

**Reflections on the Agrarian Crisis and Contestations within the
Agrarian Domain**

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Reflections on the Agrarian Crisis and Contestations within the Agrarian Domain*

Introduction

Third World countries today are no longer following the capitalist path of the West but are struggling in a competitive and conspiratorial manner against one another to access a niche in the western markets, now acclaimed as the global market. The West has through self-referentiality redefined itself as the global market. Interestingly, these Third World countries have virtually nothing to sell in the home market, let alone in the so-called global market. They are duped through new imperialist trappings for mercantilism like AGOA and other assumedly preferential trade opportunities. Even some African countries have taken initiatives to construct NEPAD. The irony of some of these countries is their scrambling to resolve their agrarian crises by strengthening the colonial legacy of producing goods exclusively for export to those who have no interest in those products while the local peoples are starving. Some oppress and exploit local labour to produce clothes for dressing the rich Americans while failing to import hand-me-downs for selling to their local people. Another irony is their struggling to “modernise agriculture” through genetic engineering and biotechnology through joint ventures with western multinational corporations that are controlling the world’s genetic resources, etc.

To understand the nature, character, dynamics, virulence, beneficiaries, victims and possible trends of the agrarian question and the contestations that it has been giving rise to within the legal domain in post-coloniality requires an understanding of the historical processes, factors and conditions that gave rise to it. This calls for tracing back imperialism right to the inception of colonialism.

Historicising the Agrarian Crisis

The colonial project aimed to subordinate the colonised peoples to capitalist accumulation needs. Merchant capital made a steady and deep penetration of the peasantry societies. Without any positive modifications of the pre-colonial peasant mode of production, colonial authorities gradually introduced new economic demands in the colonies. The encounter of pre-colonial modes of production with merchant capital and the modern colonial state did not leave the colonised peoples unchanged as the modernisation discourse came to argue through its conservation model. Neither did it dissolve them the way the dependency discourse later argued. It instead gave rise to resistance, which resulted into new social formations.

* The views expressed in this paper are those of the researcher.

As pre-colonial peasant forms of trade were gradually and systematically undermined by new market relations and colonial compulsions gave way to economic demands, the peasants became subordinated to these market relations as they attempted to meet their political, economic and social obligations. Communal forms of land ownership gradually gave way to individual land ownership and land gained a commodity value. The population was increasing fast with a corresponding decrease of both the land and its productivity. Gradually, there developed intensive agricultural commodity production, commoditisation of land and land consolidation, appropriation and fencing of communal lands and land titling.

These gave rise to numerous struggles within the agrarian setting. All these made enormous contributions to the rise and development of the agrarian crisis. Different states defined this crisis in different ways, mostly attributing it to singular causations such as overpopulation – a reincarnation of the discredited malthusian discourse;¹ over-cultivation, overgrazing due to overstocking, laziness, primitivity, wastefulness, etc. The states' solutions to resolve it included out-migration for wage labour, and for permanent resettlement, intensification of commodity production, appropriation and reclamation of communal lands, etc. Other technical solutions included those to control both soil erosion and loss of soil fertility. Measures such as forced birth control and forced cattle sales had limited positive effects.

The intriguing question is how the colonial authorities and scholarship transposed this demographic increase into the agrarian crisis. Within this epistemological confine, some scholarships in post-coloniality went to the extent of attributing the agrarian crisis to singular causative variables like polygamy, illiteracy, high fertility and unprogrammed pregnancies resulting from oversleeping due to coldness. The most recent work of Maurice King is very illustrative of this. King analogously narrows the recent Rwanda genocide to a single causative factor of "demographic trap". His basic argument is that too many people with little land cause holocausts. He bases on this to prognosticate a repeat of Rwanda's genocide in Uganda. This can be extended to many other Third World countries. To King, Uganda can avert this inevitable holocaust only by adopting a "one-kid per family" solution.² This raises series of serious conceptual, methodological and epistemological problems.

King fails to recognise that these crises were exacerbated by the RPF's invasion of Rwanda, plus its subsequent occupation and control of the

¹ As an example, see J.W. Purseglove (1950) "Resettlement in Kigezi", in *Uganda Journal*. He was reproducing the colonially fixed notion of demographic increases and their solutions of "surplus population", reclamation of communal lands, Also see B.W. Langlands. (1971) *The Population Geography of Kigezi District*. Occasional Paper No. 26, Geography Department, Makerere University.

² *The Monitor* Newspaper, Kampala, of December 7, 1996.

expansive fertile northern Rwanda. This had undermined the economy including food production for the country and blocked the trade routes. Neither does he examine historically and dialectically the socio-political and economic dimensions of the Rwandese crisis and its international dimensions.

The variations in agrarian setting show the methodological error of trying to reduce the agrarian question to the land-population ratio question. Discoursing on population is very problematic and the determinant forces of population constitution at the peasant family level transcend the question of land availability. It calls for deeper analysis of the socio-cultural, political, economic, ideological aspects and power relations, which inform and shape the people's lives and cognitive praxes. It is such an approach that will expose the inappropriateness and inadequacy of King's misreading of hearsay about land fights and homicides in Kigezi and Bugisu as indicators of the impending holocaust for Uganda. Unlike in Rwanda, there is no political machinery in Uganda, which has been actively producing and disseminating a conspiratorial genocidal ideology and politics of hatred, vengeance, vendetta and fear.

The land-population ratios alone cannot constitute a satisfactory explanation for the horrendous genocide in Rwanda since 1959 or the present realities in globalised agrarian economies.³ First, the people without land may access user and occupancy rights to land through borrowing, renting, sharecropping or encroachment. Secondly, peasant households are no longer closed self-sufficient production and consumption economies.⁴ They derive their means of livelihood from a multiplicity of sources including wage labour, pastoralism, artisanship, craftmaking, fishing and importation of food. Counterpoised to this view is the question of how countries with big populations like China and India have food surpluses. Thirdly, in an economy where crop production is both for household consumption and sale, and where agricultural production is dependent on female and child labour, and wage labour migration, the issue of determining optimum population becomes highly problematic. Thus, while the demographic factor cannot be dismissed entirely, still, it is not a sufficient explanation for the genesis and reproduction of this agrarian crisis let alone being the cause of the genocide in Rwanda.

These demographic issues are explored in detail by de Janvry (1981), Bernstein (1991), Kagambirwe (1972) and Mamdani (1972). They explain the

³ A contrary approach is provided by authors like: Mahmood Mamdani (2000) *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press.

Murindwa-Rutanga (1997) "Have You Killed Your Tutsi Today ... The Graves are Half Empty?: An Analysis of Rwanda's Horrendous Holocaust 1990-1994", in *Jadavpur Journal of International Relations*, Vol. 3.

⁴ They no longer fit in Shanin's 1987 description of peasants as self-sufficient closed economies, with no external obligations.

factors underlying demographic differences in different classes and their consequences on resources and environment. Bernstein goes further to explain how the agrarian crisis is intertwined with the women's subordination, and the process through which balance of forces in the 'sex-war' in the countryside has been tilted in favour of men by policies and practices of land allocation and registration that acknowledge only men. He brings out the process through which men expand their enterprises by manipulating or redefining customary claims to women's labour. Obot⁵ raises the issue of women's lack of land as collateral, and the gendered discrimination against women by male-dominated official sources of credit. She castigates the conservative attitudes of governments, bilateral and multilateral agencies. She raises a major agrarian crisis of marginalisation of women in decision-making in regard to distribution of work, resources and budgets despite the women's drudging. Related to this is Vandana Shiva's exposure of the problems that have arisen from the western development and science in the drive for profits and capital accumulation. She unravels their impact on social relations, on the different sections of society, on ecology, on the indigenous knowledge and on the symbiotic relationship between human beings and nature. She exposes how western constructs had negative impact on the local economies, how they had led to the destruction of nature, the marginalisation of women, peasants and tribals. She unearths the various problems rising from subdividing agriculture and the conduits for plundering and siphoning out resources from the Third World and their disastrous consequences. She unravels women's efforts to salvage the environment through the Chipko Movement.⁶

Shira's categorisation of the social actors raises methodological problems of how to separate women from the peasants and tribals. Similarly, equating women with nature raises problems. While her casting of women as the main producers of food holds in many situations, it cannot be taken as a universal generalisation. In fact, Hobsbawm,⁷ projects men as the main food providers for the peasant households. As these two theoretical postulations give partial understanding of peasant reality, it becomes a methodological and epistemological imperative to examine the obtaining reality in each specific context. Shira's other limitation arises from lumping together subaltern women with the propertied women who are actively engaged in capital accumulation processes. Some women are engaged in land accumulation while others are direct beneficiaries of these processes due to their heritage or espousal loci. In his

⁵ The 1995 Wageningen Conference, op. cit., pp. 1134-1147.

⁶ Vandana Shiva, (1988) *Staying Alive: Women, Ecology and Development*. New Delhi: Kali for Women.

⁷ Hobsbawm, (1959) *Primitive Rebels*. New York: Norton Library.

----- (1969) *Social Bandits*. Harmondsworth: Penguin.

1992 land study in Uganda, Kafureeka⁸ unearthed a new process in which women merchant capitalists and bureaucrats had aggressively been acquiring land through purchasing and even violent means. Thus, in such changed arenas, lumping such women with the landless, poor peasants has methodological flaws and has high potentials of leading to an erroneous understanding of the obtaining reality. It may end up creating non-existent gendered conflicts amongst the poor peasants. Despite this limitation, still, the Chipko movement in India provides important insights of how to understand the various agrarian struggles over rights in patriarchal societies.

This process has not been halted, reversed or controlled in post-coloniality. Land has continued to be cultivated over and over again, without rest or soil amendments. Lack of soil cover, coupled with over-cultivation with no control measures to check soil erosion have led to continuous soil degradation. Lack of irrigation and other scientific methods of production confine the peasants to the mercy of nature. Through the appropriation and reclamation of the communal lands by the individual developers, the peasants, the state or those that it has singled out and mandated to do so have confined the peasants to the mercy of nature. Though the appropriation and reclamation of the commons by the individual developers has led to high productivity of agriculture in the short run, it has generated adverse environmental, social and economic consequences. These in turn, have aggravated the crises for the peasantry. The peasants are now faced with persistent natural hazards like long droughts, heavy rains, and unpredictable seasons.

The greater section of the peasants are becoming perpetual victims of impoverishment, starvation and insecurity. These crises have been compounded and augmented by the austerity measures of structural adjustment programmes (SAP) by the IMF and the World Bank. These negative developments are developing concurrently with the formation of a *nouveau* propertied class. These are mainly capitalist farmers-cum-traders, bureaucratic bourgeoisie, kulaks and rich peasants.

Another important development is that ownership of property has been continuously changing hands, from the peasants to the rich peasants, capitalist farmers, and bureaucratic bourgeoisie. New breeds of cattle have been imported hand in hand with new methods of animal husbandry. This process has resulted in the phasing out of indigenous breeds of cattle. They have been able to accomplish these with the active propping up by the state and banks through legislation, loans, subsidies and security.

Many of these regions like Kigezi have been “seething with population pressure”,⁹ massive poverty, persistent famines, malnutrition and diseases,

⁸ B.M.L. Kafureeka, (1992) *The Dynamics of the Land Question and its Impact on Agricultural Productivity on Mbarara District*. Kampala: CBR Working Paper No. 25.

⁹ Expedit Ddungu, (1991) *A Review of The MISR-Wisconsin Land Tenure And Agricultural Development in Uganda*. CBR Working Paper No. 11. p. 15. A look at the demographic trends in

unemployment, landlessness, land fragmentation and massive land struggles. Even those peasants with land holdings find themselves faced with recurrent problems ranging from lack of agricultural inputs like tools, labour and seeds to diseases and pests of crops and livestock, lack of livestock and pasturage, extension services, credit facilities, markets and storage facilities, etc. coupled with crop destruction, thefts of livestock, crops, tools of production, etc. They are all these which constitute and define the agrarian crisis in different parts.¹⁰ These have negative consequences on inheritance, land ownership and resource distribution, employment, production and productivity. The case of Kigezi demonstrates this very clearly.

The Kigezi Resettlement Officer, while alerting the Government in 1987 about the intensity of this agrarian crisis, disclosed that his office was overwhelmed by applications for resettlement due to high population growth, which had caused great land pressure. He explained that the peasants were failing to support their families financially, they could not afford to pay school fees, or raise money to pay government tax. Many of them were dying because they could not afford treatment charges, food or clothes. Some families were living in other people's grain stores on hire basis.¹¹ Parallel to these negative developments has been property accumulation by the rich class.¹² This class has been amassing land through land trespass, grabbing and take-overs, state granting, purchasing, and appropriation of mortgaged and pawned properties. This land accumulation process has worsened the agrarian crisis.

