

## ETTAKA BALITWAALA - MU DDA OMUSANGO GULITUSINGA

### Abstract

Buganda is the home of an ethnic group called the Baganda, who have lived on this area for hundreds of years. At its height Buganda was a vast undocumented area. However, 20,000 square miles of native land is documented and enshrined in the Buganda Agreement of 1900 (see Appendix). 9,000 square miles of this was called Crown Land and vested in the Queen of England until 1962, when it was returned to Buganda, to be managed by the Buganda Land Board, with the Kabaka as Trustee. In 1969 Obote's Government confiscated this land, and there has been an ongoing tussle and negotiations for its return between Mmengo and central Government. Central Government has on several occasions tried to abolish the legal entity known as Buganda - Obote making bold decrees, and Museveni chopping and changing districts and bringing in new Land Laws. It is imperative that the native land is reclaimed, using much the same internationally recognised methods as the native peoples of Canada, Australia, America, New Zealand. Baganda under the age of 30 are semi detached and ambivalent about the importance of Buganda to their lives. The future of Buganda is in their hands, and they need to be enthused, become involved and drive the demands forward.

### Key Words

Buganda Agreement of 1900, ttaka, Kabaka, Crown Land, Mmengo, Leadership, Youth, Implementation

### INTRODUCTION

#### **1900 Buganda Agreement**

"The 1900 Uganda Agreement between the British and the Baganda created the *Lukiiko* (Buganda Council) and filled it with *bakungu* (administrative) chiefs at the same time shifting power from the *Kabaka* and other categories of chief. The *Kabaka*, other royals and notables, and the *bakungu* chiefs gained mailo estates over half the land in Buganda whilst the remainder was vested in the British Queen and was called Crown Land. On mailo land there were two forms of landholders, one being the *bakungu* with their title deeds, and the other being the *bibanja* holders or occupants. Crown land was either leased to tenants or occupied under customary tenure.

#### **Ugandan Independence and the Public Lands Acts of 1962 and 1969**

In 1962, Uganda received independence and a federated government between the Uganda People's Congress and Baganda's Kabaka Yekka party took control. Crown land was changed to public land under the control of the Uganda Land Commission (ULC) and Land Boards. In Buganda the 9,000 square miles of crown land taken under the 1900 Agreement **was returned to the Baganda and vested in the Buganda Land Board (BLB)**. While the

colonial administration had used land to secure compliance from chiefs, the Obote Government used land for patronage. The beneficiaries were the influential political appointees on the land boards and their moneyed friends. Land, including common land was taken and enclosed for ranching all over the country (Kabwegyere, 1975: 15-16). The uneasy alliance between the parties soon dissolved and during the so-called 'Constitutional Crisis' of 1966 Obote overturned the Independence Constitution **abolished the Buganda Kingdom and vested the land held by the Buganda Land Board in the Uganda Land Commission**. The 1967 Constitution abandoned the Land Boards. Public land ownership and powers of control were centralized and vested in the ULC."

#### **Fast Forward to Present Situation**

Buganda has experienced many traumatic times since the 1960s. Ssekabaka Edward Mutesa II died in exile. There was no Kabaka present in Buganda from 1966 to 1993. What is undeniable is that Buganda has significantly diminished in its popularity and mystique amongst the Baganda, other Ugandans and internationally. Buganda's wealth, cultural and social impact have significantly reduced, so has its economic base (its importance as a cash crop growing area). The return of the Kabaka in 1993 under the reign of Mutebi II has not halted this demise and in 2007, the task that is before the Baganda is

1. How to re-established Buganda as a legal entity.
2. How to reclaim Buganda's legal properties
3. How to enthuse the majority of Baganda, young men and women under the age of 30, who did not grow up during any Kabaka, about the relevance of Buganda as a Kingdom, to their lives.

### STRENGTHS OF THE BUGANDA

#### **The Monarchy**

There is historical documentation to indicate that the Monarchs of Buganda and England have had meetings, correspondence and liaisons for over 200 years. These two monarchs are still in existence, indeed they are some of the oldest monarchies the world over. Communications between the two Royal Palaces has demonstrably diminished since Ssekabaka Muteesa II died in 1969.

#### **The Agreement**

This is an internationally recognised agreement between Buganda's monarch and the British monarch. Such agreements have historic significance. The agreement identifies 20,000 miles as being the property of Buganda and the native Baganda.

