

Conflict resolution under the *Ekika* system of the Baganda in Uganda

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Introduction

Conflicts everywhere unleash complex dynamics emerging from the interaction of multiple actors. In Africa, conflicts have been a part of the state formation process as polities incorporated in a plurality of groups (especially ethnic and religious ones) express themselves at the national level. Yet the effectiveness of the political participation of these groups as well as the capacity of the state to authentically relate and respond to needs at the communal level varies enormously. Uganda offers a prime example of how state-centric approaches for resolving tensions might be insufficient. There is palpable tension between cultural institutions and the state, ethnicity¹ and citizenship, customary constructs and civil traditions. This tension might be good. It might create conditions for collaboration and complementarity. It can enrich the collective discourse and open up new possibilities for enduring peace at both the state and the communal levels. However, it can also develop into enduring rivalries and destructive hostilities. With state and traditional actors competing for space and influence in ways that elude collaboration, conflicts are provoked while dealing with social, political and resource issues. Underlying this competition are cultural values and traditional practices by different ethnic groups that endure as ‘webs of significance’ (Geertz, 1973:5). Members used these to analyse and resolve conflicts even before the modern state.

1 Ethnicity is what Africans call tribe (Volkan, 1997). An ethnic group is ‘a collectivity of people who share the same primordial characteristics such as common ancestry, language and culture’. Ethnicity represents ‘those behaviours and feelings about oneself and others that supposedly emanate from membership of an ethnic group’ (Assefa, 1995).

In Uganda, the continuing struggle for the state to become more viable and democratic has also transformed or replaced a number of traditional methods of conflict mitigation and resolution. This is evident among the Baganda ethnic group, which is the focus of this chapter primarily because it has been seen as a 'prototype ethnic group' (Fearon, 2003).² In Uganda the Baganda are the largest of over 45 ethnic groups, making up 18% of 30 million people in the country, and strategically located in the central region of the country. They were a privileged group under the colonial government in areas of appointment to positions of leadership, education and economic development. The Baganda people as a group continue to be influential in affairs of state to the extent that conflicts which occur in their region also affect the rest of the country.

Systems evolve over time to constitute users and managers. They contain maintenance and security mechanisms to ensure continuity. This paper analyses the Baganda kinship system – *Ekika* (singular for kinship group) – as an endogenous system of conflict resolution (ESCR). Managers of the system are called *Bataka* (clan or kinship group leaders and custodians of ancestral land) and the users are called *Bazzukulu* (clan members considered their 'grand children'). Under the system, *Mukago* (blood pact), *Kisaakaate* (enclosure), *Kutawulula* (disentangle) and *Kwanjula* (introduction) are some of the traditional practices through which conflicts are mitigated and resolved. Fearon and Laitin (1996) state that mechanisms that are inclusive and transparent are necessary to moderate cross-group and in-group problems of opportunism to avoid the costs of violence and capture the benefits of peace. In Buganda, such practices function as public processes to resolve conflicts and promote peace among members and between them and other ethnic groups. These are implemented through well-organised and supervised social-political structures. Some of them endure and continue to influence social-political relations in Buganda. Others have evolved to adapt to dictates of the modern state, but with

2 One whose membership is reckoned primarily by descent by both members and non-members, who view such membership as normatively and psychologically important to them, with shared cultural features e.g. a common language, held to be valuable by a large majority of members of the group. It has a defined territory, with a shared history based on facts that make the group 'stand out alone'.

great limitations, while others again have been overtaken by social and political developments in the country.

Fisher (2009:329) states that 'conflict resolution works to increase cooperative aspects, while recognizing that competitive elements in conflict situations require a firm and yet conciliatory combination of strategies.' Among the Baganda, *Ekika* (kinship group) is the focal point from which the social organisation of the group and subsequently political structures of the kingdom emerged. The system utilises a number of strategies and structures to respond to social and political conflicts separately. But these complement one another to keep members united and in peace, enabling them to promote and protect the interests of the kingdom. Differences in political affiliations or opposition to decisions taken by the monarchy do not undermine the way members of the group perceive and conduct themselves as a collective, especially when threats occur. The Baganda kinship system therefore provides useful insights into the indigenous mechanisms of conflict mitigation and resolution, the maintenance of peace and social harmony, and the challenges to such mechanisms in a modern state.