There are other factors compounding the agrarian crisis. These include lack of remunerative employment opportunities within the agrarian setting, the region or even outside. Insecurity within and without, reign of terror in the country and/or in the neighbouring countries that have wrecked the economies, untamed imported hyperinflation, denial of travel documents and visas to other countries on the continent or overseas, estranged relations with neighbouring countries, etc. Political disorder, insecurity, civil wars, guerrilla movements, social movements, and interstate wars have been undermining economies and complicating the agrarian crises by taking away resources crucial for these countries' development, creating crises which preclude all possibilities of settled production and development, and hindering labour mobility. Peasants' responses to internal crises include exteriorising relations through different

Kigezi reveals a progressive increase of over 110,000 people per decade. Comparing the first official population estimates of 100,000 people in 1911 - notwithstanding the biases in those estimates - and the current population of over 1,000,000 people reveals a sharp demographic increase of over 900,000 people in eight decades. "1973 Statistical Abstract", Entebbe: Government Printer; and Ministry of Planning 1991 Census Figures, Uganda.

¹⁰ In the case of Uganda, see the colonial Uganda Protectorate Report 1939-1946.

¹¹ The Kigezi Resettlement Officer to the Permanent Secretary, Local Government on 22 October 1987; File No. 4/6/1972: *Resettlement General, 1972*. Kabale District Administration.

¹² Murindwa-Rutanga (1996, 1999) in Mamdani (Ed.) *Uganda: Studies in Labour*. Dakar: CODESRIA.

forms like *magendo* (cross-border illicit trade or smuggling), voluntary or economic refugeeism. *Magendo* is a very lucrative but risky outlet for local products and unemployed labour outside the state's monitoring and control. Exteriorising economies, say through *magendo*, may lead to development of strong exteriorised economic and social linkages between some local populations and the outside, with negative effects of undermining any form of nationalism, internal development etc. Ferocious, incensed offensive or retributory incursions into the neighbouring countries/regions or societies have been having disastrous consequences.

Different sections of society have been coping differently. How a state defines the agrarian crisis will determine the solutions that it will ultimately formulate and implement to solve it. Heavy, unproductive rural population density, has been impacting heavily on the agrarian crisis, on the environment and health. It has also been influencing the rise and function of social movements and agrarian struggles, processes and the forms of politics arising from the agrarian struggles.

On their part, Roseberry (1993) and Pieter de Vries (1995) consider the agrarian question as a discourse which has been constructed from the perspective of power without the peasants in its perspective. de Vries considers the agrarian crisis as being at the same time an urban or national question or proletarian question. He raises three interrelated issues: the emergence of new modes of state intervention and the redefinition of the role of local agricultural and political bureaucracies; the construction of local modes of organisation in the face of economic crisis and state restructuring; and the role of local representations, knowledge and memories in shaping new understandings of the environment in the face of global changes.¹³

Theoretical Perspective

With Third World countries where most of the population derive their livelihood from agriculture,¹⁴ any threat to agriculture becomes an immediate concern, calling for urgent analysis and resolving. Unfortunately, the agrarian crisis in Uganda has been growing in intensity, dimensions and virulence since its first detection in some parts as early as the 1920s. Successive efforts have been made by various parties to understand it, solutions have been formulated and implemented to resolve it. These solutions, however, seem to have had limited

¹³ Pieter de Vries, The 1995 Wageningen Conference on the Agrarian Questions: The Politics of Farming. Netherlands. Vol. I-IV. p.1337. Also see Terence J. Byres (1995) "Political Economy: The Agrarian Question And The Comparative Methods", *Journal of Peasant Studies*, Vol. 22 No. 4 pp. 561-580.

¹⁴ An example is Kigezi region, where over 91 percent of the population derive their livelihood from agriculture. Kabale District Agricultural Officer to Minister of Agriculture, 1996.

achievements, and have even at times threatened the peasants they were meant to salvage from the crisis. They have in many cases met with cold reception from the peasants. The state, which is the main initiator of many of these solutions at times has responded with coercion. This has culminated into peasant resistance. These peasants' resistances have put into question Scott's projection of peasants as permanent victims of fear and cowardice which compels them to resort to covert, passive forms of struggle.¹⁵

Some schools of thought and administrators have tended to blame the peasants for this agrarian crisis. The question is whether this agrarian crisis could be a result of the peasants' negative attitude to work and development as the colonial authorities alleged in 1925?¹⁶ Can it be understood from Carothers' epistemological strictures which psychologies peasants' movements?¹⁷

Can Purseglove's projection of these peasants as the cause of this agrarian crisis due to their independence, conservatism, stubbornness and suspicion of any new ideas help to explain this agrarian crisis holistically?¹⁸ What explains the insistence on implementing solutions that have proved contentious in implementation? What are the peasants' conception of this agrarian crisis and their initiatives to resolve it? Which section of society had genuine interest in resolving this crisis? What are the forces which shape and guide the peasants' cognitive praxis? Could it be that the problems arise from these peasants' objective weaknesses of being still uncaptured by the state and capital, as Göran Hyden posits?¹⁹ The intensity of capital penetration in Third World countries, commodity production, market dependency and state obligation put into question the tenability of Hyden's postulations.

What comes out is Hyden's advocacy for dictatorship by the state and imperialism. This is a return to developmentalism of 1960s. His opining should be juxtaposed with the findings of a colonial Government Senior Chemist in 1945. He had noted that part of the agrarian crisis in Kigezi stemmed from intensive capital penetration.²⁰ Within the same modernisation discourse emerges Robert Bates with a contrary projection of African crises as due to the strangling of the state control. He too makes a spirited advocacy for imperialism

¹⁵ Scott (1985) *Weapons of the Weak: Every Forms of Peasant Resistance*. New Haven and London: Yale University Press.

¹⁶ Kigezi District Annual Report 1925.

¹⁷ J.C.Carothers. (1954) Report entitled "The Psychology of "Mau Mau". Nairobi: Government Printer.

¹⁸ J.W. Purseglove (1950) "Resettlement In Kigezi". *Uganda Journal*. castigated the peasants of Kigezi for having opposed the state move to appropriate and reclaim their swamps.

¹⁹ Göran Hyden (1980) *Beyond Ujaama in Tanzania: Underdevelopment and the Uncaptured Peasantry*. London: Heinemann.

---- (1983) *No Short Cut to Progress: African Development Management in Perspective*. London: Heinemann.

²⁰ Martin, Government Senior Chemist. (1945) Colonial Government Report on Soil Conservation.

through the dictatorship of the market prices.²¹ This requires a reflection on the *magendo* economy in Uganda. This *magendo* economy arose from the economic and political crisis during Amin's rule. Faced with the crumbling economy, low prices, and lack of the essential commodities in the country, the businessmen and the peasants smuggled goods and food crops to the neighbouring countries. The Ugandan economy became hinged on *magendo* economy right from the 1970s. In the process, *magendo* divided and fragmented the whole national economy in response to exteriorised demands. The economy lacked a central control. There was no taxation in *magendo* economy and this contributed greatly to the crippling of the critical social services like health and education. Yet, the agrarian crisis continued raging. The negative impact of incursions and wars on the economy brings in the role of the state to the centre stage. The sixteen-year of Holy Spirit Lakwena War in Northern Uganda and the RPF-Rwanda war from 1990-1994 are demonstrative enough. All these make Bates formulations most questionable and untenable. This critique equally applies to the globally celebrated formulations for liberalisation by the World Bank and IMF.

The Historicity and Functionality of Colonial Law

In their analyses of colonial and post-colonial politics in Africa, Robert and Mann, Chanock²² and Mamdani²³ bring out the centrality of law and cultural institutions and their dialectical character in the colonisation of Africa. They bring out the dialectical processes through which the laws became both arenas and tools of contestation by both the colonisers and the colonised over resources, labour, power and authority in the legal domain, courts, councils and before commissions. They explain that it was through these processes that they shaped the laws and institutions, relationships, processes, meanings and understanding of that period.²⁴ They bring out the colonial invention of tradition and its foundation in customary law and local institutions like chieftaincy and courts, their functionality, the changes they underwent and the corresponding resistance that emerged. They unearth the process through which customary law was constituted and enforced its uncustomary character and how it developed from continued colonial contestations with common history. They explain why colonialism established two sets of laws and administration, their operationalisation and consequences.

This is what Mamdani explains to be the genesis of decentralised despotism. He explains that colonialism created numerous tribes and gave each of them a leadership, tribal land, and customary court. It bestowed on

²¹ Robert Bates (1981) *Markets and States in Tropical Africa*. University of California Press.

²² Kristin Mann *et al* (Eds.) (1991) *Law in Colonial Africa*. London: James Currey.

²³ Mamdani, Mahmood, (1996) *Citizen and Subject: Contemporary Africa And The Legacy of Colonialism*. Princeton: Princeton University Press.

²⁴ Robert and Mann, *op. cit.*, p. 3-4.

these colonial chiefs' legal, political, administrative, punitive and land-distributive powers. He points out that customary law administered an informal, cheap and efficient form of justice based on opinions of the chiefs and commissioners.²⁵ Thus, colonialism transferred land rights from the communities to the chiefs as the custodians of tribal lands with powers to grant its use, but with no powers to sell it. This was the process through which colonialism transformed the colonised peasants into dependants on the colonial chiefs, and implicitly on colonialism. This denied migrant peasants land rights as land now belonged to the tribes. Chanock explains that this arrangement ensured colonial control as the colonialists feared granting individuals absolute rights to land ownership and land sales by chiefs as dangerous. They feared that land sales would disrupt the native affairs. He explains that the colonial notions of African economic behaviour and chiefly powers were important in authenticating their earlier appropriations and the ideological and political functions of the customary regime. The land question gave rise to anti-colonial movements.

Robert and Mann argue that British colonisation of Africa was smooth and peaceful through agreement signing. Yet, historical facts show that the British colonialists invaded, defeated and conquered African peoples. As Fanon explains, colonialism was violence. This inaccuracy leads to another inaccuracy of reciprocity between European law and African laws. Historical reality reveals how it was not reciprocal but dialectical. Whereas Robert and Mann attribute the retention of local laws and administration to lack of power and resources to overhaul them, Mamdani argues that colonialism resorted to indirect rule in search of a dependable local force to rule through. However, both explanations are true, albeit the variations in different places and time.

Mamdani explains the way judicial contestations against fused decentralised despotism and the demand for equal justice forced the colonial states to embark on legal reforms just before independence. He explains the process through which the new independent governments took up these reforms, leading to minimalist reforms by conservative governments and maximalist reforms by progressive governments. He explains why both forms of reforms failed to overhaul the colonial system. This, however, raises a profound question. Bearing in mind that law is superstructural, the question that arises is the extent to which reforming the legal system *per se* can lead to profound political and economic reforms in the country, including addressing the issues of democracy, and extricating the country from imperialism. As Jjuko explains in his analysis of the linkage between law and development, law may contribute in various ways in the process of social change but it is not a sufficient condition for development.²⁶ Another point to note is that

²⁵ Mamdani, *op. cit.*, p. 177.

²⁶ F.W. Jjuko (1992) "The Role of Law in Development", *Uganda Law Society Review*. October, vol. 1, No. 2. p.153.

discoursing about power and laws essentially presupposes class differentiation. Therefore, discourses of power, its deployment, utilisation and resistance in Africa during the colonial period *ipso facto* demands analyses of class struggles that occurred straight from the inception of colonial rule. To leave out this would be to reincarnate and uphold the colonial theory that Africa was a landmass without classes, property, etc. It also requires to analyse the new class formations and class struggles that took place during colonialism, how they contributed to independence struggles and shaped the politics of independence. It is this omission in Mamdani's work that hinders him from unravelling the dialectical processes during colonialism.

Despite this methodological shortcoming, still, Mamdani's work brings out salient facts for this study. He explains why colonialism created and appointed customary authorities as chiefs to define the substantive customary law. These chiefs took advantage and defined as customary whatever they thought would aggrandise their power. They engaged in personal accumulation through extra-economic and extra-legal means. These included the new economic ventures and many non-customary rules and regulations. Customary law consolidated the non-customary power of colonial chiefs. He cites the market as a distinctive feature of this type of state characterised by the inseparability of force from the market rather than alternative methods of organising economic life. Contrary to the colonial claim that in pre-colonial Africa, rights of property did not extend to land in the sense that they have done in modern England,²⁷ Mamdani brings out the different forms of rights over land in Africa and the mechanisms through which these rights would be established.