### WEAKNESSES

The lack of strategic planning for the Kingdom is an open secret. After 14 years of the current Kabaka there should be 25 year plans drawn up, mapping up the direction for education, infra structure, human resource plans, technology, plans for the economy, plans for culture. There should be mature plans to return Buganda to a semblance of its former glory, plans to secure Buganda as an identifiable geographic region in Uganda. Mmengo, in its

infinite wisdom, has not considered it a supreme advantage to have an ally in the British monarch, nor prudent to continue courteous liaison between palaces since the current Kabaka has been in position. Sabasajja Ronald Mutebi spent more time in the UK than any other Ssekabaka, but has somehow colluded with silence on this goldmine of an advantage. Mmengo has not formed effective liaisons with other Kingdoms worldwide, which have had similar threats from their central governments. Mmengo has yet to seriously consider adoption of the processes that the native peoples of Canada, Australia, New Zealand and America used to secure their native lands from being encroached upon. There is little confidence that Mmengo in its current structure with the current leadership group can be effectively engaged in sensitive, diplomatic, international matters.

### **OPPORTUNITIES**

Many Baganda in the Diaspora can follow up the leads with other native peoples, especially in the Commonwealth. There is evidence of how the international community has supported their rights to own their lands. An international petition would raise awareness and opportunities for further action to secure the 20,000 square miles of land. But is the Kabaka and Mmengo on board with this?

The Commonwealth Heads of Government Meeting in Uganda in November is an unprecedented opportunity for Buganda. This is an excellent opportunity to open up communication lines between the two monarchs. This is also an excellent opportunity to open discussions about Buganda's concerns over land to the British Queen. These concerns will find sympathies within the Commonwealth more generally and Australia, New Zealand and Canada are members. Meetings can be arranged between representatives of the two monarchs, and the stated interested Commonwealth countries. **However, conversations should be happening now**, draft proposals need to be ready **before** CHOGM, and CHOGM should be used as an opportunity to agree on points, not on the principle of returning Buganda's native lands. Who will attend these meetings and what should they be trying to secure for Buganda (not for himself). Baganda in the Diaspora have the capacity to engage in this.

### **THREATS**

Mmengo's resistance to implementing anything that comes from the Diaspora, and constantly undermine the abilities of the Baganda in the Diaspora about anything, unless talk is of depositing large sums of money to Mmengo. There is infighting, a lack of resolve in the Leadership Group which appears to be heavily infiltration by NRM and central government insiders. The quality of the Mmengo leadership is questionable, not just their dubious political and financial backgrounds, but also their past social activities, qualifications for posts they hold, their 'politics' and their motivation.

### **Age of Majority of Baganda.**

Uganda's Population: 27.2M (2005), of which 51% is female and 23% of households headed by females. Fifty six per cent of the population is under 18 years of age. There is little connection between the majority of Baganda

and the current Kabaka and his activities. In broad political terms, if the current Kabaka cannot effectively engage or influence 56% of his constituency, future generations of Kabakas are doomed, as the Baganda will see no benefit in protecting the Kingdom.

### **Lack of Openness**

To improve credibility, and confidence in the Kabaka's judgement, there is a desperate need for open processes for appointment or recruitment to any position at Mmengo. There should be clear job descriptions and person specifications, that appointees need to match. There should be an assessment of age and gender, many able young men and women could be more effective. There is a need for clarity about payment and remuneration. Why are Bulange salaries secret? We know the British Queen's income, the British Prime Minister's salary, and that of the American President.

### **Lack of an Implementation Structure at Mmengo**

There is a lack of a credible and focused implementation structure that applies themselves to this task on a daily basis at Mmengo. Staff quality (qualifications, commitment and understanding) and numbers, technology to support the work and management direction. Anybody visiting will have no doubt that this is Buganda's biggest threat – any effective implementers.

### **Commonwealth Heads of Government Meeting**

This has to be handled with kid gloves, by people with knowledge of international protocols and diplomacy. The British Queen needs to know several weeks in advance before anybody tries to engage the Royal Court in discussions about anything. The taskforce selected to deal with this must be selected based on credentials. Care must be taken as to who will be the lead negotiator, what are their skills, and previous experience. One wrong foot and this could go so wrong, for decades to come!

### **WAY FORWARD**

The Baganda need a credible strategic plan with a time table for action and a competent team of people to effectively execute and secure Buganda as a legal entity. The reclaim Buganda's properties is the second part of the project. Mmengo leadership has so far showed little appreciation these two issues as the most important priorities.

Mmengo leadership has so far shown little appreciation of the importance of historical international links between Buganda and other monarchs, or indeed between the different native populations in the Commonwealth. Past behaviour is the greatest indicator of future behaviour and the Mmengo leadership continues to cause major concern. Ttabamiruka must think through and plan for improving the implementation skills of the Mmengo leadership. This may require a reshuffle, an improvement in the qualifications, skills base, the age groups and gender balance involved in planning.

**How to Reclaim Buganda as a Legal Entity**

This requires commitment, astuteness, and professional knowledge of Land law. Once an advantageous position has been identified and agreed, steps need to be put in place, with named individuals responsible for action and time lines for the various negotiations and challenges. A significant part of the plan is an information strategy for the Baganda, over 80% of who are under the age of 30 and who have little knowledge of Buganda, its history, their legacy and the need to protect it.

**How to Reclaim Buganda's Properties**

Ttabamiruka and Baganda in the Diaspora cannot effect policy implementation on a day to day basis in Uganda. The leadership in Mmengo are very focused on local issues, day to day politics between them and Central Government.

**Credible Implementation Structure**

The Kabaka should prioritise the development of a credible implementation team with support from the Diaspora.

**Buganda Land Board Could Do More**

Many people are selling their mailo land. Ttabamiruka in the Diaspora should open a Buganda Land Fund, held in the Diaspora, where each of us could deposit £10 per month. A system of buying up this mailo land should be developed by the Buganda Land Board in Buganda, to ensure that when mailo land is sold by those who need the money, it remains amongst the Baganda.

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**The Buganda Agreement of 1900**

"The land of the Kingdom of Uganda shall be dealt with in the following manner: Assuming the area of the Kingdom of Uganda, as comprised within the limits cited in this agreement, to amount to 19,600 square miles, it shall be divided in the following proportions:

	<i>Square miles</i>
Forests to be brought under control of the Uganda Administration	1,500
<b>Waste and uncultivated land to be vested in Her Majesty's Government, and to be controlled by the Uganda Administration</b>	<b>9,000</b>
Plantations and other private property of His Highness the Kabaka of Uganda	350
Plantations and other private property of the Namasole (Note.-If the present Kabaka died and another Namasole were appointed, the existing one would be permitted to retain as her personal property 6 square miles, passing on 10 square miles as the endowment of every succeeding Namasole.)	16
Plantations and other private property of the Namasole, Mother of Mwanga	10
To the Princes: Joseph, Augustine, Rarnazan, and Yusufu-Suna, 8 square miles each	32
For the Princesses, sisters, and relations of the Kabaka	90
To the Abamasaza (chiefs of counties), twenty in all 8 square miles each (private property): 160 Official estates attached to the posts of the Abamasaza, 8 square miles each: 160	320
The three Regents will receive private property to the extent of 16 square miles each: 48 And official property attached to their office, 16 square miles each, the said official property to be afterwards attached to the posts of the three native ministers: 48	96
Mbogo (the Muhammedan chief) will receive for himself and his adherents	24
Kamswaga, chief of Koki, will receive	20
One thousand chiefs and private landowners will receive the estates of which they are already in possession, and which are computed at an acreage of 8 square miles per individual, making	8,000

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There will be allotted to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as	92
Land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka, etc., etc.)	50
<b>Total</b>	<b>19,600</b>

'The aforesaid 9,000 square miles of waste or cultivated, or uncultivated land, or land occupied without prior gift of the Kabaka or chiefs by bakopi or strangers, are hereby vested in Her Majesty the Queen of Great Britain and Ireland, Empress of India, and Protectress of Uganda, on the understanding that the revenue derived from such lands shall form part of the general revenue of the Uganda Protectorate.

'The forests, which will be reserved for Government control, will be, as a rule, those forests over which no private claim can be raised justifiably, and will be forests of some continuity, which should be maintained as woodland in the general interests of the country.

'As regards the allotment of the 8,000 square miles among the 1,000 private landowners, this will be a matter to be left to the decision of the Lukiko, with an appeal to the Kabaka. The Lukiko will be empowered to decide as to the validity of claims, the number of claimants and the extent of land granted, premising that the total amount of land thus allotted amongst the chiefs and accorded to native landowners of the country is not to exceed 8,000 square miles"

#### REFERENCES

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