Social conflicts under the Baganda kinship system

The Baganda are members of the Ganda tribe. Ganda means 'bundle', Muganda is the singular and Baganda is the plural (Ray, 1991:71), which refers to all members of the group bundled together by a common ancestry and language. 'Bu' is a prefix signifying the Baganda state that members claim has existed for 400 years (Englebert, 2002). The group's name is drawn from the analogy that one stick breaks more easily than a bundle of sticks, and the more the bundles hold together, the more difficult it becomes to break them. Hence methods that deal with conflicts among the Baganda put great emphasis on keeping the 'bundles' together. Most methods emphasise prevention, while others seek to ensure total reconciliation whenever they are applied to resolve manifest conflicts. Each kinship group is a 'bundle', made up of related individuals and families who trace their lineage to a common ancestry. Legend holds that the founder of Buganda was called Kintu, his family was the first kinship group,

and he was the first King³ of Buganda. This and other myths are often invoked in the region to ‘produce mass attitudes, mobilization and in-group policing’ (Kaufman, 2006:52) necessary to achieve peace and forgiveness between members, maintain unity of the group, or mobilise members to address any threats to the monarchy.

The myth about the origin of the Baganda serves to preserve a common culture and ancestry and provides the rationale behind the methods used to mitigate and resolve conflicts in Buganda. Currently 52 kinship groups make up Buganda, and members refer to themselves as *Baana ba Kintu* (descendants of Kintu) (Englebert, 2002). Each kinship group is associated and named after a *Muziro* (totem) in the form of an animal, insect, plant, bird, or fish. No single kinship group or family can dominate the whole Baganda ethnic group, as would be the case if, for instance, the name of an individual was used to describe the whole group. In such a case the family would claim to be more superior to all other families on the group. For this reason all individuals and families have equal membership within the kinship group. Fallers (1964:445-6) further observed that the Baganda ‘were acutely conscious of their uniqueness and mutual kinship, and their institutions and culture were to a marked degree organized around the nation as a whole and its well-being.’ Totems also remain strong symbols of intra-clan equality and Baganda identity. Thus different kinship groups and the monarchy mobilise members to congregate each year to celebrate their ancestry, culture, and brotherhood, thereby reinforcing their unity.

A kinship group leader is called *Mutaka* (singular for *Bataka*) where *Ttaka* means land. Therefore, a kinship group exists only if it can be identified with *Obutaka* (ancestral land) and the *Omutaka* is the custodian of that land where ancestors are believed to have originated and were buried. Baganda religion developed from this view, where *Lubaale* (a spirit of past *Bataka* considered to have excelled in war, family, or agriculture) is ‘worshipped and for whom a shrine would be erected’ (Green, 2010:12). Depending on which areas a late *Mutaka* excelled in serving his group, all Baganda recognise such excellence

3 King and Kabaka are used interchangeably in this chapter depending on the context, to refer to a King in Buganda.

and visit the shrine to worship and ask his spirit for blessings regardless of membership of the group. Therefore religion among the Baganda is not divisive, and rests on the belief that past *Bataka* from different kinship groups excelled in different aspects of life. Together their spiritual guidance is needed to enable members fulfil all functions necessary for 'bundles' to keep together and defend the kingdom.

A kinship group represents an extended family whose structure is organised hierarchically, through a patriarchal lineage. The following order is from the bottom to the top:

- (i) *Nnyumba* (home of birth headed by father, including his immediate family)
- (ii) *Luggya* (homestead headed by paternal grandfather including his immediate family)
- (iii) *Mutuba* (bigger group of related homesteads)
- (iv) *Lunyiriri* (paternal lineage)
- (v) *Ssiga* (a family grouping of paternal lineages)
- (vi) *Kasolya* (peak of the kinship group headed by the *Omutaka*).