Mamdani identifies three distortions from the restrictive colonial notion of customary land tenure that confined land accessibility merely to the absence of "private property" stemming from the universalised Euro-centric notion of tenurality. These included a one-sided notion of communal rights that precluded any individual rights. He explicates the colonial fallacy of existence of European individual land ownership in Africa. In the absence of individual ownership, then, rights had to vest in the local leadership - giving the notion of a community right in land as a right both proprietary and total.²⁸ He explains that by defining customary authorities as the land controllers and allocators, the colonialists effaced all types of land rights. Synders had pointed out the ideological function of this mixing up of ritual powers with proprietary rights and arrogating distributive powers to chiefs. Identifying the community with the tribe and defining tribal lands effaced land rights of non-tribal immigrants and women. The patriarchal notions and praxes of tradition marginalised women, and even class divisions would often assume ethnic and

²⁷ The Governor of Uganda (1939) *Uganda Protectorate: Native Administration*. Entebbe: The Government Printer, pp. 3-4.

²⁸ Mamdani, *op. cit.*, p.139.

gender lines. This was creating new foundations for continual tensions since most tribes were multi-ethnic. Mamdani explains that these three distortions became pillars of the colonial customary land tenure, and the guiding principle to colonialism in search of the owners of land in every community and protecting them from exploitation through land sales.²⁹

Both Chanock and Mamdani unravel the processes through which this customary system was gradually unloosened with a corresponding increase in tension, which involved charges for usufructuary rights, initially paid by immigrant farmers, followed by land borrowing or share cropping by the land poor. New forms of accessing land included borrowing, inheritance, and land transfers at a fee, leasing and pledging. With the increasing commercialisation of agriculture, development of the land tenure system became essential, population pressure and land scarcity strengthened individual positions against family and political authorities. Land titles emerged, consolidated and land gained a market value.³⁰ Chanock points out the overall failure of colonialism to survey the land and introduce land registries and its failure to create a basis for the kind of legal land regime. He explains that such legal and security conditions for individual holding would have influenced the development of ideas about legitimacy in land holding.³¹

Mamdani brings out the dynamic process through which tradition in post-colonial Africa became a fortress for the poor peasants against land dispossession, direct appropriation and land purchases, and full-scale privatisation by the bureaucratic bourgeoisie and other capital from outside the community. He brings out the role of the state in this process, in which extra-economic coercion tilted the balance in favour of capital, and the new responses by the peasants.³² He identifies the solutions to these agrarian crises in explicit political reforms through democratisation rather than through economic privatisation and liberalisation.³³

Notwithstanding these contributions, Mamdani tends to reduce colonialism to customary law, marginalising the other complex processes and formations, class struggles and social movements. There is a tendency to essentialise chiefs and chieftainship all over pre-colonial Africa. This hides their different histories in different loci, especially in the introduction of new colonial demands, structures and functions. His new perspective tends to overshadow the anti-colonial struggles and how the colonial search for chiefs was not for mere custodians and allocators of land but mainly for collaborators to shock-absorb peasant resistance and prevent anti-colonial resistance, mobilise labour and other local resources. Yet, it is all these this

²⁹ Ibid., p.140.

³⁰ Ibid., p. 69.

³¹ Chanock, *ibid.* p. 77.

³² Mamdani, *op. cit.* p. 169.

³³ *Op. cit.* p. 179.

partly explains why the colonialists made the chiefs depositories of land, with distributive powers. Those who refused to collaborate were fought, killed, or dethroned and deported.³⁴ It is also this which explains why colonialism had to import agents from other areas to administer peoples who were resisting colonialism. The case of Baganda in Uganda's colonial history is very illustrative. It was not until the local populations resisted the Baganda agents that British colonialism began to replace Baganda chiefs with local ones. Mamdani's work does not acknowledge the various phases in the colonial appointment of chiefs and their changing roles and the chiefs changing positions to colonialism. The work also tends to restrict anti-colonial movements to stateless communities. Whereas it projects the colonial chiefs as always toeing the government path, with no independent political praxis, there were resistances to colonialism which were led by the colonial chiefs and other resistances that enlisted their support. The work creates a problem in positing that the dawn of independence broke on a horizon of internal conflict. The question is on the locus of this internal conflict at independence while this was the climax of independence movements. Was there by then a constituted domain of internal conflict or essentialised or assumed?

Historical Sources on the Agrarian Question and Contestations in Uganda

The first set of literature on the agrarian question in the Third World emerged during colonialism. Logically, it was anchored within the western epistemological locus and was dominated by western scholarship. It was confined to a colonial matrix, in conformity with the overall colonial dictates and interests.³⁵ One explanation for this is that some of them were the main actors in the colonial service, very active in counter-insurgencies or other anti-people activities while others were performing ideological pacification functions. What was common to these works was their descriptive narrative that was Eurocentric and heavily couched in religiosity. Despite these limitations, they brought out the various forms of ownership and production processes, politics,

³⁴ Uganda's colonial history is characterised by a multiplicity of these. In the case of Kigezi, see for example Murindwa-Rutanga (1991, 1992), op. cit.

³⁵ J. Roscoe (1922) *The Soul of Central Africa*. London: Cassell & Co. Ltd. Others include Edel May (1957) *The Chiga of South Western Uganda*. New York: Oxford University Press. Collin Turnbull (1961) *The Forest People*. London: Paladin. Purseglove (1950) op. cit. (1951) "Land Use in the Overpopulated Areas of Kabale, Kigezi District", *East African Agriculture Journal*, vol.12, pp. 3-12. J.C.D. Lawrence, "Pilot Scheme for Land Titles in Uganda", *Journal of African Administration*. Vol. XII No. 3, 1960, pp. 135-143.

----- (1963) *Fragmentation and Agricultural Land in Uganda*. Entebbe: Government Printer.

Lawrence and J.M. Byagageire (1957) "The Effects of Customs of Inheritance on Subdivision and Fragmentation of Land in South Kigezi," in *Land Tenure in Uganda*. Entebbe: Government Printer. M.J. Bessell (1938); J.M Coote (1956) and J.E. Philipps, (1923). Government publications included "The Land Policy of the Protectorate Government in Uganda" (1950); and "The Uganda Protectorate Land Tenure proposals" (1955).

the changes that the society was undergoing. They brought to light facts about the colonisation process and made cursory, demonising references to the anti-colonial struggles. Common to many of these works is their glorification of British colonialism for *taming* the inhabitants to order.³⁶

Some solutions by many scholars and policy-makers are guided by colonial politics to guard against famines in the areas, increase land holdings for household and food production for household consumption and marketing; promote capitalist agriculture through “progressive farmers,” promote export production and efface bases of social strife and crimes.³⁷ The new categories hailing the same solutions are guided by class interests. While the landless and other poor sections of society may embrace these definitions, solutions and policies, the rich peasants, capitalists and bureaucratic bourgeoisie acclaim and push for solutions of appropriation of communal agrarian property and/or property of the rural poor. This is because they are the direct beneficiaries of those solutions. This is clearly demonstrated by the various land struggles in the agrarian settings.³⁸ While these works do not go beyond to analyse the historical origins and the dynamics of this agrarian crisis, they still bring to surface various aspects of the agrarian crisis – its indicators, symptoms and effects. What is consensual in these works is the generalised acceptance of population as the cause of the agrarian crisis and resettlement as the solution. Due to their inherent conceptual and methodological limitations, they are not able to grasp the agrarian crisis that was raging.

It was not until after Uganda’s independence in 1962 that some local scholars emerged, focusing on agrarian problems in Uganda. The main area of focus was Kigezi. This was because of the seeming acuteness of the agrarian crisis there.³⁹ Focusing on land fragmentation in Kigezi, Kagambirwe identifies its causes in the laws of inheritance, polygamy, land gifting and the nature of initial land acquisition. He explains the advantages and limitations of land fragmentation and the ways through which they affect production, productivity and animal husbandry.⁴⁰ Kagambirwe,⁴¹ J. Kigula,⁴² Murindwa-Rutanga,⁴³ M.T.

³⁶ See J. Roscoe *ibid.*

³⁷ See J.C.D. Lawrence (1957); *op. cit.* B.W. Langlands (1971) *The Population Geography of Kigezi District*, Occasional Paper No.26. Geography Department, Makerere University. and Brock and Beverly (1968).

³⁸ These may be constituted and contested within the legal domains, through societal organisation within the legal domain, through societal organisation or other for a through arbitration. Different cases in Uganda provide sufficient evidence. In Kigezi’s courts, see for example, see Civil Suit No. 159/85: E. Kakare Versus D. Kabunga And 14 Cattle Owners; and Civil Suit 26/79: Mazirane Versus Rubaya Bataka.

³⁹ Among the works on Kigezi were the *History of Kigezi*, edited by Denoon (1972), *op. cit.* and *Kigezi N'Abantu Baamwo* by a long serving colonial administrator, P. Ngorogoza (1965). Kagambirwe’s (1972) concerns on the agrarian question on Kigezi are very enlightening.

⁴⁰ Kagambirwe 1972, p. 124. On the other hand, Kigula (1993) castigates polygamy without examining its historicity and functionality. Then, M.T. Mushanga, “Polygamy In Kigezi”, *Uganda Journal*, 1970, restricts the analysis to one causative factor of polygamy.

Mushanga,⁴⁴ bring out the extremities of land struggles in the region and their trends. Kagambirwe exposes the homicides from land conflicts between 1960-1969.⁴⁵ What he does not explain is the indispensability of that land and the politics that arises from that land. It has to be underlined that such a plot of land is the means of livelihood for the household. So, whoever threatens to deprive them of such land is a danger to their social existence and is resisted by all means. In such a society that is highly patriarchised, any attempts to encroach on it also constitute a great challenge to manhood of the head of the household, which provokes belligerent responses. Contrary to the historical reality, Kigula restricts the genesis of settled agriculture in Kigezi to colonialism.⁴⁶

Another set of literature on the political history of Uganda came up as a reaction to the dictatorship in colonial and post-colonial Uganda. It unravels the nature and processes through which Uganda was colonised and integrated into British capitalist system, the social formations that emerged, the anti-colonial movements that arose and the colonial methods to defeat them.⁴⁷ These works bring to light the process through which colonialism compartmentalised and exploited Uganda, the various processes and social formations that emerged and their trends. These works, however, fail to relate the impact of this phenomenon on the agrarian crisis in Uganda. Neither do they link the labour migration to the general agrarian crisis, nor do they attempt to examine the peasants' contestations in the political and legal domains.

Two of these works were action-oriented.⁴⁸ Whereas Nabudere's work is highly programmatic and superstructural, Museveni's work is a historicisation and legitimization of the National Resistance Movement and its top leadership. Instead of analysing the obtaining reality, Nabudere's analyses have a tendency of misreading the peasants' struggles in orthodox Marxist lenses as workers' struggles aimed at effecting a democratic revolution. It is through those flaws that he is led to argue that the anti-colonial struggles in Uganda were aimed at overthrowing the colonial capitalist state with a bid to effect a working class revolution. To understand the weaknesses of this working class calls for

⁴¹ Kagambirwe, *ibid.* p. 14.

⁴² John Kigula (1993) *Land Disputes in Uganda: An Overview of the Types of Land Disputes and the Dispute Settlement Fora*. Kampala: MISR.

⁴³ Murindwa-Rutanga (1999) *The Agrarian Crisis and Peasant Struggles in Kigezi 1910-1995*. Kolkata: Jadavpur University. PhD Thesis. (Unpub.)

⁴⁴ M.T Mushanga, (1970) "Polygamy in Kigezi," *Uganda Journal*.

⁴⁵ Kagambirwe p.161; Kigula, p. I.

⁴⁶ Kigula, *op. cit.*, p. 8.

⁴⁷ Mahmood Mamdani (1976) *Politics and Class Formation in Uganda*. London: Heinemann.

D. Nabudere's works: *The Political Economy of Imperialism* (1978);

----- (1980) *Imperialism Revolution in Uganda*. Dar es Salaam: Tanzania Publishing House.

