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1. Introduction

What do we make of a state, led by self-proclaimed practicing cattle keepers and former pastoralists, which evicts former migrant pastoralists from land they lawfully acquired, partly heeding to a call by the State that has so solemnly and openly advocated for an end to 'nomadism', as part of its agricultural modernization agenda? What can the eviction of Balaalo from Buliisa district tell us about government's development agenda? How did the state justify its actions, in evicting the Balaalo in the manner it did? Why did the state insist that the Balaalo had to vacate the contested land in Buliisa, whether or not they lawfully acquired it? Whose interests did the eviction serve? How did the eviction impact on the agrarian relations in Buliisa? To what extent did the eviction contribute to the process of agrarian transformation in Buliisa?

This paper attempts to examine the circumstances that informed the December 2010 eviction of migrant pastoralists (popularly referred to as the Balaalo) from Buliisa district, in order to unravel its implications for agrarian transformation in the region. This eviction is important in understanding the contradictions within the state policy directions with regards agrarian transformation in general, and government's policy objective of modernizing agriculture and ending nomadic practices among pastoralists in particular.

The over 100 hectares of the disputed land from which the Balaalo were evicted is a contiguous piece situated on Tullow Oil's prospecting Block 2 in the Albertine Graben in the villages of Bugana, Kabolwa, Katalaba, Kicoke, Kigoya, Waiga and Waisoke in Buliisa Sub-county, Buliisa district. Several Oil wells had been drilled on the land,³ which is part of a 55 km² stretch where Oil and Gas exploration and prospecting were on-going.⁴ In many

1 A preliminary version of this paper was first presented at MISR workshop on '*The Land Question: Capitalism, Socialism and the Market*', Kampala, 9-10 August 2012. The research was conducted under a Makerere Institute of Social Research (MISR) research project on 'Land: Access, Conflicts and Governance'.

2 PhD Graduate Fellow, Makerere Institute of Social Research (MISR), Kampala, Uganda.

3 See 'Balaalo victory in court sparks off fresh tensions', Daily Monitor online, 26 January 2013. Available at: <http://www.monitor.co.ug/News/National/Balaalo-victory-in-court-sparks-off-fresh-tensions/-/688334/1674902/-/9jv5mb/-/index.html>

4 See "Disputed Buliisa land sitting on Vast Oil Deposits", *The Daily Monitor online*, 17 July 2007. Available at: <http://www.afrika.no/Detailed/14711.html>

villages in Buliisa, land conflicts abound not only within autochthonous communities⁵, but also between the latter and allochthonous groups.⁶

Several studies have been undertaken on Oil and Gas in the Albertine Graben. Most have concentrated on the revenue sharing arrangements stipulated by the Production Sharing Agreements (PSAs), while others have focused on matters of Oil governance (Lay and Minio-Paluello 2010; Uganda Wildlife Society 2008). There have been significant debates concerning whether Uganda is headed for either a 'resource boom' or a 'resource curse' informed mainly by likely implications of the PSAs between government and foreign Oil exploration companies (Vokes 2012; Olanya 2012; Kiiza, Bategeka and Ssewanyana 2011; Veit, Excell, and Zomer 2011; Lay and Minio-Paluello 2010).

Discussions have also focused on the possible environment effects of the Oil industry in the Albertine Graben, such as land degradation⁷ and biodiversity losses (Wass and Musiime 2013:26-7; Lay and Minio-Paluello 2010:22-3). The high costs borne by individuals and environment in the region have also been highlighted. These costs are occasioned by poor Oil waste disposal and management and Gas flaring, which is associated with not only increased toxicity of rain and high levels of carbon emissions but also severe health problems and environmental degradation (International Alert 2013; Wass and Musiime, 2013:15, 26-7; Lay and Minio-Paluello 2010:24).

Some of the studies however, have focused on how the Oil discoveries had influenced land access, ownership and control. Among them, are studies that put emphasis on how the land rights of the indigenous population in Buliisa have been affected by the activities of Oil prospecting companies and land speculators, with the Balaalo considered among the latter (Uganda Land Alliance 2011). The focus by the latter has been on how an upsurge in different categories of land speculators had occasioned the changing agrarian relations in Buliisa.

While land speculators amplify a specific kind of external stimulus to the changing agrarian relations, the exclusive focus on the external factors driving the changing land relations makes it difficult to appreciate the significance of the internal factors that have over the years been driving the changing land relations, which the recent Oil discoveries unleashed and orchestrated to a whole new level. A process of changes in land relations was already underway, as manifested by the different categories of migrants. The changing agrarian relations in Buliisa have a history. Before the Balaalo influx, there were not only other categories of cattle keepers from Southwestern Uganda, but also other groups from West Nile and the DRC who settled in Buliisa. Similarly, land grabbing, dispossession and displacement

5 Autochthonous communities are the indigenous population of Buliisa comprising Banyoro and Bagungu (also referred to as indigenes). The notion of 'autochthony' refers to 'first comers'.

6 These comprised mainly Alur from West Nile, Lendu and Okebo from the Democratic Republic of Congo, as well as Balaalo from South-western Uganda and other categories of cattle keepers. The notion of 'allochthony' refers to 'late comers'.

7 See contributions by Hon. Matia Kasaija and Hon. Jalia Bintu in Parliamentary Hansards, Tuesday, 11 October 2011.

following the Oil and Gas discoveries was being occasioned by indigenous elites who had turned against their own.

The reconstitution of land relations is taking place in the context of a process of vicious capitalist accumulation through the expropriation of land, first from customary tenure holdings, and secondly, from large titled land holdings, where the bigger land holders and more politically connected thrive at the expense of smaller land holders. In Marxist discourse on agrarian change, the dispossession of peasants from land constituted the primary contradiction from which capitalism is believed to emerge, which process was more or less coercively constituted. In Buliisa, while coercive, the process is largely constituted within the sphere of the market whose functioning is framed by the influence of organs of the state such as the military and the Police and their auxiliaries.

This paper makes four main arguments. First, there are different trajectories of changes in land relations occasioned by different forms of land grabs associated with the Oil discovery in Buliisa involving a diversity of state and non-state actors. Every land transaction (or deal) entailed different sets of actors, and occasioned different types of changes in socio-political processes within which the affected population articulated their livelihoods. It is only a disaggregated view of the competing interests between the different social groups linked to each other by their varying relationships to land that the implications to agrarian transformation can be best understood.

Secondly, there prevails a diversity of contexts under which the different forms of land grabbing that have occasioned not only dispossession but also displacement leading to eviction can be understood, in order to explain how the evictions have less to do with either the welfare of the indigenous Bagungu, on one hand, and that of the migrant Balaalo, on the other, but largely capitalistic interests in land that were disguised as an attempt to forestall land speculators. These different contexts under which dispossession and displacement take place need to be examined to understand how they impact on agrarian change.

Thirdly, it is necessary to identify who are negatively affected by respective land deals, and how; as well as those who benefit from the land deals by way of reconstituting land relations through which primitive accumulation becomes possible. The outcomes of land deals are as diverse as the land deals entailed. Some land deals led to dispossession (people losing ownership and control over land); while others caused not only dispossession, but also displacement and eviction (people being forced to move from the land they tilled or occupied). Where land deals led to displacement and evictions (such as with the case of the Balaalo), it is essential to underscore the circumstances under which the latter has been justified, and by who.

Fourth, it is important to understand the nature of land struggles these processes engendered (among those affected on one hand and those who have benefited from them on the other),

in order to explain the significance of the evictions of Balaalo from Buliisa to understanding the challenges of agrarian transformation in the region.

Data used for writing this paper was generated from both primary and secondary sources. Secondary sources included published and unpublished materials on the subject of Oil and Gas in Buliisa, including journal articles, Parliamentary Hansards, as well as newspaper and magazine articles. Primary data was generated through key informant interviews with selected stakeholders from Buliisa, Hoima and Kampala, including some of Balaalo who were evicted from Buliisa.

2. Land Grabbing, Dispossession and Displacement: an Analytical Framework

The discovery of Oil in Buliisa led to a mad rush for land by speculators intending to cash in on royalties and compensations from Oil companies undertaking exploration and prospecting. A process land grabbing, dispossession and displacement affecting both indigenes and immigrants ensued, with the Balaalo eviction being the most dramatic. Land grabs were facilitated not only by sections of migrants who had secured ownership of land, but also some local leaders and elites. Government officials and state security agents played a significant role in protecting those involved in unscrupulous land deals, which escalated conflicts over land within (and between) households, families, clans and communities among the indigenes; and between indigenes and immigrants. It also heightened land use tensions between crop farming and cattle keeping, and other forms of livelihoods such as fishing.

The dominant discourse on the on-going land grabs, dispossessions and displacements (evictions) has been structured around narratives informed by the critique of large scale industrial/corporate agricultural food and non-food enterprises spearheaded by transnational corporations, that destroy smallholder agriculture (Borras and Franco 2012). The dynamics of these 'large scale commercial land grabs' are presented as if they were a straightforward, automatic, and a linear transition from smallholder to industrial/corporate agriculture.

While the Balaalo eviction had been long anticipated, having already occurred elsewhere (Lango, Teso and Acholi sub-regions), its occurrence cannot be isolated from the ensuing dynamics of land grabs that were taking place in Buliisa, associated with oil discoveries, orchestrated by speculators wishing to cash in on the possibilities of making windfall earnings from royalties from owning land on which oil was found beneath the surface. The contemporary discourse on commercial land grabbing focuses mainly on land grabs associated with commercial land deals for crop (let alone livestock) production for domestic and export markets involving transnational capital purveyed by multi-national corporations (Borras and Franco 2012:48). Most have been labelled 'green grabs' because they entail dispossession of fertile lands from smallholder peasant producers, and encroach on gazetted forest-lands

(through state sponsored de-gazettement) that makes land available for corporate/industrial crop production (Borras and Franco 2012:37).

These narratives are usually oblivious of on-going commercial land grabs for non-agricultural uses in grasslands areas usually reserved for not only livestock production but also dryland subsistence farming, for other forms of economic production which have nothing to do with either livestock or crop farming. Specifically in Buliisa, on-going land grabs were associated with Oil exploitation, prospecting and production, which in this paper has been termed as 'dry-grabs'.