At the highest level, all the kinship groups are represented in the *Olukiiko Lw'Abataka* (*Bataka* General Assembly). Conflicts involving marriage, inheritance, adultery, fornication, theft, burglary, false accusations, and other grievances involving social inequality are handled through these social structures.

In spite of the large and extended membership, in-group policing is a salient feature of this structure and serves to prevent conflicts, strengthen the lineage, and to preserve culture, integrity and good morals. The success or disgrace of one member applies to the whole kinship group. Family and kinship group members are obliged to participate in celebrating success and enforcing the judgement or punishment issued by elders. This is regardless of one's status in the community. Individuals are encouraged to own property, pursue success at all levels and have respectful careers because it contributes to the shared status of the kinship group. For that matter, disgraced individuals can be ostracised at the least, but members can also disavow their kinship groups and ask to be assimilated into other kinship groups, especially if the *Kabaka* was unhappy with the group's

leaders. To prevent or resolve conflicts and other similar situations, the Baganda have developed a number of methods. The most notable are those which follow.

Kwanjula

The practice of *Kwanjula* (introduction) among the Baganda includes a full recitation of the structure of one's kinship group. This involves mentioning the names of the group's leaders at each level as indicated above. This functions to demonstrate ancestral origin and lineage especially during an installation to a position of traditional authority and the acceptance of non-family members into Baganda families. For example, on marriage, partners introduce their family members to in-laws during a special ceremony also called *Kwanjula*. Representatives of each partner recite their immediate and distant kinship group lineages (*Kulanya*), to clarify the person's totem, kinship group and ancestral origin. In doing so, the practice creates a special relationship between group leaders and subjects, partners and their in-laws, and also their extended families. The practice signifies the creation of a bond that holds families from different kinship groups together, and is 'regarded as one of the key determinants of social cohesion' (Dykstra, 2006:4).

Coser (1956:36-48) argues that social systems provide safety valves that prevent conflict or its disruptive effects where hostility and a predisposition to engage in conflict can be managed without change in relationships within groups. Among the Baganda, marriage within one's own kinship group is a taboo and *Kwanjula* functions as a safety-valve to (i) determine that partners do not disgrace their families by marrying within their respective kinship groups, and (ii) promote culture and belongingness of kinship groups together as a bundle. In this way the practice is a promise and commitment to non-aggression and peaceful coexistence by families and kinship groups, bonded through marriage between their members. Violence and other forms of conflict between kinship groups remain rare in public and are almost unheard of since this signifies violation of such a bond and therefore a disgrace to members. Unifying relationships are created during the process to symbolise a willingness by partners to subordinate individual interests to those of the family and the group. This holds regardless of status or religion in ways that strengthen the togetherness of the 'bundles'.

The impact of *Kwanjula* became more evident in post-conflict experiences within families in Buganda. As a result of civil wars that characterised changes in political regimes in Uganda after independence, a number of families lost family heads or were left without direct help, and orphaned children were forced to live with their extended families. Land also became increasingly scarce as the traditional source of family income in Buganda because many people from other regions moved into the central, more developed and secure region. During these times, connections and contacts with extended families often established through *Kwanjula* ceremonies frequently produced living and work arrangements that helped support the welfare of affected members. Resources like land or capital to start a business were shared, the most common being financial support for medical treatment of the extended family members, and the schooling of orphaned children. Therefore the bond that *Kwanjula* produces expands opportunities for members to mitigate kinship conflicts, and creates a support network that serves as a safety valve for members experiencing the effects of violence. Even when partners divorce, family members continue to benefit from this bond and treat each other with the same respect.