Y. K. Museveni, (1996) *Sowing the Mustard Seed*. London: Longman.

R. S. Karugire (1980) *A Political History of Uganda*. Nairobi: Heinemann.

⁴⁸ D. Nabudere's works, *ibid*; Y.K. Museveni (1996) *ibid*.

Fanon's⁴⁹ insights on its weaknesses and pitfalls. Nabudere's exclusion of the peasantry class and the *bayaye* [riffraff] from the revolution raises conceptual, methodological and practical problems. Historically, the working class in Uganda was numerically small, unorganised, and relatively well remunerated. This working class was predominantly target-oriented, unorganised, and faction-riddled. Even the wage labour that was settled in employment was not yet a proletariat class in its etymological, epistemological and generic terms. The subsequent Amin's economic war in 1972 and reign of terror ruined the Ugandan economy, and correspondingly undermined the working class. Nabudere fails to grasp the role of force in struggles against dictatorship, which negates Marx's dictum of force as the midwife of revolutions. He fails to grasp the balance of forces on the ground. His other shortcoming is his efforts to wish away the *Mafutamingi* class. This was a new comprador bourgeoisie class, which emerged from Amin's Economic War. Being located at the centre of Uganda's economy, owning land, engaged in production, business and trade, it was clear that this class was a major political and economic actor in Uganda. His failure to recognise the revolutionary potentials of the existing classes in Uganda leads him to entrust the vanguard role of Uganda's democratic revolution to the few exiled Ugandan petty bourgeois intellectuals and professionals. It renders the Uganda masses into spectators of his intellectualised revolution. The futility of that abstract revolutionary theorisation became clear through the Uganda National Liberation Front government that replaced the Amin regime. In contrast to this, the military success of the NRM partly stemmed from its leadership's capacity to mobilise and harness the local resources and popular forces for its political, economic and military purposes. Finally, it is also handicapped by the author's intolerance of other intellectual divergences. This is reflected by his use of derogatory clichés in reference to them.⁵⁰

Another celebrated discourse, the land tenure security discourse, locates the causes of the agrarian crisis to be due to customary land tenure. It decries this form of tenure as an impediment to *inter alia* individual land security, agricultural improvement, land sales, commercial production and bank loans. Its political project is to transform the different land tenure systems to freehold tenure system. This freehold titling was a post-World War II colonial project for East Africa.⁵¹ The colonial authorities attempted to implement it on pilot projects

⁴⁹ Frantz Fanon (1966) *The Wretched of the Earth*. London: Penguin.

⁵⁰ To demonstrate this, see D. Nabudere (1980) *Imperialism Revolution in Uganda*. Dar es Salaam: Tanzania Publishing House. pp. 328 and 343.

⁵¹ These were published in: "Land Policy of the Protectorate Government in Uganda" (1950), "The Uganda Protectorate Land Tenure Proposals" (1955) and "The Report of the East African Royal Commission" (1955).

in selected areas. It however did not resolve the agrarian crisis in Kigezi.⁵² This was because of the technicalities of the solution.

The issue of land productivity has been addressed by various scholars and practitioners.⁵³ These works explain that registration without economic opportunities is premature, with very little benefit in changing agricultural production. They show that land policies cannot be separated from the basic questions about the society intended to be built and the rights of peoples and groups. What is not mentioned are the land conflicts that arose from trials to implement these theories. Mamdani (1996), Mukubwa-Tumwine (1977), Ssempebwa (1977) and Musisi (1996)⁵⁴ provide a comprehensive critique to this discourse. They bring out the historical, socio-economic and political dimensions of the different land tenure systems in Uganda. They examine the nature and impact of the state policies and laws, their contradictions, consequences, the role and intensity of merchant capital in these colonies. The main limitation of these works is their failure to focus on the agrarian crisis within the agrarian setting.

Ssempebwa posits that the colonial authorities' great concern for land tenure was more for political than economic reasons. A problem arises from his explanation that social unrest from population pressure on land in Kigezi and Bugisu had led to the granting of freehold titles. This may give a false picture that all land in Kigezi and Bugisu was adjudicated and distributed to all the land-hungry population, leading to the elimination of the social conflict arising from land. Yet, the land-titling project in Kigezi was carried out in the sparsely populated area and it had narrow targets. The question is why the heavily populated areas were not touched. Why did the colonial state not effect a fundamental land reform in the whole country?

If we shift our focus for a moment from Kigezi to Bugisu, we find that the colonial attempts at freehold titling resulted in enormous land struggles between the peasants and the colonial state. The political contest took place mainly at two levels: the district council versus the colonial state; and between the peasants and the colonial state. This struggle over land and ownership rights came to fruition in mid 1940s.⁵⁵ It involved the whole district and took militant forms. In one incident, peasants mobilised, beat and chased away colonial surveyors. The

⁵² R. Barrows and M. Roth (1989); and Beverly, Brock (1968) "Customary Land Tenure. "Individualization" and Agricultural Development in Uganda", *East African Journal of Rural Development*.

⁵³ Opio-Odong 1992; and the Areal District Agricultural Officers, 1930s-1997. J.A.S. Musisi, "The Legal Superstructure and Agricultural Development: Myths and Realities in Uganda"; 1996:73-78. Kagambirwe, 1972 p. 155. Also see J.C.D. Lawrence. & J.M. Byagagaire (1957), op. cit. J.C.D. Lawrence (1963) op. cit. These two provide the insights in the official background to land titling in Kigezi.

⁵⁴ Mamdani (1976) *Politics and Class Formation in Uganda*. London: Heinemann. Mukubwa-Tumwine (1977) and E.F. Ssempebwa (1977) "Recent Land Reforms in Uganda", *Makerere Law Journal*, Vol. I, No. 1.

⁵⁵ File: No. C. LAN 8/3/2: "Land Policy: Mbale Land Tenure - Bugisu". PCEP.

state then mounted a counter insurgency. It arrested and imprisoned nine peasants at the beginning of 1947. The Native Court then convicted them on January 22, 1947 of preventing the land survey, threatening the chiefs and refusing to obey the county chief's summons. It found them guilty of the three counts and sentenced them to imprisonment with hard labour. These sentences ranged between imprisonment of four years and one month with hard labour and two years and one month imprisonment with hard labour. After serving half of the term in prison, the colonial Governor then came in with his benevolent clemency to offer them conditional pardon. Its educational import was to inculcate into them discipline and safe conduct. The incomplete imprisonment was meant to keep them self-controlled, under the spectre of fear. The Foucauldian exposé of Discipline and Punish is very insightful on this matter.⁵⁶ Faced with persistent peasant struggles for their land, the DC Bugisu confessed to the Provincial Commissioner Eastern Province (PCEP) in July 1948:

The Land Tenure problem in Bugishu is political dynamite and I am desperately anxious that nothing should take place, which will impair the confidence of the leaders of the Bagishu in our administration and in our intentions. ... others who might then think that their rights are not going to be protected and that we are deliberately misleading them.⁵⁷

Government did not lose the import of these peasant struggles throughout the colony. In 1950, these developments compelled it to gazette its land policy. Its aim was to stem the growing peasant resistance. "...suspicions have arisen in some minds as to the ultimate purpose of the Protectorate Government with regard to Crown land in Uganda... all rural Crown lands outside townships and trading centres are being held in trust for the African population, ... Subject to the fulfilment of any undertakings already given there will be no further alienation in freehold."⁵⁸

The DC Bugishu brought out this land conflict in his correspondence to the PCEP. He also suggested concessions in form of changes in phraseology regarding land.

You are well aware of the universal objection of Africans to the use of the words "Crown Land" with reference to their tribal lands. The Kenya Government has abandoned the use of this term in respect of tribal land many years ago. The natives of Uganda consider the use of this term to be a denial of their ownership of their tribal lands.

⁵⁶ Michel Foucault (1977) *Discipline and Punish: The Birth of the Prison*. London: Penguin Books. Also see: Paul Rabinow (ed) (1984) *The Foucault Reader: An Introduction to Foucault's Thought*. London: Penguin Books.

⁵⁷ DC to PCEP on 23 July 1948.

⁵⁸ Chief Secretary, *The Uganda Gazette* of 11 July 1950.

If the term “ownership” even though in a limited sense - could be legitimately used in respect of individual rights of Africans to tribal land, and if the term “Crown Land” were abandoned, we would be in sight of a solution of the native land question.⁵⁹

It was not until 1955 that government produced a white paper on land tenure proposals on the change in the status of Crown Land, and the establishment of local land tenure boards with specific functions and granting of registered title to individuals.⁶⁰ By October 1955, the PS of Ministry of Land Tenure, communicated to different ministries acknowledging a great deal of feeling and suspicion regarding government’s land tenure policy in Bugishu.⁶¹ He admitted that government proposals for freehold titling had aroused suspicions in varying degrees in some districts, which he attributed to deliberate misinterpretation by the political parties or interested individuals. But government would not be deterred from this crucial project and it pursued it unabated.⁶²

The import of these was that land tenure and land security were primarily political issues. As CBR land studies demonstrated, there is no land tenure that is inherently characterised by security or insecurity, or investment resources.⁶³ A situation where the subalterns oppose solutions meant to solve their problems reflects existence of problems within the solutions. Ssempebwa⁶⁴ underlines the imperative of beginning by developing strategies before implementing land reforms. He explains that land reforms imply changes in the status of the population which influence their effective participation in the economy, in the improvement of farm production and land use practices. In the

⁵⁹ Ibid. The DC of Bugisu to PCEP in February 1951 conceded the Attorney General’s objection to sanction the use of the concept “ownership”. The DC explained that it was repugnant to a long tradition of legal interpretation. He saw the problems stemming from Section 2 of the Crown Lands (Declaration) Ordinance, 1922, and Articles 2 & 7 of the Uganda Order-in-Council, 1902.” He proposed their repeal.

⁶⁰ PS Ministry of Land Tenure, on May 5, 1958.

⁶¹ The PS, Ministry of Land Tenure to Permanent Secretary of Rural Development on: “Visit by Mr. Stonehouse, M.P.”

⁶² J.C.D. Lawrence, to PCEP on October 27, 1958, replying to PC’s letter of October 21, 1958.

⁶³ Robert Mugisha (1992) *Emergent Changes and Trends in Land Tenure and Land Use in Kabale and Kisoro Districts*. Kampala. CBR Working Paper No. 26, CBR Publications.

Winnie Bikaako, (1994) *Land to the Tillers or Tillers to Land: The Existing Forms of Land Tenure Systems in Mpigi District*. CBR Working Paper No. 44.

John Ssenkumba (1993) *The Land Question and The Agrarian Crisis: The Case of Kalangala District Uganda*. CBR Working Paper No. 34.

Frank Muhereza (1992) *Land Tenure And Peasant Adaptations: Some Reflections on Agricultural Production in Luwero District*. CBR Working Paper No. 27.

Nyangabyaki Bazaara (1992) *Land Policy And Evolving Forms of Land Tenure in Masindi District, Uganda*. CBR Working Paper No. 28.

Peter, O. Otim (1993) *Aspects of the Land Question in Mbale District*. CBR Working Paper No. 35. Also See Kafureka, op. cit. Also see Murindwa-Rutanga, (1999) op. cit.

⁶⁴ Ssempebwa, op. cit.

same vein, de Janvry (1981) and Putzel (1990) demonstrate how the conservative approach cannot alter significantly the conditions of poverty, inequality and ecological destruction. de Janvry explains that land reforms from above victimise the peasants instead of benefiting them.

New programmatic and politically defined epistemes have resurfaced to eliminate “myriad tenure systems” in Uganda by enforcing legislation and implementation of a uniform freehold land tenure system. The joint research by the Makerere Institute of Social Research (MISR) with the Wisconsin University Land Tenure Centre, Incafex Consultants, Uganda Government and Bank of Uganda reveals the efforts by World Bank, IMF and USAID to force local governments to implement freehold land systems. Right from the conceptual level of the study to the final report, it decried customary tenure land system as the cause of the agrarian crisis. All the studies within this financial and epistemic matrimony came up with similar findings and recommendations on the evils of customary tenure juxtaposed with the assumed virtues of freehold titles. The point of commonality of these studies is their lack of in-depth analyses and conceptualisation of the historicity and dynamics of the agrarian crises in Uganda and imperialism.⁶⁵ They also have an unequivocal faith in legislation and policy-making as solutions to the land disputes, lack of development and low productivity.