The current discourse on commercial land grabs focuses mainly on 'green' grabs associated with commercial land deals for food and non-food (bio-fuel) crop production in response to the global food and energy crises (Borras and Franco 2012; Hall 2011; Borras, McMichael & Scoones 2010), as if all land grabs are intended to increase agricultural production.

While this focus on large scale commercial land grabs is important, the need to also highlight continuous small scale everyday forms of land grabs that are taking place in most rural communities, occasioned not by multi-national corporations or outsiders, but by land speculators in the local communities (both indigenous and immigrant populations), and local state agents also need to be emphasized because they help us to understand the manifestations of changing agrarian relations occasioned through processes of 'accumulation from below'. The impetus may be externally motivated; the driving force is inherently internal. These non-conventional forms of land grabs help us to understand the nature of the agrarian changes taking place in villages that impact of efforts to achieve agrarian transformation of the rural country-side.

While the actors involved in the land transactions, their interests, and those who benefit from them may be different, they had one thing in common – the changes they occasioned in the land relations in the communities deprived of land were similar to the extent they engendered adverse social and economic consequences for the smallholders.

Land grabbing, dispossession and displacement, such as is on-going in Buliisa, which is neither occasioned by the desire to improve the productivity of small-holder crop and livestock production nor the development of large scale commercial corporate agriculture in direct response to the global food and fuel crises brings to light some of the limitations of analytical frameworks whose understanding of the changing agrarian relations are informed by a universalistic conception of commercial land grabs.

While a focus on these commercial land grabs associated with multi-national capital is important, it shrouds our ability to pay attention to crude forms of capitalistic land accumulation that benefit mainly those who can deploy their close association to the State as a powerful resource that influences access to and ownership of land. Usually because the

transition from customary to modern (individualised title holding) forms of land access and ownership is presented as desirable, limited attention is usually paid to the difficulties this occasions for both those from whom the land is transferred to those to whom it bequeathed, whether through market mediation or through mechanisms engineered by the state.

It is no longer sufficient to simply state that commercial land deals create massive dispossession and displacement without specifying the particular changes entailed in land relations subsequent to a particular land deal, and how different social categories are affected by the changes, and who its biggest beneficiaries are. While the on-going commercial land grabs in Buliisa may not be driven by the desire to increase agricultural production, they are associated with government's endeavour to harness available hydrocarbon deposits, a non-agricultural response to the global fuel crisis,⁸ which portends significantly adverse consequences for the global food crises. This paper makes an attempt to explain the intricate dimensions entailed in commercial land grabs not necessarily informed by a desire to increase agricultural production.

3. Migrations and Land Alienation in Buliisa

3.1 Categorization of Pastoralists

Pastoralists are a differentiated category. Differentiation of pastoralism is based on the degree of movement (mobility), which includes the following: 'Pure'-nomadism (or 'nomadic' pastoralism) involves the migration of herds occurring in family units where the pastoralists maintain no particular home base. 'Semi-nomadism' or transhumance is a system where the movement of pastoralists is limited to part of the family/herd or period of the year (usually the dry season) when herds are moved in search for water and pastures (either on a daily basis or for a prolonged period) by both the landless and land owning cattle keepers. If the movement involves staying away from the permanent home for an extended period, then temporary cattle camps are established near the water source, where pastures can be accessed. The herds are returned to the permanent homes after the rains have started (Muhereza 2007).

The indigenous inhabitants (indigenes) of Buliisa are Banyoro and Bagungu, who practice mixed farming, involving settled crop cultivation but also indulge in livestock rearing as a form of investment, in addition to fishing. There exists a category of cattle-keeping tribes, collectively described as 'Balaalo'⁹, who include the Bahima of Ankole and Buganda (resident in Sembabule, Kabula, Buwekula and Ngoma); Batutsi either from Kisoro District

8 The global fuel crisis that the Borras and Franco (2012) frame work articulates is related to the desire to grow food crops (corn and soyabeans) and non-food crops (*jatropha*) for large scale industrial conversion into bio-fuels as an alternative to hydro-carbons.

9 The term Balaalo is derived from the Dutch word 'kraal', which means a place where cattle are kept overnight. It was co-opted into the local languages and literally translated to mean 'kiraalo'. The people of the 'kraal' who look after the animals are therefore known as 'Balaalo' – now used to describe cattle keepers and herdsmen who originate from Western and Southwestern Uganda.

and neighbouring Rwanda; the Basongora in Kasese District; and the Bahuma in Tooro and Bunyoro.¹⁰

The Balaalo practise a subsistence system of livestock production that is based primarily on domesticated animals, usually but not always relying directly or indirectly on the communal or free range grazing of the livestock on natural pastures. Among the Balaalo, livestock husbandry is both culturally and economically dominant (although may not be the only source of livelihood), and much of the time, involves mobility to track seasonally available pastoral resources.¹¹ Since time immemorial, Balaalo pastoralists migrated into the rift valley plains of Buliisa during the dry season, with part of their families and/or herd, and left after rains returned. They practiced transhumance.

3.2 The Land Tenure System in Buliisa

Since time immemorial, the people of Buliisa, like elsewhere in Bunyoro did not feel under any particular obligation to have their lands titled, as a way of securing their exclusive individual (private) ownership of lands which they had access to. First, this was because land was relatively abundantly available, and secondly, the population was still sparse, following the legacy of the scotched earth policy of British colonialism in which approximately two million Banyoro were massacred for supporting Omukama Kabalega's resistance against the British.¹²

Even when individual ownership of land became popular in other parts of Uganda, in Bunyoro, people continued using their land in ways that allowed others to continue deriving benefits from common property resources available on land. Large chunks of land were alienated by the State to establish protected areas such as Murchison Falls National Park, Bugungu Wildlife Reserve, Budongo Central Forest Reserve and Masege Local Forest Reserve, which account for 80 percent of the total land area in Buliisa district.¹³ Government also established departmental/institutional farms and ranches, resettlement schemes as well as military installations. The UPDF artillery training school at Butiaba covers five square miles. While communities continued to access such areas for common property resources, ownership and control were extricated from them. Exclusive use of land is mainly practiced in urban areas.

10 The term also includes the Banyambo of Karagwe in Tanzania. It does however exclude cattlekeeping categories akin to Bahiima who are native to Lango (of Oyima clan) and the Batuku of Ntoroko because, though cattle-keepers, they never move with cattle out of their area (see H.E. Yoweri Museveni, "*Statement on Buliisa Conflict*", dated 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>).

11 For a detailed definition of Pastoralism, see also Muhereza (2007).

12 Writing about the massacre, Lugard wrote that since Bunyoro-Kitara's population had been killed, and the cattle reduced, the country was ready for exploitation by British agriculture and industry (quoted by Nsamba, Yolamu Ndolerire, '*Breaking Chains of Poverty*', A Bunyoro-Kitara kingdom Advocacy Publication. Hoima: Bunyoro Kitara Kingdom, Karuzika Palace, undated).

13 See Stuijt Adriana, "*Oil-rich Uganda faces massive land-wars and population explosion*", 25 April 2009. Available at: <http://www.digitaljournal.com/article/271506>.

In the villages, land belonged to particular clans that were the first to inhabit the respective locations. Clans were allocated land by the Omukama or his representatives. Within clans and communities, rights to land for members were established through effective use and on a first come first serve basis. Outsiders had to seek permission from the leaders of such communities. If a person wanted to use any portion of land, they contacted the village local authorities or elders for an allocation for grazing cattle, growing crops or construction of a family house.

Land tenure in most parts of Buliisa accessible to communities was still predominantly customary, although there is an increase in acquisition of leaseholds. Large areas were in the process of being leased. Under customary tenure, distinction needs to be made between clan communal lands, where the entire clan can lay claim to either the land or the resources on the land; and customary private where individual households lay claim to the land or resources on the land to the exclusion of others, even without a title. This customary (clan communal/private) ownership of land (without titles) worked well for the people of Buliisa and would have probably continued to serve them properly until there was a rise in population of immigrants in Buliisa, which led to increase in the local populations.¹⁴

Immigrants into Buliisa settled in different parts of the district with consent from the members of the local communities. While majority of cattle keepers usually returned to where they came from at the end of the dry season; cultivators and fisher-folks usually stayed on. The immigrants established a mutually beneficial co-existence with the local communities, and eventually became integrated in host communities. Most of these immigrants acquired usufructuary rights to land with permission from their hosts. A few acquired land titles with the help of local leaders.

Starting in 2000/1, after exploration and prospecting for Oil commenced in Buliisa, land speculators and land-grabbers started descending on the region to acquire land that mainly under customary clan communal/ private tenure system. Land speculators took advantage of the poverty of particular members of the communities or families, who stealthily sold off the land without the knowledge of all those concerned; although some unscrupulous local council leaders were involved (Vokes 2012:313).

The process of land acquisition, ownership and control in Buliisa had remained extremely fluid. The amount of land available for grazing and other forms of land uses had significantly reduced due to, among others; voluntary and involuntary migrations and settlements, and population increases. With the commencement of Oil exploration and prospecting, many areas previously used for either cultivation or grazing had become inaccessible to locals, as locals were excluded by different categories of claimants.

14 The 2009 population density in Buliisa was estimated at 738.8 people per square kilometers, several times higher than the national average of 137.1 people per square kilometer (see 'Oil discovery sparks land grab in Buliisa', The Independent, 9 November 2010).

For example, by 2006/7, the Balaalo collectively laid claim to about 40 square miles of land, which they claimed to have acquired between 2001 and 2005. Some had processed land titles to the land they claimed ownership over. These claims were refuted by the indigenous inhabitants of Buliisa, who argued that all land in Buliisa was communally owned, and therefore could not have been legally sold to Balaalo by anyone acting in their individual capacities. It was either sold by some individuals in the community without the consent of the rest of the users, or leased out by the District Land Board in Masindi before Buliisa became a district in July 2006, without any regard communally governed common property regimes.

Emerging constraints to accessing land had become a source of many conflicts not only between indigenous populations and those responsible for land alienation, but also between crop farmers and migrant cattle keepers due to increased competition for scarce resources. There were also conflicts between protected area authorities and pastoralists over access to grazing pastures and water resources during the height of the dry seasons.