Traditionally, to be a Muganda is to belong to any one of the 52 kinship groups by birth. However this strict qualification for membership in a kinship group was later reformed to include assimilation, mostly as a result of post-conflict experiences in Buganda. A number of non-Baganda migrated and settled in Buganda to access business opportunities, health, education and other social services, or to work in government departments in Kampala City. Assimilation helped to mitigate conflicts that would come from resistance by non-Baganda to the strict cultural norms of the Baganda that guide family relationships or land ownership in the region. Many non-Baganda and foreigners born in Uganda became full members of Baganda kinship groups, 'after they learned the language, practiced the culture and acquired Baganda names' (Sathyamurthy, 1986:77).

Dykstra (2006:3) states that 'family relationships are among the few relationships capable of being sustained across spatial and social divides.' Among the Baganda, family includes members from multiple kinship groups and tribes who marry or decided to adopt Baganda culture and language. A husband and wife from

two different kinship groups or tribes consider their immediate and distant relatives as one family, often formalised during *Kwanjula*. For example, former President Milton Obote of the Acholi tribe in Northern Uganda was formally introduced and accepted into the family of his wife Miria Kalule Obote of the Ngeye kinship group.⁴ Although Obote later ordered the military to attack the Buganda Kingdom Palace in 1966, Miria Obote remained married to Obote and maintains she was not consulted and condemns the attack.

A number of non-African people were also assimilated into Baganda families and kinship groups. For example, many people of Indian ancestry who were born in Buganda decided to take on Baganda culture and identity and enjoy the full rights and privileges accorded to all Baganda. Ugandan-born people with Indian ancestry who returned to Uganda in the 1990s after Idi Amin expelled them in 1972, declared their allegiance to the monarchy and many of them practiced Baganda culture and speak the *Luganda* language. When the National Resistance Movement (NRM) government allowed them to return to Uganda after it came to power in 1986, a number of them repossessed their land and other properties that were confiscated by Idi Amin. Among them is *O'wekitiibwa* (Honorable) Tylor Rajan, who is currently a minister in the Buganda kingdom government. Professor Mahmood Mamdani (cited in this paper) also declares himself as a Muganda (Sunday Vision, 2011a). Similarly in the modern state, traditional introduction ceremonies by partners are accepted as a form of customary marriage, and non-Baganda who become assimilated are recognised and protected by the monarchy and laws of the country.

Kisaakaate

Kisaakaate (enclosure) is a village place enclosed in a perimeter wall that was traditionally managed by the *Omutaka* and/or *Omutongole* (village chief appointed by the King). Each village was required to have a *Kisaakaate* as a

4 Reported by Sheik Abdu Obed Kamulegeya, a long-time associate and friend of President Milton Obote in an interview with one of the authors on 6 August 2011. Sheik Kamulegeya also stated that he was the driver of a Mini car that took Milton Obote to Kawempe to meet Miria's parents on the day of the introduction.

physical or symbolic place to promote peaceful coexistence, among other services, through which Baganda maintained their unity and made peace with non-Baganda. Participants included both adults and children from different kinship groups and learned about Baganda culture and history. They received training in leadership and acquired skills necessary to serve their families, groups and the kingdom. Chiefs also conducted mock trials to learn and become more effective as judges.⁵

The practice provided a system of merit where all members of kinship groups had access to services provided in the *Kisaakaate*. Abilities demonstrated during training determined the role a participant would play in society upon completion. It served to mitigate conflicts over exclusion from access to opportunities for the personal development of individual members, whose success or failure was shared by all members of the group. Any participant who demonstrated excellent abilities in the handling of public affairs was recommended by the *Omutongole* or *Omutaka* to the *Kabaka* for appointment to a position of responsibility. The prospect of recognition and appointment to serve the *Kabaka* based on one's ability regardless of kinship group, religion or status was a strong incentive that 'promoted moderation and cooperation' (Horowitz, 1985:598) among participants. These were considered strong and necessary qualities for leaders to have and to be able to keep the 'bundles' together.