Basing his analysis on the agrarian crisis and struggles in Honduras, Andy Thorpe’s exposure of the complex relationship between the Wisconsin Land Tenure Centre scholarship, and IMF-World Bank-USAID helps in understanding why these studies in Uganda remained confined to the freehold tenure matrix. Thorpe explains the politics underlying the Wisconsin Land Tenure Centre’s studies and a local institution in the country under study. They are carried out with the funding of these financial institutions with the object of demonising the other land tenure systems while glorifying freehold tenure system. He explains that the two world’s financial institutions then base on these studies to push the government into legislation for freehold. The irony which he shows is that despite these legislations and reforms, export production still remains on the shoulders of small holders. He

⁶⁵ See the MISR-Wisconsin Report (1988), and the “Proceedings and Recommendations of the Workshop on Land Tenure Resource Management and Conservation Studies Jinja”. May 1989. Also see the subsequent works generated from that project: “Report of the Technical Committee on the Recommendations Relating to Land Tenure Reform Policy,” (1990). An Appended Memorandum to that Report entitled: “Tenure and Control of Land Bill, 1990” spelled out the object of the Bill as being to establish a good land tenure system of freehold that would optimally steer the country to development and offer maximum protection for individual property rights, give individuals maximum ability to transfer land through a land market, give farmers the greatest degree of land security and lead to increased credit for agriculture. It did not propose any land ceiling as safety measures. Out of all these studies and discussions emerged: *A World Bank Country Study: Uganda Agriculture*. Washington DC. The World Bank, 1994.

shows that despite the hullabaloo of change of land tenures, the impact of SAP in Honduras was through changes in the method of production and not through ownership transfers.⁶⁶

The land tenure studies in Uganda vilify and inveigh the other land tenure systems in Uganda and the peasantry while extolling capitalist farmers and rich peasants for purchasing land. This obfuscates the primitive acquisition of land through grabbing, land grants by the state and forced land sales. These studies lacked an in-depth historical conception of these land tenure regimes, their differences in periodisation and how the solution could be conceived only from a broader holistic understanding of these formations rather than through land purchases.⁶⁷ Their contradictory interpretation of the 1975 Land Reform Decree⁶⁸ is very illuminating. While admitting that this decree was hardly enforced, they recommend its repeal for blocking the progressive farmers from land purchase. Their arguments do not constitute a sufficient basis for the decree's repeal. Within the same stricture emerged a World Bank study on Uganda. It extolled the same Land Reform Decree as "revolutionary in that it nationalised all land and introduced a uniform system of tenure".⁶⁹ It then went on to contradict this by describing the same land tenure system in Uganda as "myriad" systems. This was reflective of its insincerity towards the problem it purported to define and address. It further argued that no one had ever challenged this Decree in court. This reflected its lack of understanding of Uganda's political history and the forms of challenges against this decree which took place at different levels and moments both within the judicial sphere and other sectors of society. First, the political atmosphere was too hostile to move a constitutional court on this decree. Secondly, there were thousands and thousands of land struggles and litigation in courts all over the country arising from land trespass, land take-overs and land grants. All these were challenging this decree.

What also makes these studies questionable and suspect is their clandestine quality. They exclude open debates and discussions countrywide on this crucial issue that affects the livelihoods of the vast majority of Ugandans. Yet, any law which is formulated surreptitiously is bound to be bad, repulsive and invidious. The way these research teams arrive at the Adjudication Committees to be the ones in charge of land matters in the Districts raises great concern and has potential of creating revulsion among

⁶⁶ *The 1995 Wageningen Conference*, pp. 1673-1696.

⁶⁷ Expedit Ddungu (1991) *Expedit Ddungu (1991) A Review of the MISR-Wisconsin Land Tenure Centre Study on Land Tenure and Agricultural Development in Uganda*. CBR Working Paper No. 11.

⁶⁸ Three Legislations came out that year: "The Land Reform Decree, 1975"; "The Community Farm Settlement Decree, 1975"; and "The self-help Projects Decree, 1975".

⁶⁹ *A World Bank Country Study: Uganda Agriculture*. Washington DC: The World Bank, 1994 p. 23. Also see: National Environment Information Centre (1994) *State of Environment Report For Uganda 1994*. Kampala: Ministry of Natural Resources, p. 110.

the population. They preclude the democratically elected Local Councils (LCs). This raises issues relating to subversion of democracy.⁷⁰ The LCs have proved to be prompt and effective in resolving land issues and other civil disputes.⁷¹

These studies' proposition of Adjudication Committees raises issues of appointment, accountability, graft and other forms of abusing office. Their proposal to bureaucratise land matters and shift them from the open courts as spelled out in article 16 of the LC Statute to behind the closed doors opens enormous opportunities of fomenting and fostering different forms of corruption. It poses a question of whether this is not a ploy to broaden corruption, which has more or less become an integral part of official land matters.⁷² A lesson from Kirsten's study in Kenya is very important. She found that land adjudication and private titling were subject to corruption.⁷³ She went on to expose the capitalist error of discrediting different property regimes basing on exclusively economic terms and attempting to efface them through land surveys, settlement and issuance of land titles or individuals as preconditions for investment on the argument that land titles guaranteed security to land claims and would ensure investments in it for commercial agriculture. She had found that it had not led to the desired factor mobility in agriculture but had instead created dangers of effacing secondary land rights held by women and pastoralists. She brought out the environmental and social dangers of land titling.

Another crucial question is whether freehold and land titling *per se* can resolve the agrarian crises. These raise a profound question on the whole project, which is premised on erroneous generality that customary tenure is communal as if Uganda has a homogeneous land tenure system. CBR land studies in the same areas and Murindwa-Rutanga's research findings (1999) reveal that land is individually owned and constitutes the bases for numerous litigation and crimes.⁷⁴ Is it not possible that the land-tenure-security research efforts have been misplaced and that their results are doomed to failure even before implementation? Is it not possible that any attempts to enforce their implementation will disrupt and bungle the whole agricultural production and unleash new forms of human suffering, impoverishment and landlessness while at the same time unleashing massive peasant resistance? Isn't land

⁷⁰ LCs derive their legal status and Judicial Powers from: Statute No. 9: *The Resistance Councils and Committees Statutes, 1988*. Statute No. 1, *The Resistance Committees (Judicial Powers) Statute 1987*. Statute Supplement No. 8: *The Local Governments (Resistance Councils) Statute 1993*. Acts Supplement No. 1: *Act 1: Local Government Act: 1997*.

⁷¹ See John-Jean Barya and J. Oloka-Onyango (1994) *Popular Justice and Resistance Committee Courts in Uganda*. Kampala: FES.

⁷² See CBR Working Papers on Land Project, op. cit. They unearthed rampant corruption in land matters.

⁷³ Kirsten Ewers Anderson, *The 1995 Wageningen Conference*, p. 464.

⁷⁴ Op. cit.

security in the final analysis a political question? In other words, can security of land be guaranteed by depriving the majority of the population their means of livelihood through legislations and transferring them to a small class or that would be broadening and perpetuating insecurity? From this arises another question of whether there can be security of tenure without agrarian reforms in favour of the vast majority. To what extent have the past legislations and policies on land been favouring the few rich at the expense of the majority poor peasants, the landless, squatters and tenants?

Musisi⁷⁵ and Jjuko⁷⁶ bring out concrete cases to explain why legislations and policy formulations *per se* can never prevent land disputes. Musisi explains away the statist, legalistic mythicisation that law *per se* can bring about social changes by exposing its superstructural character. He underscores the need for emancipating the peasants from the fetters of internal and external exploitative forces as preconditions for legal reforms.⁷⁷ He explains that the past land policies and legislations favoured the few rich and left the majority of the peasants landless or only open to barren or inaccessible land. The absurdity which he points out is that government had turned round and was blaming these peasants for being causes of underdevelopment, and of blocking increased productivity, and that it was searching for ways to de-agrarianise them and transform them into wage labourers.⁷⁸ Jjuko explains that law *per se* cannot achieve the desired developments and that attempts to use it in obtrusive terms would result in commandism.⁷⁹ Opio Odong sheds another light on the problem that governments were favouring export-oriented agribusinesses.⁸⁰ This situation is explained by Noelle Aarts that governments suffer from “self-referentiality”. Aarts defines this as a tendency of viewing the world according to the government’s own problem definitions and politically viable perspectives on solutions.⁸¹

What comes out in reality is that legislations and policies end up giving rise to new conflicts. This is because they are not aimed at addressing the agrarian problems in broad, profound ways. This is further confirmed by Kagambirwe’s study which unravelled that land registration and land titling in Kigezi had given rise to land struggles, litigation and homicides. These studies go beyond Kigula’s conception of the land struggles in Kigezi, which he restricts to population pressure. These works advocate a shift in

⁷⁵ Musisi, *op. cit.*

⁷⁶ F.W. Jjuko (1992) “The Role of Law in Development,” in *Uganda Law Society Review*. Vol. 1, No. 2. Pp. 150-161.

⁷⁷ Musisi, p. 73.

⁷⁸ *Ibid.* p. 75.

⁷⁹ *Op. cit.*

⁸⁰ Opio Odong, *op. cit.*, p.8.

⁸¹ Noelle Aarts, *The 1995 Wageningen Conference*, pp. 2-9.

government's focus to pro-peasant approaches involving politicisation, flexibility, dialoguing and persuasions.

Musisi,⁸² Ddungu⁸³ and CBR land studies⁸⁴ expose the repetitive error of overplaying the importance of land tenure system in agricultural development, and explain why confining the discussion to a single aspect leads to a partial understanding of the problem. They explain that land accumulation is principally a political process and that the land question is ultimately a political question. The attributes imputed to private property ownership are political issues. This therefore calls for a holistic analysis of phenomena. Musisi underlines the necessity of improving agricultural policies, transcending legal reforms in the land tenure so as to involve and organise those in the production process in planning and administration, in improving productive forces and productivity. He dismisses the supposedly vanguard role of imperialism in development of the Third World economies and explains the cruciality of government in analysing the forces, which have blocked agriculture. These include the nature of land holding, shifting from export cropping to creating a horizontally integrated economy, addressing peasants' apathy to government and eliminating the constraints to peasant agriculture. Another crucial contribution of the foregoing studies is the warning to the state against depriving the peasants of their land holdings and tampering with their production process.

The World Bank-MISR-Wisconsin project is aimed at replacing the peasant mode of production in Uganda with agrarian capitalism. This strand of the current liberalisation and globalisation crusade by western capitalism aims at effecting an agrarian reform in favour of the propertied class. Its epistemological cradle is the modernisation *weltanschauung*. This discourse blames the peasants for causing their own problems by being resistant to change and development. Purseglove's accusations against the peasants of Kigezi illustrates this succinctly:

As is typical of farmers the world over and more especially with hill peoples, they are very independent and conservative people, often stubborn and highly suspicious of all new departures until they have seen them in operation... visitors in Kigezi, seeing the soil conservation, believe that the local inhabitants must be extremely emenable... this is far from the case, as their recent refusal to have anything done with their swamps plainly shows.⁸⁵

⁸² J.A.S. Musisi "The Legal Superstructure and Agricultural Development : Myth and Realities in Uganda".

⁸³ Expedid Ddungu (1991) op. cit.

⁸⁴ op. cit.

⁸⁵ J.W. Purseglove (1950) op. cit. For a critique of this view, see Gavin Williams, (1985), "Taking the Part of Peasants: Rural Development in Nigeria and Tanzania." in P.C.W. Gutkind and I. Wallerstein eds *Political Economy of Contemporary Africa*; California: Sage Publications. Some studies lapse into this Roscoedian projection of the pre-colonial inhabitants of this region as having been highly individualised, segmented, whose concern

It never focused on the siphoning out of resources and the internal accumulation processes. It envisaged the solution in the peasants being captured by foreign capital and the state. This was a solution arrived at through a unilinear conception of development which perceived problems to be hailing from within. Within this logic, therefore, the solutions had to come from without.⁸⁶ Devoid of any concrete historical analysis of the crises in these societies, this discourse reduced society to rational self-seeking individuals whose actions were guided by market forces. It is not surprising that by 1955, the East Africa Royal Commission mapped out what it considered the inevitable capitalist path for Africa. It was within the same intellectual realm that some modernisation theorists emerged underlining authority and control over rapid social and economic change so as to avoid political decay that might engender instability and violence. This aimed to control social movements and labour for continued smooth internal and external exploitation. By overplaying the role of foreign capital, knowledge expertise, the state and the army, this discourse ignored the historical realities of colonialism and the internal dynamics of these countries. Suffice it to note that it became the blue print for the developmentalist state in post-coloniality, with the World Bank playing the vanguard role in planning.⁸⁷ The subsequent failures of developmentalism by the African states and the rise of authoritarianism, dictatorship, military coups and instability reflected the fruition of this *weltanschauung*.