While the indigenes considered the land occupied by the Balaalo (whether or not leased) as communal lands, the immigrant Balaalo erroneously claimed it as an 'open-access' resource, which they sought to 'privatize' in order to exclude as the demand for land for grazing increased. While it is true as pointed out by Hammel (2001) that in respective cattle keeping communities, pastoral resources that were held communally are freely accessible and open to common use by those pastoralists who are members of the respective communities – the same is true of the indigenes who viewed immigrant as outsiders who were not part of their 'community'.

For the indigenous Bagungu, rights to their land were traditionally defined by the communal nature of the way the land was commonly used by all community members. Usually, the specific rights that individuals held were not recognized, and if recognized, undervalued when faced with external interests that were oblivious of traditional land rights systems. Ownership of such lands was transferred from one generation to another through family lines without the necessity of any registration of individual interests.

3.3 The Migrations into Buliisa

The complex inter-relations between immigrants and the indigenous populations of Buliisa dates back to the 18th century, when the area is believed to have been first settled.¹⁵ Between the 19th and 20th century, movements of people from different parts of Uganda and beyond had continued as part of a historical process of state formation.¹⁶ Buliisa lies at the border between Uganda and the volatile Ituri Province of the Democratic Republic of Congo, which

15 See Nsamba, Yolamu Ndolerire, '*Breaking Chains of Poverty*', A Bunyoro-Kitara kingdom Advocacy Publication. Hoima: Bunyoro Kitara Kingdom, Karuzika Palace, *undated*.

16 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>

has since the 1990's (the 1st Congo wars from 1996 to 1997 and the 2nd Congo wars from 1998 to 1999) been a source of influxes of refugee, comprising mainly Hema, Alur, Lendu and Okebo. Buliisa had also hosted cattle keepers from south-western Uganda, who come in search of dry season grazing; and cultivators and fisher-folks from West Nile comprising mainly Alur.

Massive Balaalo migrations into Buliisa started around 2000/01, coinciding with the commencement of Oil exploration and prospecting. The Balaalo were specifically interested in the communal grazing areas, where Oil exploration and prospecting was taking place. The claims by Balaalo that they purchased land from both indigenes and earlier immigrants were perceived by the indigenes as a form of land grabbing.

Herders are issued cattle movement permits by area Sub-county Chiefs to move livestock from one parish to another in the same sub-county; Sub-county Veterinary Officers to move cattle between sub-counties in the same district; and District Veterinary Officers, to move cattle from one district to another. These permits are supposed to state the number of animals being moved and the health status of the herd. These regulations were often flagrantly abused, by not only herd owners, but also veterinary officials.¹⁷

Balaalo migration to Buliisa was problematic because large herds were moved without movement permits or with forged permits. More cattle moved than was stated on movement permits. Sometimes permits were used more than once. Most had no permission from receiving destinations. During migration, herds were protected by uniformed army officers, which made it possible for large herds to be moved hundreds of miles across several districts undeterred. There were allegations that some herdsmen possessed firearms. Some herds were transported in military transport vehicles.¹⁸

In castigating the army involvement in Balaalo migrations, President Museveni instructed General David Tinnyefuza¹⁹ to go to Buliisa and get evidence so that those responsible could be punished for indiscipline and abuse of their positions and offices.²⁰ After eviction from Apac District, Balaalo crossed into Masindi, and with protection from Police Patrol units, were helped to move to destinations of their choice.²¹

While migration to and resettlement in new areas was not inherently bad, it sometimes led to tensions as immigrants either became involved illegal acquisition of property or refused to integrate.²² In Buliisa, pastoralists who integrated in the communities came as herdsmen,

17 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', *ibid*

18 See Parliamentary Hansards, Wednesday 4 July 2007.

19 Then, the Coordinator of the National Intelligence Services (NIS). At the time of writing this paper in 2014 he was living in self-imposed exile in United Kingdom.

20 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>

21 Submission by Hon. Steven Mukitale Birahwa (Buliisa County) during debates on Balaalo issue in Parliament on 4 July 2007 (see Parliamentary Hansards, Wednesday 4 July 2007).

22 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', *ibid*

and accumulated their own herds by herding the livestock of the indigenes.²³ With time, some acquired land and settled down, although some accumulated fairly large herds, and continued their mobility.

Balaalo who migrated to Buliisa after they were evicted from government and private ranches in other parts of Bunyoro between 2003 and 2006²⁴ had large herds, and were looking for land to settle down. They used their compensation money to buy land cheaply wherever they could find it in Buliisa.²⁵ Others were evicted from communal grazing areas in Acholi, Lango and Teso (Muhereza 2007). There were also claims that some of the pastoralists who ended up in Buliisa comprised Rwandese expelled from North-western Tanzania.²⁶

Many fraudulent land purchases were aided by not only individuals in the communities, but also by some local, district and national political leaders; including the Parish Land Committees and the District Land Board. The District Land Board in Masindi (before Buliisa became a separate district) issued a few of the people with leases to land in Buliisa when the land was already the subject of disputes. The continued issuance of land titles to land in Buliisa by the Masindi District Land Board, even after Buliisa became a district created some confusion which Balaalo took advantage of. President Museveni called for harsher punishment for corrupt officials in District Lands Offices who lured unsuspecting Balaalo into accepting bogus land leases offers.²⁷

3.4 Oil discoveries and Changes in Land Tenure relations

The existence of Oil, from Oil seeps around Kibiro on the shores of Lake Albert, had been known to the native of Bunyoro Kitara Kingdom, long before Uganda became a British colony in 1894. The British only confirmed its existence in the 1920's following seismic studies and exploration activities undertaken by British geologists. In 1983, an aeromagnetic survey of Uganda was carried out. Seismic surveys and drilling commenced after enactment

23 See Parliamentary Hansards, Wednesday 4 July 2007.

24 These included mainly government departmental ranches that were divested such as Kiryana, sold to Ziiwa Ranchers Ltd in 2004, who subsequently sold to Mukwano Enterprises in 2009; Kyempisi ranch sold to Royal Ranchers Ltd, a company owned by the Omukama of Bunyoro Kitara, Solomon Iguru Gafabusa. Mukwano Enterprises Ltd also acquired from Uganda Investment Authority (UIA) a 10 square miles farm at Masindi-Port previously occupied by hundreds of pastoralists (See "Life returns to Kiryana as Captain Roy takes over", Daily Monitor 27 June 2002; "Govt sells off Kyempisi Ranch", Daily Monitor, 16 June 2005; Kwesiga Pascal, "Mukwano fights herdsmen for land", *New Vision*, 1 June, 2010).

25 Statements made by Hon. Mr.Nandala-Mafabi while contributing to the debate on Balaalo pastoralists in Parliament on 5 July 2007 (see Parliamentary Hansards, Thursday 5 July 2007). On their part, the Balaalo in their sworn affidavit told court that they individually bought land from the Bagungu, the indigenes of Buliisa with the knowledge of the Government and local authorities (see By Hillary Nsambo, 'Court stops eviction of Buliisa pastoralists', *New Vision online*, 29th July 2008).

26 A select committee of parliament was constituted to investigate the issue of nomadic pastoralists nation-wide. It was tasked, among others, to establish fully: "... the origin and ultimate destination of the nomadic pastoralists". The motion was moved by Dr. Francis Epetait (FDC, Ngora County, Kumi) (See Parliamentary Hansards, Thursday 5 July 2007). The spokesperson of the Banyarwanda, Grace Bororoza, admitted that there may have been some who migrated from Tanzania, but this did not mean all of them did (see 'Oil discoveries lead to pastoralists removal', *The New Times*, Available at: http://www.newtimes.co.rw/news/views/article_print.php?i=14774&a=8093&icon=Print).

27 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', *ibid*

of the Petroleum Exploration and Production Act in 1985. Five sedimentary basins with high potential for Oil and Gas deposits were identified, including the Lake Albert region (International Alert 2013:10; Kiiza, Bategeka and Ssewanyana 2011:6).

Initial Oil prospecting attempts failed, until 1986, when an offer by a Shell/Exxon consortium to prospect for Oil was made to the NRM government. It was turned down because of a dearth of indigenous manpower to intelligibly monitor the exploration and prospecting activities. Government thereafter embarked on training of personnel in various petroleum-related fields and establishing an appropriate institutional framework.

In 1993, the Petroleum Regulations (Exploration, Production and Conduct of Exploration Operations) were passed to guide and regulate petroleum exploration operations. In 1998, seismic data was obtained specifically for the Albertine region, with initially five exploration areas demarcated for licensing, and subsequently increased to six.²⁸ By 2004, initial finds in exploration wells showed significant finds, with most of the Oil and Gas concentrated in the Lake Albert basin.²⁹ It was until 2006 that government officially announced the existence of large deposits of commercially viable hydro-carbons.³⁰ By November 2013, a total of 90 exploration and appraisal wells had been drilled, out of which 79 encountered Oil and/or Gas in the subsurface.³¹ A total of 21 Oil wells had been drilled by November 2013, with Stock Tank Oil Initially in Place (STIIP) estimated at 3.5 billion barrels, with recoverable volumes estimated between 1.2 and 1.7 billion barrels.³²

Although finite, these deposits of hydrocarbons can generate large revenue inflows to the country (International Alert 2009:16). The new focus on Oil could irreversibly affect the competitiveness of previously productive economic sectors such as livestock production and the tourism industry (Kathman and Shannon 2011). In the Albertine graben, the majority of the Oil wells are located in surrounding protected areas. There are also potential off-shore Oil wells, possibly shared with the DRC.

The contestations of land rights, the disruption of wildlife by drilling operations, the dispossession and displacement of locals to pave way for Oil exploration, prospecting and production had significantly impacted on the land tenure relations in Buliisa. Oil is good for the economy, if the benefits from its exploitation can transform the livelihoods of those

28 The first license for exploration in Buliisa areas was issued in 2001 to Hardman Petroleum Africa and Tullow Oil for exploration area 2, and in 2004, to Tullow Oil for Exploration 1.

29 Government confirmed existence of huge deposits in an area approximately covering 23,000 square kilometers in the Albertine Graben (See Ibrahim Kasita, "2 billion barrels of oil confirmed in Albert area", *New Vision online*, 12 October 2010. http://www.enteruganda.com/brochures/manifesto_2.html).