As a method of resolving conflicts, the practice was prominent during the pre-colonial and colonial periods as the Buganda Kingdom's armies fought other kingdoms and captured land to expand its territories. Non-Baganda from areas that were captured e.g. from the Bunyoro Kingdom, attended *Kisaakaate* sessions to orient them into Buganda culture and to learn the *Luganda* language. The practice therefore served to mitigate conflicts that would arise from cultural differences, preserve and promote Baganda culture and norms, prepare group

5 Sheik Abdu Kamulegeya reported in an interview with one of the authors on 6 August 2011 that his father Sheik Obed Lutale attended *Kisaakaate* with other elders at Prince Badru Kakungulu's home. He was appointed by the colonial government as the first Muslim Judge at Mengo Court, and was part of the team that negotiated the alliance between KY and UPC during the 1962 elections.

members for various roles in society, as well as peacefully integrate non-Baganda into local communities in the region.

It is not a condition in Buganda to be rich, prominent or a member of the royal family to be appointed a leader. Many *Bakopi* (commoners) were appointed by the *Kabaka* as *Bakungu* (chiefs) based on their skills and abilities. For example Stanslus Mugwanya who was appointed by King Chwa and became a prominent chief and then later a judge, was a commoner (Chwa, 2008). He was recommended to attend *Kisaakaate* by his brother Pio Mbelenge. King Kimera, the third King of Buganda, also went through *Kisaakaate* under his uncle Katumba. Kimera later appointed Katumba as a special chief with a title of '*Mugema*', which means 'to prevent'. Kimera had prevented the death of King Kimera when his own father left him in the bush to die. To date, the head of the *Nkima* kinship group is called *Mugema*, and the role of the *Nkima* kinship group in the Buganda Kingdom Palace is to dress a new king with a bark cloth during installation in remembrance of this act.

After the overthrow of Idi Amin in 1979, Milton Obote, who became president for the second time in 1980, attempted to revive a modified version of the *Kisaakaate* system to fit the structure of the state. Obote had abolished kingdoms in 1966 but realised that *Kisaakaate* was an institution that contributed greatly to the strength of the Kingdom and the unity of the Baganda. The invention of the *Mayumba Kkumi* (ten houses) system resembled the *Kisaakaate* system. Here, instead of a *Kisaakaate* for a whole parish, each ten homesteads elected a committee to manage their affairs. In Buganda, the new system was resisted and later collapsed nationwide, largely because Obote was still hated in Buganda for ordering the 1966 attack on the *Kabaka's* palace at Mengo. The *Mayumba Kkumi* system was thus viewed as an extended assault on the Baganda. An inquiry into why the system failed also noted that it 'mainly played a security function... and solicitous behaviour of officials at the local level involved entrenchment of the patronage system in support of the ruling party' (Bazaara, 2003) which was unpopular.

The *Kisaakaate* has been revived by *Kabaka* Ronald Mutebi II. In January 2008, he donated land to construct a permanent facility to serve as an informal

place for children's use (New Vision, 2008). Since then, a number of Baganda have established symbolic places including special programmes on Internet radios (AbabaKa.com, 2011), to conduct *Kisaakaate* programmes. The aim is to teach, especially Baganda communities in the diaspora and their children, about their culture and history, and to discuss ways to solve social, political and economic problems affecting Buganda. In June 2011, the *Nabagereka* (Queen) of Buganda launched an 'International *Kisaakaate*' at Vienna College in Uganda (In2EastAfrica, 2011), under the theme 'Culture nurtures good leadership' to educate Baganda children in international schools in Uganda about culture and leadership. This revival is a recognition of the social and political roles *Kisaakaate* played before the modern state, in building social relationships and leadership capacities to mitigate and resolve conflicts, which helped to keep the 'bundles' in peace and united against threats. This challenge is evident in the current hostilities between the monarchy and central government, as both parties struggle to arrive at constructive solutions to grievances articulated by the monarchy against the state.