Reducing development to a process of diffusion of foreign capital and knowledge while relegating the local societies to production of raw materials for export and importation of manufactured goods has the disruptive effect of negating the history of societies and disrupting them. In no way does such a project consider the interests of the local societies. It has the tendency of creating a culture of subservience, dependency, and deprives the population of initiatives and imagination. Imbedded in it is covert ideological and political inculcation of notions of unassailability of the problems being confronted. Contrary to this, agriculture in the Third World has been experiencing hemorrhage of resources by external and the local exploitative forces. It is this, which largely explains the

was the security exclusively for themselves and their kin and relatives - giving the Hobbesian notion of state of nature of solitary individuals, where life was solitary, nasty, brutish and short. This was a view colonial administrators like Philipps tried to discard.

⁸⁶ W.W. Rostow (1960), *The Stages of Economic Growth: A Non-Communist Manifesto*. Cambridge: Cambridge University Press.

Goran Hyden (1980) *Beyond Ujamaa in Tanzania: Underdevelopment And An Uncaptured Peasantry*. London: Heinemann.

----- (1983) *No Shortcuts to Progress: African Development Management in Perspective*. Berkeley: University of California Press.

S.P Huntington (1968) *Political Order in Changing Societies*. New Haven: Yale University Press.

⁸⁷ As example, see the Uganda Five Year Development Plans.

intensity of the current agrarian crises. McMichael's⁸⁸ explanation that the developmentalist project with its focus on industrialisation unleashed an anti-agrarianisation process is very important. It is in this light that de Janvry raised four crucial contradictions between the modernisation package and the interests of the peasants. These include the contradiction between ensuring cheap food and foreign exchange; the contradiction between food self-sufficiency and comparative advantages; the contradiction between cheap food policies and the development of capitalism in agriculture; and contradiction between land-saving and labour-saving technological change in the development of the productive forces and reproduction of the peasantry as a source of cheap food.⁸⁹ Similarly, Narisimha⁹⁰ shatters the myth of modernisation discourse of creating free wage labour through the technological change or commercialisation of agriculture *per se*. His study provides an important lesson for Third World countries. Drawing from the agrarian change and unfree labour in Andhra Pradesh, he explains why it may perpetuate exploitation of circulating labour, why labour remained stagnant in agriculture, the forces that conditioned its seasonality and the impact of wage labour process on the children of the wage labourers. What is problematic with his work, however, is his usage of the term "self-exploitation" rather than "super-exploitation" in reference to a context where labour is subsidising capital.

This programmatic, ideologically riddled discourse raises a variety of conceptual, methodological and practical problems. Is capitalism with its inherent contradictions the ideal solution to the agrarian crises? Are not its technical solutions utopian? Are peasants static and mere obstacles to development, or there are other fundamental social-economic explanations? Having seen the limitations of liberalisation through *magendo* in Uganda since early 1970s, can the agrarian question be understood sufficiently by talking about market distortions without explaining their origins and their linkages with other aspects of the economy?⁹¹ Is it possible to conceptualise the agrarian question by concentrating only on profit-maximisation drives, as if peasant production is market-driven? Is it possible to ignore the ongoing capital accumulation processes and struggles within the peasantry?

McMichael brings to light the linkage between modernisation and the US hegemony in the post war nation-state system, and the way it has been replaced by globalisation. He explains that globalisation has caused a conceptual and doctrinal shift from copying from and catching up with the

⁸⁸ McMichael, *The 1995 Wageningen Conference*, pp. 954-974.

⁸⁹ de Janvry (1981) *The Agrarian Question and Reformation in Latin America*. Baltimore: The John Hopkins University Press.

⁹⁰ *The 1995 Wageningen Conference*, pp. 1317-1331.

⁹¹ See Robert Bates (1981) *Markets And States in Tropical Africa*. Berkeley: University of California Press.

west to a new one of searching for space in the global economy.⁹² In this phase of unrestrained liberalisation of Uganda's economy, Bastiaan's work on the crises that resulted from the modernisation processes in Brazil in the 1970s becomes very pertinent. He shows the complex process through which industrial, banking and financial institutions from the urban areas swamped the agrarian setting and effected massive land purchases. This shift of land ownership to the rich unleashed land speculation, and transformed land into capital, liquid assets and tradable commodity.⁹³ This finance capital deagrarianised the peasants and caused disastrous consequences of landlessness and poverty to the masses of peasants. This triggered off massive land struggles, homicides and land invasion. This is further confirmed by Toledo⁹⁴ that the central objective in the modernisation processes of rural life by capitalism is to destroy the peasantry. Here, there is need to expand our scope and note that the leftist ideologies and politics have similar agenda.

The dependency discourse, which arose as a critique to the modernisation discourse, identified imperialism as the cause of the crises confronting the Third World. It held that colonialism had resulted in the dissolution of the existing modes of production and had subordinated the local societies to capitalistic modes of production. It attributed underdevelopment singularly to imperialist exploitation. It conceived the solution of delinking from imperialism and it relegated to the state the agency of change through socialism.⁹⁵

Its overemphasis of the external causes blocked it from recognising the historical process of capitalist penetration of these countries, the internal accumulation processes and the resultant social differentiation. It did not examine the production relations within each setting, the role of the state and the forms of internal struggles taking place. By taking all African societies as homogenous, this discourse was obscured from grasping the obtaining reality within each society and the contradictory character of development. As Mamdani argues, its methodological approach of reducing the imperialist relationship to dualism by juxtaposing development and underdevelopment and attributing analytical values to the lead term "development" while marginalising its twin term "underdevelopment" had the effect of negating the

⁹² McMichael, *The 1995 Wageningen Conference*. p. 962.

⁹³ *The 1995 Wageningen Conference*, pp. 1339-1347.

⁹⁴ Toledo, *The 1995 Wageningen Conference*, p. 1705

⁹⁵ See for instance: A.G. Frank (1967) *Capitalism and Underdevelopment in Latin America*. New York: Monthly Review Press.

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Wallerstein (1974) *The Modern World System*. New York: Academic Press.

Samir Amin (1974) *Accumulation on the World Scale*. New York: Monthly Review Press.

----- (1975) *Unequal Development*. New York: Monthly Review Press.

Walter Rodney (1976) *How Europe Underdeveloped Africa*. Dar-es-Salaam: Tanzania Publishing House.

people's history and dialectical processes.⁹⁶ By concentrating on imperialism in its analysis, this discourse failed to see that the agrarian economies in Africa had not been dissolved or the peasants separated from the means of production but that they had been integrated and reorganised on the same land to serve imperialism. It failed to grasp the process through which societies had been integrated and their dialectical processes. As Goodman and Redcliff's explain, the main issue is to determine how various pre-capitalist forms of exploitation are intensified without capital entering the realm of production.⁹⁷ In the same vein, Bernstein underscores the necessity of analysing the levels of subjugation and actual subsumption of household labour by capital.⁹⁸

Its methodological approach of relegating the role of emancipation from imperialism and development to the state was anti-dialectical and it robbed the people of their history. The state is an armed institution, whose organic composition is force. Historically, the modern state in Africa since the colonial invasion has been anti-people, dictatorial and the history of the people has been a history of struggles against it and its protégés. Such an institution cannot in its current form guarantee people's rights and democracy. Even this discourse's solution of socialism from above creates problems. This is because of the experience accumulated during authoritarianism, reign of terror and corruption in most of post-colonial Africa. Neither was it clear how this discourse had come up with the solution of socialism with the state as its implementers. Appropriation and exploitation were not principally geographical at the level of distribution but basically at the level of production. This undermined this discourse's solution of delinking as a viable solution to the agrarian crises in Africa. These countries were no longer under singular oppressive and exploitative forces.

Similarly, the peasantry in the Third World has become so intricately intertwined within imperialist network with the active agency of the state that the notion of delinking would collapse at the outset. Colonialism began by destroying the local industries and manufacturing. This was accomplished through various methods. These included force, legislation, administration, policies, purposive forced migration of the artisans to wage labour, forced labour, or forced resettlement.⁹⁹ This created room for replacing their products

⁹⁶ Mamdani (1996) *Citizen And Subject*. Op. cit. Also see: Gabriel Palma, (1981) "Dependency and Development: A Critical Overview," in Dudley Seers (ed) *Dependency Theory: A Critical Reassessment*. London: Francis and Taylor Publishers Ltd. Pp.20-78.

⁹⁷ Goodman and Redcliff (1981) *From Peasant to Proletarian: Capitalist Development and Agrarian Transitions*. Oxford: Basil Blackwell. P. 185.

⁹⁸ Bernstein in John Harriss (ed) (1982) *Rural Development Theories of Peasant Economy and Agrarian Change*. London: Hutchinson University Library.

⁹⁹ The demise of the iron industry in Kigezi bears sufficient testimony to this. This was achieved through force, legislation, administrative measures and forced migrations. The smiths would be first warned against any smithing. The smiths who defied this were severely punished. The main colonial punishment being to cut off their right thumbs. Throughout that

with manufactured imports. Africa never overcame this trauma. It now depends on imports for inputs including tools, seeds, livestock and chemicals.

Agrarian Studies from other Areas

In their intellectual efforts to analyse the agrarian reality, recent studies have unravelled new mechanisms of capital accumulation and land acquisition. These include land purchases, enclosures and land titling. They explain the unequal accessibility of resources by the different classes and their consequences. They bring out the advantages of land acquisition in accessing other crucial productive resources especially bank loans. They explore the impact of petty commodity production on household economies and the impact of rural exodus on urban labour, the commercialisation of agriculture, the way these processes affect the environment, the different social classes, and the different struggles that they generate. They expose the contradictory consequences of more children by poor peasant households.¹⁰⁰

Focusing on common property struggles and agrarian reform in South Africa, Cousins¹⁰¹ explains why a breakdown of common property rules or failure to fit within the new open privatisation through spontaneous enclosures of the commons by commercial producers and powerful elite is likely to worsen resource degradation. He calls for an agrarian reform that supports local-level processes of decision-making and institution-building and which offers space to minorities to articulate their group interests. Mamdani¹⁰² unravels the process through which poverty had transformed the poor peasant households in Amwoma village in Northern Uganda into sites of conflicts, alcoholism, quarrels and defiance by progenies, espousal fighting and separations. He unearths how the landless households were greatly subordinated to capital with minimal autonomy. He exposes the political connections in this form of capital accumulation process and the way they lead to politics of patronage. He exposes their disintegrating, depoliticising, fragmenting and sycophantic consequences on the peasantry.

period, the CMS Missionaries and their cadres at the lower levels were condemning smithing as sinful and paganism.

¹⁰⁰ Henry Bernstein *et al* (1992) Eds. *Rural Livelihood: Crises and Responses*. Oxford: Oxford University Press. pp. 195-216. Also See Bernstein, 1991.

A. Mafeje. (1987) "Capitalist or Household Economy: A Profile of African Farmer". Presented for *Third Symposium of the Special Commission of Africa*, Arusha, Nov. 1987.

M. Mamdani "Extreme But Not Exceptional: Towards An Analysis Of The Agrarian Question in Uganda." *Journal of Peasant Studies*. Vol. 14. No. 2, 1987.

¹⁰¹ Ben Cousins (1995) "Common Property Struggles and Agrarian Reform in South Africa" in *The Wageningen Conference*.

¹⁰² M. Mamdani. (1992) "Class Formation and Rural Livelihoods: A Ugandan case Study", in Bernstein, Henry *et al* Eds. *Rural Livelihood: Crises and Responses*. Oxford: Oxford University Press, pp.195-216.