30 See "Uhuru Speech: Museveni outlines plan for Oil", *New Vision*, 10 October 2006, pp. 17-18

31 See Republic of Uganda, Ministry of Energy and Mineral Development (MEMD), 'The Energy and Mineral Development Joint Sector Review 2013 Supplement', *New Vision Advertorial*, 11 November 2013, pp. 33.

32 See Republic of Uganda, Ministry of Energy and Mineral Development (MEMD), 'The Energy and Mineral Development Joint Sector Review 2013 Supplement', *New Vision Advertorial*, 11 November 2013, pp. 33. Some of the most productive wells were in Buliisa including: Turaco, Mputa, Waraga, Nzizi, Kajubirizi (Kinger fisher), Taitai, Ngege, Kasemene, Kigogole, Ngiri (warthog), Jobi (Buffalo) and Rii (Giraffe). Flow tests conducted on the wells had exceeded productivity expectations from all zones.

affected by its extraction whose land was taken away for its development. For now, the disaffected populations are significantly high, including, not only Balaalo evicted from Buliisa, but also local indigenous populations of Buliisa affected by Oil-related activities. The indigenes were wary that immigrants would stealthily sell the land they occupied. The immigrants live in a state of fear that they could one day get evicted. Communities had become polarized on ethnic lines and no longer shared resources as they used to before the Oil discoveries.

Oil gave landholding in Buliisa a completely new dimension that heightened tensions. Land tenure relations within indigenous communities and between the indigenes and non-indigenous ethnic groups had changed rapidly following an upsurge in land speculators.³³ It was estimated that by November 2010, up to 700 hectares of land in Buliisa district had been grabbed by powerful land speculators, many of whom claimed state connections.³⁴ Some of the most notorious land speculators were elites from among the indigenes.³⁵ Sources in Buliisa district intimated that some of the speculators were local politicians at the district and national levels.

In the past, pastoralists seasonally sought temporary settlement rights on land adjacent to Lake Albert shores. With the discovery of Oil, grazing in such areas had become an extremely sensitive matter, as access to certain areas had become restricted. The indigenes claimed migrants who acquired land disregarded the traditional zoning by seeking exclusive control of grazing land in areas reserved for crop farming. The land nearest to the lake was traditionally zoned for grazing, while that near the National Park, which was owned and used communally was reserved for cultivation. The lands near Oil wells and camps had become extremely contested.

According to clause 3 of Article 244 of the 1995 Constitution, the interests of land owners have to be taken into account during mineral exploitation. Section 38 (1) of the Petroleum (Exploration and Production) Act of June 1985 (Cap 150) requires the holder of a licence to seek the consent of the lawful occupier of the land, before he can exercise the rights enshrined in the licence. These legal provisions predicated ownership of land in Buliisa into the arena of contestation because land, previously held in common, all of a sudden became the subject of different forms of both overt and covert struggles, from different types of actors at different levels.

Balaalo migrations raised eyebrows since the pastoralists were interested in specific land only in Oil rich areas, making their migrations and land purchases more than just a struggle

33 See "Uhuru Speech: Museveni outlines plan for Oil", *New Vision*, 10 October 2006, pp. 17-18

34 See 'Oil discovery sparks land grab in Buliisa', *The Independent*, 9 November 2010.

35 The individual who expropriated the land around Kasamene-3 well from communal control and later leased it to Tullow Oil was an affluent Kampala-based Mugungu, who was also associated with attempts to lease thousands of hectares on land in other parts of his native Buliisa. Whenever villagers tried to resist his machinations, his hired thugs were at hand to terrorize the population into submission (see Musiime Chris and Frederick Womakuyu, 'The great land rush', *Oil in Uganda*, August 2012, Issue 2. Available at: www.oilinuganda.org).

over pastures and water. It was alleged that the Balaalo were a front for other forces that wished to cash in on Oil wealth.³⁶ The Balaalo usually had prior knowledge about possible location of Oil wells, and therefore took advantage of unsuspecting and ignorant indigenes to acquire land cheaply. Whenever indifference was encountered, intimidation and coercion were employed with the aid of the police and security agents in Buliisa.

In areas where the actual presence of Oil was known, the land was purchased even before the owners learnt of it. By 2006, land on the shores of Lake Albert was sold for UGX. 500,000 per acre, but speculators usually lured their unsuspecting victims by doubling the price per acre to UGX. 1m/=. Many handed money they only dreamed of. Many of these speculators succeeded in processing lease offer in connivance with local leaders.³⁷ The ethnic clashes had more to do with Oil discoveries than grazing rights.

3.5 The Nature of the Struggles for Land Rights in Buliisa

The Oil discovery exacerbated intra and inter-ethnic land conflicts between the indigenes and immigrants, including Balaalo, and cultivators and fisher-folks from West Nile, and Congolese refugees who for years, lived peacefully in the communities. As soon as speculators came looking for land to buy, the Congolese quickly sold off the land they were given by the locals without the knowledge of the locals. The land near Tullow Oil's Kasamene-3 Oil well was sold by two Congolese immigrants.³⁸ Clashes between indigenes and Alur were also common. The Balaalo usually clashed with the indigenes and other immigrants following livestock crop damage.

The intention of recognizing customary tenure was to enhance not only tenure security of customary holders although the potential implications of enhanced land transferability were never taken into account. As the hold over land through claims originating in custom and tradition became strengthened by reference to formality of customary tenure, so did the contradiction that came with the exposure to the land market forces, in which all types of land were subject of buying and selling, irrespective of residual control exercised by communities as in the case of communal lands. The assault on customary tenure originated from within the local community, especially from local elites and political leaders. Once they wrested land out of customary control, it was easy for outsiders to purchase it and change its tenure and land use status.

The area MP, Hon. Steven Mukitale told the 8th Parliament in October 2011 that from 2004, ownership of land in Buliisa begun shifting to 'new land owners', as if there existed no

36 The MP Buliisa, Hon. Biraahwa Mukitale observed: "the Balaalo are being pushed by 'rich men' in Kampala to occupy the Bagungu land for reasons other than pastures. They have refused free grazing land (in Kyankwanzi). Why do they want these particular lands (in Buliisa)?" (See "Disputed Buliisa land sitting on Vast Oil Deposits", *The Daily Monitor* 17 July 2007. Available at: <http://www.afrika.no/Detailled/14711.html>).

37 See 'Speculators win big as owners get peanuts', *New Vision*, 31 October 2013, pp. 32

38 See 'Oil discovery sparks land grab in Buliisa', *The Independent*, 9 November 2010.

indigenous communities prior to the Oil discovery.³⁹ Hon. Mukitale further revealed that all the land on which the Oil wells were situated had been taken over by 'new' claimants, who even, before the Oil companies could locate the wells, had with 100 percent precision located the sites where Oil would be sited even before the community came to learn about it.⁴⁰ This suggested that the cattle keepers were not after-all innocent, but part of a huge conspiracy that was bent on defrauding the local communities of land. The Balaalo were a front for senior officials in government and the military who hoped to reap from the Oil windfall.⁴¹

The presence of Balaalo in Buliisa intensified conflicts over access to water and pastures during the dry season; as well as easements (the right of way); and contestations over ownership and control over land. As the Balaalo sought to entrench their claims to land they had acquired, violent clashes erupted as the indigenes sought to challenge Balaalo's exclusive claims over land that came into their possession. Conflicts also proliferated between the indigenes and Balaalo, not only over crop damage, but also their arrogance towards the locals when confronted over crop damage.⁴² When Balaalo went to an area, they would buy a small piece of land where they would construct their homes, and would let their livestock roam about taking advantage of remaining communal grazing areas and common lands. When resources were not sufficient, they encroached on private lands as well as sometimes grazing their livestock in people's gardens.

The mandated institutions of the state responsible for security and law and order maintenance that were supposed to protect the population, and officials from the ministry responsible for Energy and Minerals and from the Attorney General's Office, had all played a part in the attempted land fraud in Buliisa.⁴³ Anyone who opposed the land grabs paid a heavy price. Those who conformed were sometimes rewarded with juicy offers of jobs.⁴⁴ The local Police usually sided with the rich who could afford 'protection services' and would arrest and detain anyone who tried to impede fraudulent land transactions.⁴⁵

While it is claimed that the Balaalo negotiated for land with members of the indigenous communities who sold them land in private, and on a 'willing-buyer-willing-seller' basis; there was more than meets the eye, as suspicion began to be raised when it became apparent that the Balaalo were only interested in the land with Oil; and they already had prior

39 See Parliamentary Hansards, Tuesday, 11 October 2011

40 See Parliamentary Hansards, Tuesday, 11 October 2011

41 See Parliamentary Hansards, Tuesday, 11 October 2011

42 Hon. Steven Mukitale Birahwa (Buliisa County) told parliament in July 2007 that: "unlike the other Balaalo who have been coming and co-existing with us, these particular land grabbers decide to herd their animals in the people's gardens without the consent of the people" (see Parliamentary Hansards, Wednesday 4 July 2007).

43 See Parliamentary Hansards, Tuesday, 11 October 2011

44 The Area MP, Hon. Steven Birahwa Mukitale told Parliament that: "Leaders who have stood firm like my chairman for Masindi, Birija - he is in exile because he had the audacity of telling the operatives who were involved. Resident District Commissioners that stood firm against this were threatened and those who conformed were promised jobs" (see Parliamentary Hansards, Tuesday, 11 October 2011).

45 See Musiime Chris and Frederick Womakuyu, 'The great land rush', *Oil in Uganda, August 2012, Issue 2*. Available at: www.oilinuganda.org.

knowledge of the exact location of possible Oil wells even before the Oil companies began prospecting.⁴⁶

The rejection of claims of Balaalo was anchored in claims about the non-transferability of communal lands, which was curtailed by the community in whom residual rights of ownership were situated. A particular construct of rights was proclaimed by Balaalo in Buliisa, which led to the emergence of a counter discourse of rights by indigenes claiming the exclusivity of non-community members from ownership, although access to and use were permissible under very specific arrangements.

While the purchases and sales of land in Buliisa were negotiated in 'private spaces', both the Bagungu and Balaalo resorted to the 'public spaces' to assert their respective claims over contested land rights. For the politicians that took advantage of the contestations to stake their political ambitions, there was usually a retreat from personal spaces to the collective spaces as individual politicians took sides with positions depending on whether or not the sides they took would enable them to galvanize the voting behaviors of the electorate at various levels during the Parliamentary and local government elections of 2011.