Mukago

The *Mukago* (blood pact) is a traditional practice where individuals from different families or kinship groups create a family bond between them irrespective of their religion or status. The practice symbolises a binding lifetime assurance of mutual support, commitment to non-aggression and openness, all based on love and trust between parties. To enter into a *Mukago* parties break a coffee cherry. Each one takes a bean and puts some of their blood on it from a small cut on their navels. Next, each party eats the bean with the blood of the other person on it to seal the pact. This pact is considered 'semi-divine and unbreakable' (Kasozi et. al., 1994) and it is not recorded in written form since trust is deemed most important. Once concluded, all future generations of descendants inherit the *Mukago*. Children of individuals or families that made *Mukago* subsequently remain obliged to fulfil all associated responsibilities.

The practice of *Mukago* acquired a political function between political parties and the monarchy during independence and post-independence struggles in

Uganda. Buganda has always considered itself a state within a state, and groups seeking to control state power at national level often treat the Baganda as an entity whose collective support is critical to achieve electoral victory or stability in the country. The *Kabaka*, the *Bataka* and other leaders within the monarchy negotiated with successive political groups and governments to mobilise co-operation and support of the Baganda in exchange for meeting Buganda's interests. Since independence in 1962, Buganda's interests have included, among others, a federal status as was granted by the British in 1900, as well as the return of all the land that the monarchy claims was confiscated by the colonial state and continues to be occupied by the central government. Negotiations have often produced alliances between the monarchy and different political groups. These are described as *Mikago* (plural of *Mukago*), where Buganda seeks to promote and protect its own interests in the modern state.

The *Kabaka Yekka* (King Only - KY) party supported mostly by the *Bataka*, was formed in 1961 to protect Buganda's interests as the country moved towards independence. KY entered into *Mukago* with the Uganda People's Congress (UPC) party and defeated the Democratic Party (DP) during the 1962 elections. The *Kabaka* of Buganda, Mutesa II, was elected by parliament as a titular head of state, and the leader of UPC, Milton Obote, became the Prime Minister. KY continued to campaign for Buganda's interests in the new independent state and sought to neutralise the split among Baganda elites between Protestant and Catholic blocs. To hold true to the principles of trust and commitment as central tenets of *Mukago*, the agreement between KY and UPC was not written. Korostelina (2007:149) has argued that conflicts of interest typically arise between two or more groups that share or have intentions to share a resources or power. Similarly, the *Mukago* collapsed when the UPC-led government failed to honour the 1900 agreement between Buganda and the British. Instead, UPC ordered a referendum on the return of three countries (Buyaga, Buwekula and Bugangaizi), which the Buganda Kingdom captured from the Bunyoro Kingdom before independence. Buwekula opted to remain part of Buganda, while Buyaga and Bugangaizi chose to return to Bunyoro. For the Baganda, the trust and binding commitment to non-aggression between Buganda and UPC had been broken. The monarchy demanded that the seat of government be moved from

the Buganda region. This sparked the 1966 violent overthrow of the first elected government in a military coup orchestrated by Milton Obote. He declared himself president, suspended the 1966 constitution and abolished kingdoms.

In 1985 the current *Kabaka* of Buganda, while still living in exile in Britain, entered *Mukago* with President Yoweri Museveni, leader of the National Resistance Movement/Army (NRM/A) (Daily Monitor, 2011). He mobilised Baganda's support and participation in the 1980-6 civil war, in exchange for the restoration of the kingdom and the return of properties the monarchy claimed were occupied by the central government. In fulfilment of their role as custodians of Buganda, the *Bataka* wrote to the president requesting that he keep the promise he made during the civil war (Kasfir, 2000). The kingdoms were restored through an Act of Parliament (1993) (Government of Uganda, 1993) after which Prince Ronald Muwenda Mutebi II was crowned the *Kabaka* of Buganda on 31 July 1993 (Sunday Vision, 2011b). However, for the second time the *Mukago* collapsed after the government refused to honour a federal status for Buganda and return all properties to the Buganda Kingdom. Broken trust and lack of commitment from the NRM government underlie the recent communal riots and hostilities between the monarchy and the central government.