In his analysis of the agrarian crises in Asia, Jan Breman explains why the agrarian question did not generate agrarian capitalism as Kautsky predicted but instead resulted in landlessness. Even the capitalism in urban areas was not expanding to absorb labour from the agrarian setting. He also exposes the postulation by Nieboer *et al* that slavery, and labour in general, would occur in situations of open resources. They had further posited that land abundance to all could compel people to labour for others through extra-economic coercion. Breman explains that there was no need of coercion when resources became closed, and land was a scarce commodity. He explains that landlessness is not due to imposition of power, but to the effect of economic differentiation combined with rising population pressure, which ultimately result in the creation of voluntary labour supply. He exposes colonialism for failing to free peasant production in Java from its perpetual stagnation. It had introduced a floor instead of a ceiling in accessing agrarian property. Through this anti-peasant reform, it impoverished marginal peasants by depriving them of their land and giving it to those with more land. Its purported object was to enable those it liberated from the means of production to join the labour market.¹⁰³

Basing his study on the peasant question in France and Germany, Engels had postulated a similar petering out of the peasantry. He attributed the peasants' apathy to their isolated rustic life. He identified this apathy as the underpinning of parliamentary corruption and despotism in Europe. Engels identified the peasants' emancipation through an imminent ruinous dissolution of this petty proprietorship by the development of capitalism. This process included "taxes, crop failures, divisions of inheritance and litigation" that led them into the debt-trap of usurers, and transformed them into proletarians.¹⁰⁴ The question is whether a similar situation is obtaining in post-coloniality, whether peasant apathy has a causal relationship with the agrarian crisis and agrarian politics and whether it can be taken as an explanatory variable for the failure of the attempted solutions to this crisis.

Following this logic, is the peasant petty proprietorship a vice and Engels' dissolution process the solution to the agrarian crisis raging today? Isn't the current agrarian crisis in Third World countries similar to what Engels had envisaged as the solution to the unemployed massive agrarian labour power in Europe? There is need to cognise the differences between the form of capitalism in those European countries and the ones being experienced in post-coloniality, their dynamics and impact on the peasant mode of production and the available options.

¹⁰³ Jan Breman, *The 1995 Wageningen Conference*, pp. 216-232.

¹⁰⁴ F. Engels (1970) "The Agrarian Question in France and Germany". *Selected Works of Marx and Engels*, Vol. 3. Moscow: Progress Publishers. Also see Lenin (1956) on the development of capitalism in Russia.

Contrary to Engels' postulations, some of the subsequent works on the agrarian question argued that small peasant holdings were the most efficient and ideal.¹⁰⁵ In romanticising the small peasant producers, they provided an anti-historical solution that was backward looking, anti-dialectical and oblivious of the contradictory character of development.

Whereas this agrarian crisis in post-coloniality has its origins in colonialism, the peasant mode of production in most societies predates colonialism. This is contrary to Saul and Woods' projection of the creation of both the present African peasantry and their differentiation as primarily due to interaction between the international capitalist economic system and traditional social economic systems. If peasants have been there for ages, have they always been beset by the agrarian crises? Put differently, does the agrarian crisis develop hand-in-hand with the peasantry mode of production? Are the two mutually intertwined? To paraphrase Toledo,¹⁰⁶ are peasants relictual, almost non-existent social sector of the rural areas or they still constitute the majority of rural population? Given the shifty intellectual and political foci of the "progressives" or "leftists" and the states since the collapse of the Communist Bloc, leading to the abandonment, sidelining or subalternising the agrarian question, does it mean that the agrarian question has become a concluded debate? Does this mean that the agrarian crises have been resolved? The answer remains a resounding No!

The raging, untamed agrarian crises in Third World countries brought together intellectuals from different agrarian settings in the 1995 conference at Wageningen on agrarian crises, referred to in this paper as "the 1995 Wageningen Conference".¹⁰⁷ These epistemological efforts bring to light the rampant and endemic nature of the agrarian crises in the Third World countries. They bring out concrete evidence to show that these crises are fast expanding in intensity, virulence and malignancy and lack of concern and interest by the states. These studies locate the historical roots of these crises *inter alia* in colonialism, foreign domination and exploitation and by various internal and external forces. They explain why these agrarian crises constitute crevices through which the international financial institutions penetrated these countries. They analyse the multifaceted adverse effects of Structural Adjustment Policies (SAP) on society, politics, health, nutrition and food security, education, labour, different social groups, environment, and the resistant responses that they give rise to.¹⁰⁸ They explain why austerity

¹⁰⁵ Chayanov (1966, 1972); Michael, Lipton (1971, 1974, 1982); Thorner (1982) and Harriss, Mark (1975, 1982).

¹⁰⁶ Toledo, *The 1995 Wageningen Conference*, pp. 1705 -1712.

¹⁰⁷ *The Wageningen Conference on The Agrarian Questions: The Politics of Farming*. Netherlands, May, 1995. Vol. I-IV.

¹⁰⁸ *The 1995 Wageningen Conference*, See: U. Patnaik. (1203-1219), M. Mbilinyi. (943-953), F. Deborah Bryceson (292-303), M. Barros Nock on Mexico (31-42), E. K. Andersen (462-466)

measures erode the state's resource base and efface its largesse and its consequences on national politics. The most cited movement is the Chiapas Movement in Mexico. This movement came to the surface on 1 January 1994, the day when Mexico was to sign the North American Free Trade Agreement (NAFTA). It arose as a critique of the politics of globalisation that subordinated people's interests to imperialism. It was challenging the dismantling of the local economy by the state and effacing people's rights in favour of private foreign capital. Its demands included agrarian reforms, development, democracy, sovereignty and respect.

Zuiderwijk,¹⁰⁹ Toledo,¹¹⁰ and Furrows,¹¹¹ Owusu and Boanuh¹¹² expose the dangers of transnational capitals' comparative advantage in homogenisation, standardisation and economies of scale, indifferent chemicalization, mechanisation, and cropping patterns.¹¹³ Examples include the rice paddies in India which are being displaced by production of prawns and fishes for export. This has resulted in a negative chain reaction. It ruins the soils to permanent salinisation. It is threatening food production and food security, creating mass unemployment and rural poverty. It is at the same time giving rise to peasant resistance. McMichael brings out the dangers stemming from commercialisation of agriculture in the unfolding of a monolithic global market culture and the way it results into a mechanism of political and economic restructuring. He brings to the centre-stage the need to re-establish rural and social stability. This involves ensuring food security and reversing environmental degradation.¹¹⁴ Deborah Bryceson¹¹⁵ exposes the failure of IMF to reverse the depeasantisation process in Africa. This is reflected in the diminishing of rural household food and other basic necessities, self-sufficiency, decrease in agricultural output and a shrinking proportion of the total population in rural areas. She identifies effects of inheritance in terms of minuscule, unviable and fragmented plots of land, and overload over women in agricultural and non-agricultural activities and the persistence of male violence over women.

Andy Thorpe (1674-1696) Philip McMichael (954-974) and Deborah Fahy (292-303), Pieter de Vries: (1736-1749). Magdalena, Barros, Nock, pp. 31-42; and K. Ravi Raman, pp. 1302-1316. Also see C.M. Liamzon "The Agrarian Reforms: A Continuing Imperative or an Anachronism?" in *Development and Change* (1996: 315-323).

¹⁰⁹ *The 1995 Wageningen Conference*, pp. 1857-1885.

¹¹⁰ op. cit.

¹¹¹ *The 1995 Wageningen Conference*, pp. 493-506.

¹¹² *The 1995 Wageningen Conference*, pp. 1191-1202.

¹¹³ *The 1995 Wageningen Conference*, p. 1857 & 1197.

¹¹⁴ McMichael argues that its successful implementation in Third World will create mass movements of refugees on a scale of about thousand times greater than the Rwandese two million refugees in 1994. *The 1995 Wageningen Conference* p. 965. Also see Maria Smetsers pp.1559-1574, Esther Roquas, pp.1383-1405, Doreen Brunt, pp.273-290 Mbilinyi op. cit.

¹¹⁵ *The 1995 Wageningen Conference*, pp. 292-303.

Liamzon (1996) unravels the World Bank's abdication of its land reform project of the 1980s in favour of liberalisation and export cropping. In her analysis, she explains how redistributive land reforms and other related measures help to redress long unfair, exploitative, social and productive relations between the land-poor and landowners. She points out that they bring about a better balance of social, economic and political power, with possibilities of democratisation. She underlines the role of the state and NGOs in organising people to demand for legislation and redistributive laws. She explains that technological solutions *per se* cannot address hunger, poverty and malnutrition. The problem is that she does not distinguish between the different NGOs and their diverse interests. Secondly, she subsumes agrarian reforms under land reforms and land transfers. Another problem stems from her postulation on the relationship between land reforms and democratisation. After positing that land reforms can lead to democratisation, she cites only authoritarian regimes as the ones which succeeded in land reforms.¹¹⁶

The question whether land reforms *per se* can lead to democratisation of society is explained by the ongoing efforts by states to address the agrarian crises through de-collectivisation of land in countries where land had been collectivised in the formation of socialism. Rumania, Vietnam and China have been giving back the land to the peasants.¹¹⁷ This process is creating new problems, which are exacerbated by the state's withdrawal from the social and economic arenas. Petras exposes the error of considering agriculture to be easier to transform other than interfering with industry which is assumed to be delicate, slower, riskier and more painful due to unemployment and the decrease of living standards. She demonstrates this by citing the errors and failures of these agrarian reforms in Rumania and how they bungled up agriculture. This shattered the modernisation fallacy of agriculture being the easiest and quickest to reform among all the sectors of the economy. She also exposes the capitalist fallacy of attempting to reverse economies from socialist co-operatives to capitalist enterprises. These studies underline that land reforms are a *sine qua non* in resolving the agrarian crises.

Among the recent studies on the agrarian question in Uganda are two works by Government organisations on environment; and on the socio-economic conditions of minorities.¹¹⁸ Whereas they do not analyse their causes, they still bring out important facts about these issues and their magnitude. The main issues include: environmental, demographic,

¹¹⁶ Ibid. 1995: Hart, G. (561-568); Petras, V.I. (1248-1264).

¹¹⁷ *The 1995 Wageningen Conference*: Petras-Voicu, Ileana, pp. 1248-1264; Dao The Tuan, pp. 1651-1664; and Gillian Hart, pp. 561-568.

¹¹⁸ National Environmental Information Centre (1994) *State Of The Environment Report For Uganda*. Kampala. The Uganda National Council for Children (1994) *Equity and Vulnerability: A Situation Analysis of Women, Adolescents, And Children in Uganda*. Uganda Government.

landlessness, poverty, food security, social and gender inequalities, and conflictual politics at household levels, consequences of alcoholism on health and household economies.

Despite a wealth of historiographies and concrete case studies on the agrarian crises in the Third World, new externally-funded studies are coming up questioning and dismissing the whole notion of the agrarian crisis in the Third World. An example is a 1996 Rockefeller funded study on Kabale District. This study claimed that it did not find scientific evidence to show the agrarian crisis there. It further claimed that there was no acute environmental degradation through soil erosion, no falling crop yields and loss of tree cover. It declared all earlier epistemic claims of agrarian crisis in the area to be mere apocalyptic predictions of doom that had refused to come true for half a century. It dismissed this agrarian crisis as a mere colonial invention. This was not radically different from the postulations of Nsibambi ten years before. He had dismissed the whole notion of agrarian question in Uganda as an ideological construct by oral documentary radicals who exaggerated the plight of peasants through public lectures and newspapers.¹¹⁹ This new study argued that despite population growth, which had continuously put pressure on people in the region, the inhabitants did not degrade the environment.¹²⁰ The poorest households were purchasing most of their food, through an increased casualisation of female labour and increased male migration into wage labour.¹²¹ It found that no famines or serious food shortages had occurred in Kigezi since early 1940s.

To understand these important findings demands an understanding of that study's methodological contours. With Rockefeller Foundation funding, the study went fifty-two years back and adopted Purseglove's 1943-44 research methods in order to grasp the current landlessness and food situation, land productivity and effects of fragmentation. The puzzling question is why this research team decided to freeze these peasants' history so as to apply Purseglove's obsolete methodology. Could Purseglove and this new study have had similar assignments and terms of reference?

It is contradictory in terms for a study that dismissed the agrarian crisis as colonial imagination to proceed and embrace the research methods of the colonial functionary who was specifically sent to study a nascent agrarian crisis in Kigezi and initiate the solution of population reduction through resettlement. Its uncritical acceptance of the research methodology of a seasoned colonial technocrat who confessed to be studying untamed and conservative primitive people that were resistant and hostile to change and

¹¹⁹ Nsibambi, Apollo "Conflict and The Land Question in Uganda", MISR Conference on Conflict held on September 21-25, 1987.

¹²⁰ Kim Lindblade, et. al. 1996. *More People, More Fallow: Environmentally Favourable Land-Use Changes in South-Western Uganda*. Rockefeller Foundation, p. 56.

¹²¹ *Ibid.*, p.54.

development raises serious questions.¹²² The study's acquiescence and reincarnation of such an obsolete methodology without criticality and qualification was in itself a negation of the people's political, social, scientific and intellectual achievements for half a century since Purseglove's undertaking.