The political opposition tried to politicize the issue of Balaalo arguing that it was a ploy by government to grab 'Oil-rich' land in Buliisa – a move that was intended to turn Buliisa to support the political opposition. When it became apparent that government was resolute about evicting the Balaalo from Buliisa, the same politicians turned to the Balaalo and told them that they were being evicted because of their 'suspect' political affiliation. President Museveni explained: "*The issue is not that they are 'Balaalo' ... or their heritage*".⁴⁷

The struggles by the Balaalo against eviction from Buliisa as well as by the indigenes against land grabbing and dispossession by immigrants and land speculators had attracted not only national but also international attention,⁴⁸ although these were not structured within frameworks of transnational agrarian movements that informed the resistance against global commercial land grabs (Borras and Franco 2012; Borras, Edelman and Kay 2009). Yet these struggles, however localized, were extremely relevant for articulation of the respective land relations of the concerned groups.

Political struggles were ultimately waged by people organized either to protect what they had, or to fight for what they (or those whom they represented) needed or wished to have. This turned the struggles into ideological battles between opposing camps on the issue of the presence and acquisition of land by, and resistance to Balaalo eviction. Lobby groups

46 This revelation was made in parliament by the Area MP Hon. Steven Birahwa Mukitale (see Parliamentary Hansards, Tuesday, 11 October 2011).

47 See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', *op.cit*

48 The Civil Society Coalition on Oil (CSCO) is a network of 20 districts, national and international CSO that advocated for rights of land rights of indigenous Bagungu and Banyoro communities under their environmental governance advocacy. The rights of the Balaalo were mainly advocated for by *Umubano*, a Culture Development Association for Banyarwanda in Uganda. The Times Newspaper in Kigali also gave front page news coverage to the subject.

emerged in Buliisa articulating interests of Balaalo at the national level and beyond national borders (especially in Rwanda⁴⁹ where the Balaalo generated explicit support from the leadership there). There were debates on both sides (Balaalo versus Bagungu) characterized by appeals to crude and self-serving rhetoric, which were further fuelled by mutual fears and hostilities between the opposing camps.

Agitations among indigenes provided the impetus to the State which claimed to have come in to safeguard communal ownership, rights and claims to land of the Bagungu in opposition to the individual rights and claims that were being made on the land in Buliisa by immigrants, basing their claims in natural justice – that as 'Ugandan Citizens' they had rights to buy land and live anywhere in Uganda. The fact that the market could not resolve the contestations points to the paradox of neoliberal policy reforms in land tenure that strive to make formal (through registration) largely customary forms of tenure without adequate institutions to make this possible, and handle disputes arising there-from. Similarly, these happenings cast doubt over claims in neoliberal policy paradigms in which documentation of land rights following registration and titling is considered as enhancing tenure security, since the latter is dependent on acceptability of outcomes of neoliberal agrarian reforms.

At the national level, especially in the national legislature, the subject of the citizenship of those alleged to have fraudulently acquired land in Buliisa came under the spotlight. The Ugandan nationality of most of the Balaalo involved was highly in doubt, and that was why the state wanted to take them to Kyankwazi UPDF farm for screening out non-Ugandans. Thereafter, where they lived before going to Buliisa would be established, as well as how they came to Buliisa; how they were able to so quickly acquire land, not just in Buliisa, but in the country's Oil rich region.

Buliisa was also hosting migrants from the DRC engaged mainly in agriculture and fishing. The subject of citizenship of migrants in Buliisa was always a source of contention, although the Balaalo issue had spiralled towards a direction that the state could not afford to ignore due to specifically the fact that the land under contention was also Oil-rich. There always were contestations over ownership of land between the indigenes and immigrants but these had not attracted critical discourses on citizenship the way the Balaalo issue did.

Lastly, there was also an increase in internal conflicts among the indigenes. Individuals who had migrated away from the district had started returning to reclaim their ancestral lands, leading to conflicts between the indigenous populations.

49 The keen interest the government owned Kigali daily Newspaper, the New Times of Rwanda maintained on every event that occurred in Uganda that concerned these Balaalo was quite revealing (see for example, Gashegu Muramira, 'Rwanda: Court Blocks Eviction of Pastoralists', The New Times, 16 December 2010; Charles Kazooba, "Uganda: Uganda's Banyarwanda Reject Screening Exercise", New Times of Kigali, 18 July 2007. Available at: <http://www.mail-archive.com/ugandanet@kym.net/msg24506.html>). The media was also awash with statements attributed by the Rwandan Newspaper to President Kagame, issuing 'veiled' warnings to the Uganda government not to mistreat its 'nationals' who had chosen to settle in Uganda (see *Daily Monitor*, 12 July 2007).

4. The Evictions of Balaalo from Buliisa District

4.1 *The ultimatum to Balaalo to quit Buliisa*

In June 2007, President Museveni directed Hon. Kasirivu Atwooki and General Tinyefuza to among others establish how the Balaalo acquired land in Buliisa; whether there were genuine cases who could be compensated for the land they had purchased.⁵⁰ On 6 September 2007, President Museveni directed that the Balaalo leave Buliisa in four days. Government refused to resettle Buliisa Balaalo they were considered to be part of a group that sold their land to continue their conservative mobility. Government instead offered to assist them to sell their cattle and buy land in others part of Uganda. Government also wanted to know who they were and how they had come. Government planned to move them to Kyankwanzi, where they would be screened and counseled about changing from the traditional extensive, free-ranging farming to more intensive dairy farming⁵¹ General Tinyefuza was tasked by President Museveni to oversee the relocation and verification exercise.⁵²

The proposal to relocate the Balaalo to Kyankwanzi coincided with the discussions on the Land Act (Amendment) Bill of 2007, and generated a lot of animosity from stakeholders in Buganda, since it was seen as a ploy to grab Buganda land. The offer was also rejected by the Balaalo who opted to challenge their eviction in courts of law. While addressing a public rally at Buliisa in April 2008 at the end of a 5-day tour of Bunyoro, President Museveni advised the Balaalo who had recently settled in Buliisa sparking off land conflicts with the indigenes to leave the district. He said that although they could have been cheated of their resources in the process of acquiring land in the region, government would consider compensating them if they left the controversial Buliisa peacefully.⁵³

The Balaalo instead sought an injunction from the High Court stopping government and its agents from carrying out the eviction. This set the stage for the confrontation between the Balaalo and the state.

4.2 *The Execution of the Balaalo Eviction order*

By mid-2008, when the Balaalo saga reached crisis proportions, government had already heavily deployed the military and security agencies to ensure Oil exploration and

50 See H.E. Yoweri Museveni, "*Statement on Buliisa Conflict*", Dated 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>.

51 The Balaalo were not considered in the same category as the Basongora of Kasese whom government resettled because they be came landless through a combination of factors, one of them being that the Republic of Uganda took a very large part of their homeland, to establish Queen Elizabeth National Park (see H.E. Yoweri Museveni, "*Statement on Buliisa Conflict*", Dated 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>).

52 See H.E. Yoweri Museveni, "*Statement on Buliisa Conflict*", Dated 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>.

53 See State House Statement, "*President Museveni advises herdsmen to vacate Buliisa*", 23 April 2008. Available at: <http://www.statehouse.go.ug/news.php?catId=1&item=217>.

prospecting was not distracted. The start of Oil exploration and prospecting coincided with heightened border skirmishes between the UPDF and the Congolese Army (FARDC) along the Bundibugyo and Buliisa borders with the DRC. This led in 2009 to the construction of a military base on ten square miles of land in Kyangwali Sub-county, Hoima District. It is considered as the biggest military installations in the country. In 2010, government purchased 6 Su-30MK combat aircraft from Russia to bolster defense of national borders (Vokes 2012).

Around the same time, several battalions of the Special Forces Group (SFG) were deployed to provide security in the Oil rich region. The SFG, commanded by the First Son, Brig. Kainerugaba Muhoozi, also controls access to areas surrounding the Oil fields, including the local populations living in these areas. Anyone, including elected officials in the district, wishing to access these areas and the populations requires a 'special permit' issued and enforced by the SFG (Vokes 2012:310; Veit, Excell, and Zomer 2011). Reports abound of members of civil society organizations being arrested for talking to the communities in the Oil rich region about Oil matters without permission (NAPE 2012: 26).

No wonder the military was heavily involved in the execution of the Balaalo eviction from Buliisa. The eviction, which was handled in a very autocratic manner, started at dawn on Sunday 12 December 2010. A total of 640 families of Balaalo with about 20,000 heads of cattle were forcibly removed from the disputed land in an operation codenamed 'Operation Justice' led by General Tinyefuza.

On 15 December 2010, Masindi High Court issued an interim order restraining government from evicting or occupying the land in dispute until the disposal of the main application challenging their eviction by the Police without a court order, which was scheduled for 30 March 2011 while the main hearing of both the applicants and the respondents was scheduled for 17 February 2011. By the time the order was issued, the pastoralists had already been ejected, and General Tinyefuza said the High Court Order blocking him from evicting herdsman from Buliisa was of no consequence since there were no more pastoralists to evict.⁵⁴

Trucks were provided to transport the affected pastoralists to Kyankwanzi, and other places of their choice. The author of this paper spoke to some of those Balaalo evicted from Buliisa who had relocated to Kyarusesa in Kyangwali sub-county in Hoima District, where they were renting land. Some of the Balaalo crossed into West Nile and others into Nwoya District. Others crossed to Kiryandongo and Masindi Districts.

By diffusing the potential for community violence in Buliisa through the eviction of the Balaalo, the state was able to guarantee the safety of the large numbers of Oil wells awaiting the commencement of Oil production. The Balaalo were evicted to prevent the likely outbreak

⁵⁴ See Raymond Baguma and Robert Atuhairwe, 'Order stopping Buliisa eviction too late', *New Vision online Thursday, 16th December, 2010*.

of armed confrontations which would have negatively affected the development of Oil and Gas prospecting in Buliisa district, following threats by local Bagungu to forcefully evict the migrant pastoralists, who were equally well mobilized to resist their possible eviction.

Undertaking to move people from their homes to a new place through a process of resettlement is a very complex process that requires a lot of logistical preparation as well as cultural sensitivity. It is essential to first adequately compensate those being moved, and for the process of movement to be done in a dignified manner. Those being resettled have to be thoroughly consulted to exhaust all the concerns that may be raised before they are moved. The place they are moved to has to be prepared adequately so that those being moved are happy with their new home. The Balaalo were simply pushed out of Buliisa by the military, without any consideration where they were going.