In January 2011, while addressing his subjects in Mpigi District the *Kabaka* warned the central government to 'stop persecution of the Baganda' (New Vision, 2010). A mysterious fire that destroyed a mausoleum (Walusimbi, 2010) with four royal tombs of deceased Buganda kings on 16 March 2010 preceded the *Kabaka's* statement. A number of Baganda alleged that the president ordered the fire, and five people were killed and others injured as mourners blocked the president's convoy to access the site of the tombs. This happened at a time when the government had closed the Buganda Kingdom's radio station (Politics of Growth and Governance Worldwide 2009). It alleged that the station was partly responsible for inciting the September 2009 riots in the region, and the April 2007 riots in Kampala city against the government's sale of Mabira Forest land located in Buganda region (Tenywa et al., 2007).

On efforts towards *Omukago gwa East Africa* (East African Community), the *Bataka* of Buganda opposed the political and economic union of East African

states. The monarchy has argued that the proposed arrangements between Uganda and member states are silent on the position of the Buganda Kingdom within the community. This opposition to transform East African States into a single federation dates back to 1929 and 1953 when similar suggestions were made by the colonial government. Both Kings Chwa and King Muteesa II refused to allow Buganda to join the rest of East Africa. As a consequence, both were forced into exile by colonial governments as punishment.

Kutawulula

Kutawulula (disentanglement) is a practice conducted in a *Kitawuluzi* (physical or symbolic space) where issues causing conflict are analysed and parties to a dispute reconciled. The practice draws meaning from two people involved in a fight. It is a custom in Buganda that anyone near to two people who are fighting must not only intervene to separate them and stop the physical violence, but must also go further and ask questions and engage the adversaries in a conversation to find a solution. *Kitawuluzi* is very specific in dealing with conflicts and discussing the dispute to find a solution at the level where it occurs.

Individuals, families or groups of people involved in a dispute approach the chief, or are invited to the *Kitawuluzi* for a single or a series of sessions to discuss the issues affecting them and their relationships. Acceptance to participate indicates a willingness by the parties to stay in the process for as long as it takes, and to talk to each other until a solution is found. From this perspective, the process resembles Sustained Dialogue explained by Saunders (1995:65), as ‘a process of change’ where ‘people regularly keep coming back to the table to talk and listen to each other deeply enough about their perceptions, the conflict, and to explore complexities in their relationship’. In both processes, resolution of the conflict lies largely in the operational flexibility of the process to allow for enough time, space, listening and communication between the parties to transform their relationship and perceptions.

In Buganda, each *Muluka* (parish) in all eighteen *Masaza* (plural for counties) of the Buganda Kingdom had a *Kitawuluzi*, presided over by *Owomuluka*

(country chief). Some writers refer to it as ‘the chiefs’ court’ (De Coninck and Drani, 2009:14). In the context of the kinship group system, *Kisekwa* is the highest court of the *Bataka* and handles kinship group disputes only. *Katikiro* (Prime Minister of the Buganda government) is the highest political office of the kingdom that handles political affairs and conflicts. This distinction is critical in maintaining and protecting the ‘bundles’ together, although political views and affiliations of their members may differ. Kingship in Buganda draws its authority from kinship groups, and conflicts involving kinship groups and their leaders are handled exclusively and in private under *Kisekwa*. This is unlike everyday conflicts that are traditionally handled through *Kitawuluzi* as the first court at local level.