There are circumstances which lead to land abandonment. These include land exhaustion, locally known as *okuhamuka*, or *okucuukuuka*, or land undergoing irreversible degradation locally known as *wamutara*. Land abandonment due to land disutility largely explains what is seemingly abundant fallow. The landowners attempt to plant trees on such lands. Secondly, land is concentrated in fewer hands through purchases, state grants, grabbing and pawning. The land-rich class owns more land than it requires for its seasonal production purposes. It is this class which is profiteering from lending or renting out land, fallowing some of it or planting trees.

The study did not carry out a synchronic analysis of the social relations at the two different historical moments - 1945 and 1996. While classes were still in their embryonic formation in 1945, and land had not acquired a commodity value, 1996 has been characterised by high capital accumulation processes and social differentiation, class struggles and social movements. Land has developed into a very important commodity, and has become a source of major tensions, struggles and crimes. It ignored the impact of the RPF-Rwanda war on the agrarian crisis in the region, the conditions which were favouring the emergence of the *Fusarium wilt* [bean root rot] in the region, and its consequences. Neither did it put into perspective the negative consequences of swamp reclamation. It however ended conceding that the respondents had reported declining soil fertility due to over-cultivation. It also conceded that fallowing was more common with households with most land and resources to hire labour to increase inter-cropping.¹²³ Contrary to its dismissal of resettlement scheme as a total failure,¹²⁴ both the facts on the ground and our respondents acclaimed it as the main solution to the agrarian crisis.¹²⁵

Then, another work came out the following year with contrary revelations of acute agrarian crisis. It reported widespread severe malnutrition, chronic underfeeding, famines, food shortages, child diseases, and shortage of agricultural labour, gender imbalances, low literacy,

¹²² J. W. Purseglove 1950. op. cit., p. 144. He was a colonial agricultural officer sent at the end of 1944 with express orders to study the land question and soil fertility, then plan and inaugurate resettlement of the surplus population in Kigezi. As will be shown later in this work, his assignment was part of the larger British colonial project of searching for a solution to the agrarian crises in colonies.

¹²³ Ibid. p. 54.

¹²⁴ Ibid. p. 10.

¹²⁵ In addition to these respondents' view, see files from Kigezi Resettlement Office, cited in Murindwa-Rutanga op. cit. and NEIC, op. cit. p. 125.

widespread poverty, environmental degradation, civil strife and war. It attributed food problems to high population pressure and fragmented unproductive minuscule land. It showed that 75 per cent of the households owned less than two acres of land and cultivated all of it continuously without rest.¹²⁶ This crisis had been present for years. In 1988/89, the stunting rate in Kabale District was 63 per cent, which was the highest in Uganda. This reduced to 61.3 per cent in 1994. The situation was not far different in Rukungiri District where the stunting rate was 60 per cent.¹²⁷ The situation improved by 1996 to 47 per cent. It reported underweight of 16.5 per cent and wasting of children; high rates of goitre due to iodine deficiency disorders; and presence of cretins due to thyroid deficiency. A study on Vitamin A in Kabale District in 1992 had unearthed prevalence of xerophthalmia of 6.4 per cent.¹²⁸

Contrary to reality, the work attributed the destruction of swamps to high population pressure. While the politics underlying the colonial governments in Rwanda and Uganda swamp reclamation began under the guise of fighting off famines, it had ended up creating a propertied class or in colonial language a “yeomanry class” or “progressive farmers”. What is worth noting here is that this phenomenon triggered off a complex process of grabbing, privatising and reclaiming communal swamps. This process gave rise to widespread militant peasant resistance sometimes with the active support and participation of chiefs and councillors hailing from the area. The study by Kakitahi *et al* did not make efforts to investigate the activities being carried out on these swamplands. Neither did it put into perspective the forms and consequences of land sales on the mass of peasants and the traditional livestock husbandry.

Despite the shortcomings and omissions in many of these works, they still demonstrate that the agrarian crisis besetting Kigezi has been growing in depth, breadth, and virulence. It is affecting the greatest proportion of the peasant population. This raises a series of questions about its historical origins, developments, dimensions and dynamics. How is it affecting the different sections of society and what is their response to it? What has been the effect of the policies and legislations on it? What form of politics does it give rise to? What forces continue to reproduce it? What explains its resilience despite the different solutions? In what ways do the solutions meant to address it exacerbate it and influence of the rise of peasant movements? Through what ways do the peasants respond to these developments, their forms of struggle, and their consequences? What has been the impact of the wars – internal and external - on this agrarian crisis?

¹²⁶ J.T. Kakitahi *et. al.* *Kabale District Level Preparation of Action Plans for Nutrition: Technical Paper*. Food & Agricultural Organisation, March, 1997. p. 4.

¹²⁷ Uganda National Council for Children, 1994, *op. cit.*

¹²⁸ J. T. Kakitahi *et. al.* *op. cit.*

An Overview of the Commonest Agrarian Struggles

To conclude, the raging agrarian crises have been giving rise to different responses and results. Among these are the agrarian contestations within the legal domain. These contestations revolve around different issues, some of which have already been identified in this work. Agrarian contestations within the legal domain can generally be categorised into six broad sections.

1. Agrarian contestations at household level. These include contestations between households, gender and generations. Individuals are searching for individualised solutions to social problems.
2. Agrarian contestations at family, clan, community, nationality, societal levels. The search may be collective for solutions to a social problem.
3. Agrarian contestations between different classes. The search for solutions to social problems may be collective or individualised but there is a sharp class divide.
4. Agrarian contestations against organisations, the state, and state-related institutions and organisations, associations and peoples. They may be individualised or collective actions against a strong organised force.
5. Agrarian contestations that are occupationally group, community or societal-based.
6. Agrarian contestations against multinational corporations and other forms of imperialism. These normally take on both class and nationalistic character. In some situations, they take racial forms.

Agrarian contestations may take different forms ranging from physical violence and homicides to litigation and arbitration, social movements or “collective action” to desperate ones like suicide – individualised or mass suicide. The most vivid example of the mass suicidal character occurred in India over five years ago when many peasants committed suicide after planting imported cloned cottonseeds. The cotton crop had failed to flower and bear fruits. The peasants got frustrated as they could not pay back bank loans, which they had secured for cotton production. Many of them resorted to committing suicide. The state had to step in and save the situation by cancelling those bank loans secured during that season..

The first category of the agrarian contestations are so common, recurrent and diverse in most agrarian economies. These were continuously described by magistrates in Kigezi as “trivial, frivolous and irritating”. They may be between individuals at household level, or between households – more especially in polygamous families; or between gender, generations, etc. These contestations may revolve around issues related to land and the developments on that land – whether individually-owned or communally -owned. Such developments may include crops, plantations, houses, household property, mobile property – such

as livestock, and other agrarian property and rights. These may take different forms including trespass and land takeovers, slicing off portions of the neighbours' piece of land while cultivating - leading to boundary disputes. Tampering with any aspect of land is normally bound to lead to conflicts. It threatens those peoples' sole occupation, source of livelihood, and their only property - for their present use, and futuristically for bequeathing to their progenies. Sociologically, it is in some societies interpreted as a serious challenge to the manhood of the head of the household. This is witnessed where a person or persons may tamper with any agrarian property belonging to a woman living separately after separation with her husband. That man will still join that woman's household to struggle against whoever will be threatening that household's property. Others include fraudulent and/or surreptitious land sales - especially between kin, couples or land neighbours, etc.

Land conflicts and invasions may be class-based. The developments in Brazil in the 1970s demonstrate this very succinctly. Massive capital and banks invaded the agrarian setting, purchased massive land and pushed out peasants, tenants, sharecroppers, rural workers, etc. This commoditisation process of land unleashed a massive de-agrarianisation process by transforming the agrarian population into desperate landless, homeless, floating masses. These de-peasantised peoples found that they did not have any option left for survival. They therefore had to respond to these cruelties of capital invasion by invading these lands and taking them over by force. On the African scene, the historicity of the land question in Zimbabwe cannot be lost sight of. It is this which would help to explain the various struggles both within the agrarian setting, at the superstructural level nationally, regionally and internationally. The government in power has been facing imperialist attacks that are racially defined. In other words, its attempts to address the agrarian injustices created by British colonialism has given rise to a wrath from all peoples of English origin, regardless of their present territorial location.

Another form of agrarian contestations may include peasants, sharecroppers, land borrowers and hirers against landlords, absentee landlords, land lenders and renters, land speculators, and other forms of land-rich classes or institutions. The latter category may include governments, religious institutions and individual religious leaders, commercial companies and organisations, banks, NGOs, credit schemes, the bureaucratic bourgeoisie, and/or other individuals with state connections.

Agrarian contestations have been so common and frequent wherever the state has been taking initiative to deprive the community or a section of society of their communal property in a bid to enrich individuals. Such communal property may include swamps, forests, bushes, sources of water and raw materials. Uganda gives a good example. This is where highly-placed rich or educated individuals, and/or institutions with state connections have been receiving gratis people's property by the state or have been accessing it by force

with the state's encouragement and blessing. Uganda has the most revealing cases that have at times led to killings and property destruction. Unfortunately, many of these agrarian struggles in this category tend to be responses to state-initiated or inspired deprivation of agrarian resources.

Lack of grazing land and attempts to take over and privatise communal lands have been leading to agrarian struggles. These struggles range from destruction of farm fences and/or grazing on other peoples' upgraded pastures to crossing borders to graze in other regions and countries. Such movements of livestock have been resulting into clashes and killings in some regions. The recent disputes between the Karamojong and Iteso or the Karamojong and the Turkana in Kenya demonstrate these very clearly. Another important and common agrarian struggle has been between cultivators and graziers. This is locally defined as the battle between the hoe and the cow. Others revolve around crop destruction – either by livestock, fowls or human beings or wild animals in national parks.

Other agrarian contestations have been stemming from drudgery of women, children, dependants and rural labourers at household level. What has been compounding the problem has been the malpractice of men who wait for the drudging members of the household to go to work in the fields. They then take the liberty to stealthily sell at throwaway prices household property, land, food products and instruments of production to get money to satisfy their personal pleasures and alcoholic requirements.

Some agrarian contestations may be fuelled by court decisions and the nature of their implementation or some court malpractices. Court bailiffs/brokers may meet resistance or their activities may give rise to resistance when they come to implement court decisions. The tragedy stemming from the litigation between Rwantare and Rwabutoga¹²⁹ over land disputation, in Kasherere, Kabale is demonstrative enough. Other agrarian struggles may be politically inspired and in the process cause general insecurity.

The implementation of neo-liberal policies by the World Bank and IMF has been giving rise to new agrarian contestations. The implementation of World Bank policies of devolution of power from the centre to the district level under the celebrated theme of "Decentralisation" has been unleashing new forms of struggles over power and resources. The given ideals for the decentralisation project are being turned on their heads to give a rebirth of a new consciousness of nationality and communalism. This is taking a bizarre and anti-nationalistic tangent, given that they are reincarnating the colonial construction of "tribal ideology". The ongoing conflict in Kibale District between the indigenous peoples and those coming from other districts to settle is another pertinent example. Another example is the rise of the already cited Chiapas movement in Mexico against NAFTA. The impact of these policies may give rise to new

¹²⁹ Case No. MKA 36/83 Rwantare Vs Rwabutoga. Kigezi District Magistrate's Court.

agrarian struggles. Some have been leading to suicide, homicides, family separation and other forms of frustration.

What needs to be added are the new forms of agrarian struggles that are emerging against multinational corporations. Though Africa seems not to be aware of the new dangers from the new world order, whose agenda have been set by the West. The on-going pushing for GMOs by the USA through the WTO regime to implement this disastrous technology is bound to lead to sharp and vicious agrarian struggles. As the MNCs continue to rob the Third World countries of their germ plasma and historical inventions, technologies and medicines, then modify genetically these robbed resources, ideas and rights and patent them,¹³⁰ the peoples of the Third World countries will be left with no option but to stand up and defend their rights and achievements. In other words, the latest technological developments of genetic engineering and biotechnology have enormous potentials of unleashing widespread resistance against those pushing for them - regardless of their locus and positionality. In other words, this technology which poses the greatest threats to all life forms, also has in its womb the seeds of self-negation and self-destruction.

¹³⁰ For a deeper understanding of the great danger being posed by biotechnology and genetic engineering, read: Vandana Shiva (2001) *The Violence of the Green Revolution*. New Delhi: Research Foundation for Science.

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