4.3 In defense of Balaalo Land rights

The Balaalo refused to abide by 11 September 2007 order to quit Buliisa, and for three years engaged in a protracted struggle to remain on the land they claimed to have lawfully acquired. Before the Presidential directive for their relocation to Kyankwanzi could be implemented, the Balaalo⁵⁵ instituted legal proceedings against the State at the High Court in Kampala, seeking leave to institute an injunction to stop their relocation. The applicants (Grace Bamurangye Bororoza & 53 others) obtained leave to institute the action by way of Certiorari and Prohibition. However, when the application was eventually heard, the High Court dismissed it with costs.⁵⁶

The applicants filed a Notice of Appeal in the High Court; and also another in the Court of Appeal seeking an order for a temporary injunction restraining Dr. Kasirivu Atwoki and 5 others (the respondents or their agents or authorized servants or in any other way) from evicting them from their land and/or for the maintenance of the status quo in Buliisa until after the determination of the appeal of the ruling arising out of Civil Application No.347 of 2007.

On 28 July 2008, in their ruling, the Court of Appeal granted the applicants an order of temporary injunction, on similar terms as those made by the High Court when it granted leave to apply for review by the order of Hon. Justice Rwamisazi Kagaba, J. dated 22nd June 2007, to remain in force till the appeal was determined.⁵⁷

The dismissal of their appeal by the Court of Appeal in December 2010, on technicalities

55 This injunction was secured with assistance from the Banyarwanda Culture Development Association (*Umubano*), an association of Banyarwanda in Uganda.

56 See Judgment in Application for a judicial writ. of 18 Jul 2008, in Grace Bamurangye Bororoza & 53 others (applicants) vs. Dr. Kasirivu Atwoki & 5 others (respondents)

57 See Judgement of the Appeal Court of Uganda of 28 July 2008, in Grace Bamurangye Bororoza & 53 others (applicants) v Dr. Kasirivu Atwoki & 5 others (respondents), 'Civil Application No.44 of 2008' [Arising from Civil Appeal No.45 of 2008 and H.C. Civil Application No.347/2007]

(effect of not serving the notice of Appeal on the Respondents and serving notice of leave to appeal against matter), their case was dismissed and injunction lifted. Their case was dismissed because they had sued the wrong people and they were advised by the judges to sue the Attorney General.

The Balaalo not only sought redress in courts of law, they also politicized the issues by appealing to supra-ethnic sentiments that they were being persecuted for being Banyarwanda, who a minority ethnic group of Ugandan citizens. General Tinyefuza insisted that the pastoralists must leave Buliisa because they occupied the contested land illegally, saying turning the eviction into a tribal issue would not scare the government into abandoning the relocation.⁵⁸

There is no 'neutral territory' when the consideration of the ideas and discourses generated by the state regarding its policy choices is concerned. The authoritarian nature of the state became manifest in manner in which the Balaalo issue was handled. The acquisition of land in Buliisa by outsiders entailed significant political manoeuvring, and yet it was only the Balaalo that were evicted, largely because the Balaalo presented themselves as the embodiment of the State. This worried government because if the issue was not resolved, disenchanted Bagungu communities would vote for the political opposition during the February 2011 Presidential elections. Government did not wish to let an area with huge Oil reserves get politically controlled by the political opposition.

An ideological battle ensued between those who supported the Balaalo and their claims and those who opposed it. The Balaalo were supported by some elements in the local communities, who also formed a lobby group. The state institutions at the local level, such as the office of the RDC in Buliisa, the officers of internal security organization in the district and the Police were accused of siding with the Balaalo. The Baganda in supporting the Balaalo to stand their ground were also using it as an opportunity to resist attempts by the state to transfer the Balaalo to Kyankwanzi on land which the Buganda loyalists claimed was part of the 9,000 square miles they were still demanding from the central government for the Buganda monarchy. The indigenes were borrowing a leaf from other parts of Uganda where Balaalo had been evicted. The state entered as a party to the conflict on behalf of Bagungu. The demands by the indigenes were championed by Bagungu Community Association.

Government reaffirmed the customary claims to land of the indigenous communities and urged the Balaalo to leave whether or not they lawfully purchased the land they were claiming. The consideration for their eviction had little to do with the transformation of livestock production, but politics, which was negotiated outside the institutionalized channels of decision making about such matters.

⁵⁸ General Tinyefuza argued that it was a government action, and not as an individual, and therefore did not understand why the Balaalo were making it a Banyarwanda issue. General Tinyefuza actually confessed that little did he know that they were Banyarwanda (see 'Uganda: Buliisa Eviction - Justice or Injustice?', *Daily Monitor*, 19 December 2010).

In January 2013, the High Court in Masindi ruled that the Balaalo had been unlawfully evicted from land they had legally purchased, and awarded the 158 pastoralists who were listed in the suit against government with UGX. 2m/= each as compensation and general damages.⁵⁹ The High Court also ordered that the Balaalo be refunded the money they used to purchase land in Buliisa so they can buy land elsewhere.⁶⁰ A representative of the Balaalo intimated that no amount of money was enough to compensate them for the suffering occasioned by their eviction from Buliisa.⁶¹

4.4 The effect of the evictions on the Balaalo

The eviction of Balaalo before court passed a judgment challenging their eviction was certainly a violation of fundamental human rights. The eviction of the pastoralists with their livestock, and families comprising of women and children and the elderly affected their livelihoods in more ways than just the loss of land they suffered, but also physical, psychological and emotional. Apart from losing their land, some of the pastoralists claimed they suffered imprisonment and sometimes torture. Their huts were razed and livestock hacked by local populations. Many lost immovable properties due to the manner in which the eviction was hastily conducted.

They lost their livelihood assets and subsequently became impoverished, which undermined the very process of transformation of nomadism entailed in much of livestock production in many parts of the country. After the December 2010 evictions, some Balaalo migrated to Acholi, where they leased land from locals. In the district of Nwoya, residents of Koch-Goma and Purongo sub-counties in March 2011 appealed to their district leaders to come up with bye-laws to stop land owners from leasing land to Balaalo. The Chief of Koch Clan was contacted by some Balaalo looking for land to rent. Lutuk village LC1 chairperson allowed a one Olango Adyera (a Mulaalo) to return to the village with 350 heads of cattle from Masindi where he had been displaced, but he came back with more than the agreed number. In Lutuk village resident protested the destruction of crops caused by Balaalo cattle.⁶² Residents of Nwoya subsequently issued an ultimatum to landowners hosting Balaalo to expel them or risk punitive measures.⁶³

In August 2010, about 10,000 herds of cattle and 500 herdsmen were evicted from Nwoya district. They were accused of entering the district illegally and grazing on community land without authority from the district officials. In November 2010, Nwoya District Council passed a resolution evicting nomads from the district. The decision to evict the pastoralists

59 See 'Masindi Court says Balaalo eviction illegal', *Daily Monitor*, 23 January 2013. Available at: <http://www.monitor.co.ug/News/National/Masindi-court-says-Balaalo-eviction-illegal/-/688334/1672654/-/10h7lg2z/-/index.html>

60 See 'Masindi Court says Balaalo eviction illegal', *Daily Monitor*, 23 January 2013. Available at: <http://www.monitor.co.ug/News/National/Masindi-court-says-Balaalo-eviction-illegal/-/688334/1672654/-/10h7lg2z/-/index.html>

61 Interview with Mr. Kempaka, Buliisa evictees settled in Kyerusesa, Kyangwali, October 2013 (personal communication).

62 See Chris Ocowun, 'Residents want law against Balaalo herds men', *New Vision* 4 March 2011, pp.12

63 See 'Nwoya issues ultimatum for Balaalo to vacate', *Daily Monitor* 14 March 2011, pp.8

faced resistance from a section of members of the community who were renting out small portions of land to the pastoralists for grazing their animals, and on which they had also built temporary structures, and wanted them to stay.⁶⁴

At the end of January 2011, Bukedea District authorities evicted 16 families of Balaalo from Kolir and Malera wetlands for illegal occupation of the swamps. The pastoralists, who were suspected of being part of the group evicted from Buliisa, had settled on the wetlands with over 400 head of cattle.⁶⁵ The Balaalo who were evicted from Buliisa were rejected wherever they went. The process of eviction involved loss of property and livestock by those subjected to eviction. It impoverished them.

The altercation between the Balaalo and the State did not leave their organizations the same. The Banyarwanda Culture Development Association 'Umubano' which helped to secure the June 2007 injunction against relocation to Kyankwanzi suffered internal divisions. One group of the Balaalo actually accepted to move to Kyankwanzi while another refused to heed government efforts, claiming that they had land they bought and owned, which they called home; and that was in Buliisa where they wanted to stay, and were not willing to go anywhere else. There was also a leadership change, including the chair and position of General Secretary.⁶⁶ The old executive led by Grace Bororoza was accused of personalizing the Balaalo issue and misleading them on government's policies regarding their migration. A new committee called on Bororoza to withdraw a case filed against their eviction.

President Museveni promised to allocate Balaalo land in Kiruhura District to relocate their families and herds, leading to calls from some of the Balaalo for abandonment of their legal action. There were claims and counter claims indicating that some of the Balaalo were bribed by government to drop their suit.

5. Balaalo Evictions and Agrarian Relations in Buliisa

5.1 The Escalation of local level Land Conflicts

The Oil discovery in Buliisa had a massive impact on not only the structures and institutions but also the social fabric in the local communities. The relations on land between individuals as well as between respective clans and communities became increasingly characterized by tensions and conflicts. The Oil discovery escalated existing land-based conflicts between the different categories of land users in Buliisa.

64 See "Presence of Balaalo in Nwoya is no value to our people", *Daily Monitor* 16 September 2011, pp.10

65 See Richard Otim, "Government Evicts Balaalo From Teso Swamp", *Daily Monitor*, 31 January 2011

66 Umubano was created in 1995 and inaugurated in 1996. The association has since split into two factions. During the 2010 Presidential elections in Rwanda, one faction urged members of Umubano to turn up in large number to vote. Another faction opposed the involvement of Umubano in elections in another country, arguing that members of Umubano are not Rwandans but Ugandans of Rwandese descent who are constitutionally Ugandans belonging to the indigenous community of Banyarwanda (see Risdell Kasasira, "Rwandans in Diaspora vote for President", *Daily Monitor*, 9 August 2010. Available at: <http://www.monitor.co.ug/News/National/-/688334/973406/-/x38rxn/-/index.html>

Land conflicts were exacerbated at household, family, clan and community levels. Customary and communal land tenure in much of Buliisa had rapidly started giving way to registered forms of tenure (leasehold), without any regard to the land rights of the indigenous population, until the leasing of land was suspended by government to allow for the streamlining of procedures regarding verification of bonafide applicants to weed out unscrupulous land speculators. Where land was leased, communities suffered exclusion from access to resources on previously accessible common lands (International Alert 2013; International Alert 2009:6).

Even after the Balaalo were evicted, intra-family disputes did not relent. There was an increase in conflicts due to disagreement over sharing compensation moneys from Oil companies.⁶⁷ In many instances, unscrupulous village members sold village common lands to speculators without the approval of the rest of the community. The same happened in some families, as individuals sold land belonging to their families without approval from other family members.⁶⁸ Food production in Buliisa had been interfered with the activities of Oil companies (NAPE 2012).

5.2 The Militarization of Land Access and control in Buliisa

The Balaalo were as much cattle keepers as the indigenes of Buliisa. Their eviction, therefore served to narrow attention to the social and economic parameters that distinguish Balaalo from the indigenes rather than on what they have in common, and therefore a denial of the significance of everything that would have created solidarity across social, economic, cultural and other distinctions. It was a typical project in statecraft that did not deny politics (since politics remained), but rather altered the arena and processes through which politics was articulated. The manner in which the state reigned in on the Balaalo was a show of its autocratic and hegemonic character. It fostered not only increased presidentialism in the exercise of political power on matters of Oil as well as land relations in the Oil-rich region (Kathman and Shannon 2011), but also the militarization of the processes of management of land relations and disputes accruing there-from.

The military and security agencies now play a very prominent role in mediating land-based conflicts, which had significantly influenced the day-to-day affairs of the people of Buliisa. The eviction of the Balaalo couldn't therefore have made the conditions of the ordinary people of Buliisa any better. With the massive deployment of the SFG and a heavily bolstered presence of the regular Police, the situation in the community for a new comer, is rather

67 On 31 July 2010, a man who was living on a family piece of land near Tullow's Kigogole-2 oil well set fire to a hut where his two sisters who had paid him a visit were sleeping. Police confirmed that the man wanted to eliminate the two sisters so that he could take over the land, so that in case of compensation, he could be the sole beneficiary (see 'Oil discovery sparks land grab in Buliisa', The Independent, 9 November 2010, *ibid*).

68 See 'Oil discovery sparks land grab in Buliisa', The Independent, 9 November 2010. Available at: <http://www.independent.co.ug/index.php/business/business-news/54-business-news/3635-oil-discovery-sparks-land-grab-in-buliisa-unscrupulous-villagers-have-sold-common-land-to-speculators-without-the-approval-of-the-community->

intimidating and tense. It portends a feeling of likely further marginalization as freedom of expression had become evidently constrained by military presence.⁶⁹

Government had heavily invested in the establishment of a stronger police presence in the Oil-rich regions to protect Oil assets in the region from any potential social unrest (Kathman and Shannon 2011:30). An Oil Wells Protection Unit (OWPU) drawn from various security organs, including ISO, ESO, the UPDF, police and prisons was formed (Lay and Minio-Paluello, 2010: 30). In April 2013, a Special Police Unit was also established within the new Directorate of Oil and Gas Protection. Additional security for activities of certain Oil companies is provided by various private security companies, with Saracen and Group 4 Security being the most prominent (Vokes 2012).

It is no wonder, therefore that the management of disputes concerning land access in Buliisa district that precipitated the Balaalo evictions was also highly militarized. In December 2010 after Balaalo were evicted, the land was handed to the District Security Committee, which handed it over to the Buliisa District Land Board. Instead of finding appropriate ways to have the land secured for restitution to the common use by the local communities, neither cultivation nor settlement was permitted by security agencies in the area. By December 2013, several years after Balaalo were evicted; Police deployment was still evident in the disputed area where the Balaalo were evicted from.

Local communities interviewed in September 2013 were wary that failure to return the land to the communities had opened up the land to the same Balaalo who were evicted from it as well as other ferocious land speculators. The communities would have preferred the land revert to its previous usage, as a consolidated common property resource accessible exclusively by only members of the local communities. Communities said security officials had continued to block them from accessing the land whether for cultivation and grazing, or for collection of firewood and building materials such as grass. Those in whose name the eviction of Balaalo was carried out in the first place had yet to celebrate their victory.⁷⁰

The pressure by outsiders to acquire land in areas adjacent to Oil sites had continued as it was largely assumed that landlords (those with land titles) in areas where Oil was discovered entitles them not only compensations when exploration and prospecting activities take place on the lands they own, but also allow them to benefit from royalties when commercial production commences.⁷¹ There were concerns not only among the local communities but also local and national leaders from Buliisa that the District Land Board had come under enormous pressure to issue leases to the said land to individuals, including some who were front to land speculators and the Balaalo who were evicted from the area.⁷² The moratorium

69 Interview with Civil Society activist involved in Oil advocacy campaign, held in Kampala, September 2013.

70 See 'Balaalo victory in court sparks off fresh tensions', Daily Monitor online, 26 January 2013, *ibid*.

71 See 'Balaalo victory in court sparks off fresh tensions', Daily Monitor online, 26 January 2013, *ibid*.

72 Interview with Hon. Steven Mukitale Birahwa, MP Buliisa County, October 2013 (personal communication).

imposed by government on issuance of land titles in Oil-rich region had not yet been lifted by government by October 2013.⁷³

Everywhere in Buliisa, there is a pungent feeling of 'entrapment' by members of communities in areas surrounding the Oil sites because of what appears as a suspension of some of certain civil liberties, particularly through the enforcement of special permits. They affect not only visitors to the district, but also the resident populations. It had become almost impossible to speak out on matters of Oil and the activities of Oil companies in the district, without feeling intimidated. Meetings are vetted and any form of public displays closely monitored, and sometimes arrests have been made. Even elected leaders from Buliisa at the national level feel threatened.⁷⁴

5.3 Changing Agrarian Relations in 'Post-Balaalo' Buliisa

The Balaalo eviction served as a mechanism for maintaining power of the state over agrarian relations through the manipulation and recasting of existing 'customary' land relations to reinforce particular outcomes. Ostensibly, the state interfered in the functioning of the land market. This interference was neither intended to make the market perform better nor improve agricultural production and productivity. It was largely intended to address an overtly political agenda that had very little to do with what would have been ordinarily expected from the State in such circumstances, requiring the facilitation of the smooth functioning of markets to enhance neoliberal policy outcomes with regards to land and agrarian relations.

Even the local leaders acknowledged that while the eviction of Balaalo may not have been properly done in legal terms, politically, the government took the right decision to the extent it saved the situation from degenerating into violent inter-tribal conflicts.⁷⁵ The state made political and economic gains but at the expense of the rights of individual members of the Balaalo community who had lawfully acquired land, as well as their rights as a group of pastoralists. The indigenes, who had up to the time of writing this paper not benefited from the land from which the Balaalo were evicted, as they were not allowed to put it to any use, including that for which it was formerly available before the contestation with the Balaalo started, cannot be viewed as the ultimate beneficiaries.

The state used coercive means to enforce (and therefore define) the customary land rights for Bagungu/Banyoro in Buliisa, and to exclude the Balaalo. The extent to which it succeeded in doing the latter not only spelt out the implications for land rights of other resident non-indigenous population, but also suggested that the eviction was a means of controlling and subjugating not only the indigenes, who were supposed to be the main beneficiaries of the eviction of Balaalo, but the entire population of Buliisa, whose natural resources were to become the subject of exploitation through Oil and Gas extraction by the State. This is the

⁷³ See 'Speculators win big as owners get peanuts', *New Vision*, 31 October 2013, pp. 32

⁷⁴ Interview with Hon. Steven Mukitale Birahwa, MP Buliisa County, October 2013 (personal communication).

⁷⁵ See 'Balaalo victory in court sparks off fresh tensions', Daily Monitor online, 26 January 2013, *op.cit.*

framework within which the expropriation of surpluses through control over land as a means of production became manifest.

Compensations for disturbances occasioned by Oil and Gas exploration and prospecting activities had become extremely problematic. While many members of local communities had received hefty compensation packages, there were still a lot of complaints regarding the amounts entailed vis-à-vis the sizes of land given up. Expectations from those permanently displaced from their homes for the establishment and development of Oil wells following successful exploration had to say the least not been met for the majority.

While elected political leaders did not have to bear the adverse consequences from policy failures that emanated from the Buliisa evictions, the proceeding political contests at all political levels in the district during the February 2011 parliamentary and local government elections were polarized around the extent to which a particular candidate was judged to be for or against the interests and claims over land by the autochthonous communities as opposed to the allochthonous groups. After the Balaalo eviction, there was relative calm restored, although the conflicts between indigenes on one hand and remaining immigrants on the other hand continued, and will someday in the future also become a source of contestations, unless institutions for handling local disputes over land are strengthened, and necessary safeguards put in place.

The influx of immigrants and land speculators engendered different forms of resentment and tension within and between indigenes as well as between indigenes and 'new' landowners. Cases of fraudulent acquisition and sale of land in areas where Oil was discovered increased causing distaste among the indigenous communities towards immigrants in Buliisa. The tensions in the communities had also been heightened by the inability of Oil companies and government to provide adequate and prompt compensation for those who were displaced from their land either temporarily for Oil exploration and prospecting or those who were permanently asked to leave their homes for construction of Oil wells and camp sites for Oil companies (International Alert 2009:6).

The disruption of livelihood activities of the local communities in Buliisa was extremely untoward and worrying (International Alert, 2013; Kiiza, Bategeka and Sarah Ssewanyana 2011). The loss of access to pastures and water points for cattle keepers, and loss of access to fishing sites by fisher-folks and farm lands for cultivators, occasioned by controls imposed by Oil companies during exploration and prospecting activities already provide an indication of the disruptions local communities in Buliisa are likely to encounter when actual Oil production starts. The discovery of the Oil had negatively heightened supra-tribal and cultural consciousness among the indigenous Bagungu towards all other immigrant ethnicities, to the extent that any newcomers such as Balaalo were abhorred as opportunists who sought to unfairly benefit from windfalls made available by the Oil bonanza at expense of the indigenous populations that suffered centuries of indignity (International Alert 2009:6).

The potential for loss of sources of incomes and livelihoods for pastoralists and crop farmers in Buliisa caused by inability to access not only water and pastures blocked by Oil platforms or oilrigs, but also forced displacement from their land is likely to affect the livelihoods of the population in the district. Issues of contamination of land, pastures and water sources with heavy metals contained in poorly disposed and managed wastes from Oil drilling (such as drill and mud cuttings, solid and liquid wastes) are increasingly becoming a subject of concern in Buliisa (International Alert 2013:41-2; Wass and Musiime 2013:29). The presence of cancer-causing heavy metals such as lead and cadmium, also associated with birth defects have been confirmed from tests conducted in laboratories at Makerere University and in the USA on Oil drill wastes collected from different sites in Buliisa (Wass and Musiime 2013:28).

5.4 Emerging challenges for the transformation of Pastoralism

The evictions of Balaalo from Buliisa by the State had generated its own form of discourse not only on pastoralism and the land rights of pastoralists, but also on the role of the state in dealing with nomadism in its agenda for development of not only pastoralism but also cattle keeping areas and the cattle keepers that inhabit these areas. The eviction provided an interesting dimension for understanding the contradictions within the State in dealing with, on one hand, the challenges to livestock production posed by nomadism vis-avis other forms of land use, and on the other, how the handling of the Balaalo question in Buliisa bears government's objective treatment of the subject of securing tenure through registration of land rights and formalization of tenure.

From a neoliberal perspective on agricultural development, the documentation (through registration and titling) of land rights is perceived as a necessary condition for improvement in agricultural production as well as productivity of land (World Bank 2013). The eviction of Balaalo portends contradictory trajectories of interventions by a State that seeks to transform pastoralism in the country, which the State did not take into account in evicting pastoralists from Buliisa. It was about political expediency regarding the need to ensure unfettered Oil exploration and prospecting, and coming close to February 2011 general elections, the State priorities were elsewhere. The State was more interested in avoiding violence in the Oil-rich region, where prospecting was already underway as several wells with high potential yields had already been discovered, and were awaiting the commencement of production.

The State was neither concerned about pastoralists and crop farmers, nor with the potential negative environmental consequences for Oil production on cattle keeping and cultivation or fishing in Buliisa. The cattle keepers did not regain access to grazing areas from which the Balaalo were evicted. Fishing had been disrupted. The Balaalo evictions caused even greater distortions in pastoral production in Buliisa, as the majority of those evicted migrated to other parts of Bunyoro, while some crossed into Nwoya and Amuru districts in Acholi and others as far as West Nile, where they were also subsequently evicted. It was hoped the

Balaalo would be compelled to convert their cattle into money to buy land, build premises in the trading centers, i.e., become less pastoralists.⁷⁶ Nomadism is considered by the State as a 'backward' practice, and accordingly, the Balaalo needed to change from the traditional extensive, free-ranging farming to more intensive dairy farming, including selling off their livestock to buy land.⁷⁷ Their eviction was perhaps one way of dealing with their presumed conservativeness, although it did not resolve the fundamental issue of transforming the agrarian relations.

The emerging agrarian relations after the Balaalo eviction point to a far much complex situation regarding access to and ownership of land, which the eviction on its own could not resolve. Issues of land alienation/grabbing continue to manifest in more ferocious ways, sometimes spearheaded by the elites from the indigenes of Buliisa. A commitment will have to be made to invest a significant share of proceeds from petroleum sales in achieving an agrarian transformation through which the livelihoods of populations that depend on livestock and crop production can be markedly transformed, lest the petroleum will become a resource curse.

6. Conclusion

The January 2013 High Court ruling that the eviction of the Balaalo from Buliisa was illegal and unconstitutional made the Balaalo the first casualties on the list of those whose human rights have been violated as a result of Oil exploration and prospecting in the Lake Albert region, whether or not the land they laid claim to was inappropriately acquired. They were the first title landholding victims of land expropriation by powerful forces unleashed by a very vicious process of capitalist accumulation that has nothing to do with and form of progress in forces of production usually associated with capitalistic production in the countryside. The latter notwithstanding, there are also significant violations of land rights of the indigenous communities whose land relations are still defined in customary realms that have been occasioned by Oil exploration and prospecting, associated with the eviction of Balaalo. The eviction of Balaalo only made apparent the inherent contradictions that Oil discovery was bound to engender for not only the local communities, but also the smallholder land-based rural producers in areas where the Oil was discovered. The Balaalo evictions (sic the consequences of forces of capitalist accumulation) didn't resolve these contradictions, as ordinarily the processes of capitalistic transformation sweeping the countryside would have been expected. It only changed the patterns of their manifestations, and thereby freezing them in process.

While a neoliberal policy agenda is being pursued by the State with regards to land policy and legislation, the State has often intervened to curtail the full functioning of the market in land as espoused in neoliberal agrarian reforms, ostensibly to protect customary land rights

⁷⁶ See H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 'Statement on Buliisa Conflict', 6 September 2007. Available at: <http://www.statehouse.go.ug/news.php?item=45&catId=5>

⁷⁷ See H.E. Yoweri Museveni, "Statement on Buliisa Conflict", Dated 6 September 2007, *Ibid*

of the indigenous communities in Buliisa. The State has largely intervened when it is least expected to, and for reasons not entirely concerned with securing the land rights of locals. Where the State is expected to intervene, it does not. The Balaalo evictions were one such paradox. Clear mechanisms to address land rights of indigenes need to be put in place, rather than leaving it to the open land market. Clear guidelines not only for land acquisition but also for dispossession and displacement in the Oil rich areas, in line with existing national policy and legal frameworks need to be in place to protect indigenous communities, whose main source of livelihood is derived from land.

The radicalization of land administration in the Oil region will certainly affect future land relations among the indigenes, but also between the indigenes and immigrants. While the role of the military in managing land relations as well as land administration may appear an extreme circumstance, it has defined the terrain within which relations on land are likely to continue to be determined in the future.

The possibility of Oil production is no longer in doubt. It is just a matter of time. Until those whose livelihoods are likely to be negatively affected by its production are taken care of, the Oil discovery in Buliisa could become a curse. The Balaalo are already one such category for whom the Oil discovery is a curse. While determining those who had genuinely acquired land may be a protracted process, there is need for them to have hope that they will be compensated for the losses occasioned by their eviction. Plans also need to be put in place to compensate indigenes likely to be negatively affected Oil production, so that they can adopt alternative livelihoods.

7. Selected References

- Borras, M.S. Jr. and Franco, J.C. 2012. “*Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis*”. *Journal of Agrarian Change*, 12, 1:34–59.
- Borras, M.S.Jr., McMichael, P. and I. Scoones 2010. “*The Politics of Biofuels, Land and Agrarian Change: Editors' Introduction*”. *The Journal of Peasant Studies*, 37, 4: 575–592.
- Borras, M.S. Jr., Edelman, M. and C. Kay, eds, 2008. *Transnational Agrarian Movements Confronting Globalization*. West Sussex: Wiley-Blackwell.
- Hall, R. 2011. “*Land grabbing in Southern Africa: the many faces of the Investor Rush*”. *Review of African Political Economy*, 38, 128:193–214.
- Hammel, R. 2001. “*Securing Land for Herders in Niger*”. Issues Paper No. 102. IIED: London.
- International Alert 2009. “*Harnessing Oil for Peace and Development in Uganda: Investing in Peace*”. Issue No. 2, September 2009.
- International Alert 2013. “*Governance and livelihoods in Uganda's Oil-rich Albertine Graben*”. Understanding conflict. Building peace. March 2013.
- Kathman, J. and Shannon, M. 2011. “*Oil Extraction and the Potential for Domestic Instability in Uganda*”. *African Studies Quarterly*, 12, 3.
- Kiiza, J., Bategeka, L. and S. Ssewanyana, 2011. “*Righting Resource-Curse Wrongs in Uganda: The Case of Oil Discovery and the Management of Popular Expectations*”. Economic Policy Research Centre (EPRC), Research Series Number 78.
- Lay, T. and Minio-Paluello, M. 2010. “*Contracts Curse. Uganda's Oil Agreements place profit before people*”. Report prepared for the Civil Society Coalition on Oil in Uganda in collaboration with Platform, February.
- Muhereza, E.F. 2007. *Pastoralism and Land Conflicts in Uganda: Implications for the National Land Policy*. Kampala: Uganda Land Alliance.
- National Association of Professional Environmentalists (NAPE) 2012. “*A study on Land Grabbing cases in Uganda*”. Study supported by Friends of the Earth International (FoEI).
- Olanya, D. R. 2012. “*Resource Curse, Staple Thesis and Rentier Politics in Africa*”. Conference Paper No. 33, III Conferência Internacional Do Iese “Moçambique: Acumulação E Transformação EmContexto De Crise Internacional”, 4-5 September.
- Uganda Land Alliance (ULA) 2011. “*Land Grabbing and its Effects on the Communities in the Oil rich Albertine Region of Uganda: The Case of Hoima, Buliisa and Amuru*”. Report Submitted to IS Academy.

The December 2010 'Balaalo' evictions from Buliisa District and the challenges of Agrarian Transformation in Uganda.

Uganda Wildlife Society (UWS) 2008. "*Sharing Oil and Gas Revenue in Uganda*". *Oil and Gas series* 1, October.

Veit, G. P., Excell, C. and A. Zomer, 2011. "*Avoiding the Resource Curse: Spotlight on Oil in Uganda*". Working Paper, World Resources Institute (WRI), Washington, DC.†

Vokes, R. 2012. "*Briefing: The Politics of Oil in Uganda*". *African Affairs*, 111, 443:303–314.

Wass, G. and Musiime, C. 2013. "*Business, Human Rights, and Uganda's Oil Part I: Uganda's Oil sector and potential threats to human rights*". ActionAid International Uganda and International Peace Information Service (IPIS), Antwerp, July.

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