Kutawulula occurs when each party gets a chance to make a case about the dispute and is listened to by all parties without interruption. Witnesses are allowed to intervene, but only to add to the analysis, clarify issues or suggest solutions, and not to make judgements. The *Omutongole* regulates this interaction as a transparent public process where parties not only declare their grievances and suggest options for resolution, but also declare forgiveness to one another and commitment to a resolution when it is reached. The gathering has also been referred to as a peacemaking circle (allafrica.com, 2006) that employs alternative justice mechanisms to resolve conflicts in local communities. The *Batongole* (plural for *Omutongole*) respond to and address conflicts in each village through this process. A number of physical structures known to have served as *Kitawuluzi* still exist as a traditional symbol of local peace. In the Makindye Division in the Kampala District one of the local council divisions is called the ‘*Kitawuluzi* Zone’, named after a court house that once served as a *Kitawuluzi*. In the Kisenyi I parish in the Kampala district, local council leaders collected funds for ‘construction of a new parish office, which is traditionally known as *ekitawuluzi*... to serve as a hall or meeting point by residents and their leaders’ (Kato, 2008).

The practice is similar to *Ekyoto* (fire place) among the Ankore ethnic group in the western region of Uganda. Village elders select a neutral venue, usually a home that they all respect, and light a fire in the compound to symbolise a problem affecting the community that must be addressed. Parties to the dispute

are invited and together with the elders sit around the fire to discuss the dispute. It usually starts in the evening and may go on through the night until a solution is found. In both cases, the resolve by leaders to find a solution, readiness of the parties to talk, and commitment by all to stay in the process for as long as it takes to find a solution makes it difficult for parties to revert to the same conflict once a solution is reached.

Under the modern state this practice has been overtaken by the introduction and institutionalisation of western-type legal systems and judicial processes. Suffice to note however that, as part of the concessions to gain a federal status in 1900, the Buganda Kingdom allowed the colonial government to use most of its *Bitawuluzi* (plural for *kitawuluzi*) structures as local courts and administrative centres. Since independence, the same structures in the Buganda region have been used by the state as local government offices. To date, some have been handed over to the monarchy, although it continues to demand the return of the remaining structures and that the state should pay rent for the time the facilities were used without their consent.

The kinship group system and political conflicts

The social structure of the Baganda kinship group system produced political structures of the kingdom. This highlights the fact that in Buganda it is culture that keeps the 'bundles' together, and the above methods function to ensure that Baganda culture remains intact. This is so despite differences in political choices of group members in a modern state. Increase in conflicts especially over land seems to have forced this approach to maintaining unity of the Baganda as kinship groups expanded and their members increased in number (Kimala, 1995:32). Some 400 years ago, the *Bataka* from the original five kinship groups, namely the *Nyonyi*, *Ffumbe*, *Njaza*, *Lugave* and *Ngonge*, opted to preserve the common language, culture and ancestry of their ancestors. They agreed to appoint a *Saabataka* (Supreme custodian of land) as their *Kabaka*, to adjudicate over disputes and protect both the people and their land (Wrigley, 1996). Legend has it that at Magonga in Busujju country on Nnono Hill, the *Bataka* '...defined a form of governance for Buganda Kingdom, and the relationship between the

kinship groups and the King was formally agreed upon. The agreement was not written down, but it constituted an understanding between kinship groups that has been followed ever since. In essence, it set down Buganda's Constitution' (Buganda Kingdom, 2012). This marked the beginning of *Bataka's Lukiiko* (Council of Kinship Group Leaders), which remains the supreme legislative and advisory body to the *Saabataka* of Buganda.

Saabataka's responsibilities included the appointment of leaders, the levying of taxes, judgement of cases, the declaration of war, and the control and distribution of land (Cathrine, 2006). This continued until colonialists introduced the Second *Lukiiko* composed of appointed officers who assumed many of these responsibilities as ministers, heads of departments and elected county chiefs in the Buganda Government. However, even with the emergence of this very influential political structure led by a *Katikkiro* (Prime Minister), known as *Kabaka w'ebweru* (the King outside the palace), the social structure led by *Bataka* remains the supreme source of authority. However, two important points must be noted. First, based on the original *Bataka* meeting as explained above the *Kabaka* draws his authority from their *asse* and does not always make the final decision especially on matters that affect culture in Buganda. