which different sections of the borderland population negotiate various notions of space and land rights in shifting contexts (Lentz 2003: 274). Lentz’s work is particularly informative for the present study. My project seeks to further this scholarship by drawing on a local level boundary dispute in which both the Bagisu and Bagwere farmers take advantage of the absence of definite territory boundary marker to manipulate rights of access to the wetland. This conflict certainly says a lot about the role of the state but that is not the focus of the present study.

Through the creation of territorial and social boundaries as well as rules governing land access and use, colonial regimes reshaped Africans’ relations to the land (2003 Berry: 643). Whereas, as in the case of the Okpara river, the international boundary promoted interdependence and cohesion, in other instances, both local and national territorial boundaries remained contentious from the colonial period to the end of the twentieth century – nearly forty years after independence (Berry, 644). Indeed, as the historical background on the Bugisu-Bukedi conflict demonstrates, at independence, European colonial rulers left behind artificial boundaries and competing debates over their meaning. This, according to Berry, “complicated both the political relationship between popularity and legitimacy for newly independent African regimes, and the practical meanings of property and citizenship

in the daily lives of their constituents” (Berry: 648). In Uganda, the British officials drew administrative and territorial district boundaries along rough ethnic lines although sometimes they put several ethnic groups under one district. Over the course of both the colonial and post-independence years, some of the districts (especially those in eastern Uganda) were further subdivided into near ethnic entities. This generated tensions as different groups struggled over control of different issues and resources.

Whilst, in popular discourse scholars articulate land tensions in terms of land scarcity, there are some studies which show that competitive land struggles are gendered constructions of communities and authority and, as such, have a gendered cultural and historical perspective (Gengenbach 1998). There are also scholars who argue that land conflicts are socially induced and not economically motivated (Andersson 1999). Using a case study of Murambinda Save Communal Area in Zimbabwe to explore different meanings attached to land, Jens Andersson shows that land conflicts in that region are predominantly political power struggles over village territories. The different explanations for land tensions suggest that we cannot understand land conflicts without locating them in both their local and broader contexts.

Berry (1992), for instance, argues that during the early decades of colonial rule changing economic opportunities like commercialization of agriculture informed new demand for access to productive land and that intensified the debate over which communities had the right to allocate use rights to individuals. In her view, people’s relations to land were reshaped by commercialization of agriculture (Berry 1992: 327). However, beyond colonial commercialization of agriculture, introduction of taxes and labor, how do we explain recurrent struggles over access to land in post-independence Africa? In particular, how do we explain competing struggles over access and farming rights of Namatala swamp? The present study seeks to contribute to this debate by examining how Bagisu and Bagwere men and women struggled over and negotiated the terms by which they accessed land rights in Namatala wetland.

## **SOURCES AND METHODOLOGY**

This historical study draws on both archival documents and oral interviewing. My written archives consist of both colonial and post-colonial documents relating to the Bugisu-Bugwere boundary conflict including the recent violence among rice farmers. Most of these documents, especially those relating to the colonial and early post-colonial periods are deposited in Mbale and Tororo district archives (located in former Bugisu and Bukedi districts respectively). My research at Mbale district archives so far confirms availability of colonial and post-independence district annual reports, correspondence between the central government and the local governments and reports of commissions of inquiry. I will also read annual reports and correspondence at Budaka district offices, especially those relating to the recent conflict involving rice farmers. I imagine that because Budaka became a district

in 2006, it will most likely have quite recent records that relate to the rice farming conflict. For earlier records, I'll need to consult both Tororo and Palisa districts. Also, it will be useful to conduct research at the district lands and survey offices. For example, why did the 2010 survey team that was constituted to survey and mark the boundary fail to accomplish the work?

In addition to the district archives, I will carry out research in Africana library at Makerere University where I will read government records – especially those pertaining to the creation of districts and defining of boundaries , district reports, newspapers and dissertations relevant to this study. I also hope to get some informative sources from the Uganda National Archive, particularly relating to the late colonial period.

My oral archive will consist of different men and women from both Mbale and Budaka districts, who I believe are knowledgeable on the subject. These will include retired and present district employees, elders, farmers and people who have been directly involved in the conflict in one way or another

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**Note:** Primary sources, in particular newspapers and archival sources are indicated in the text.



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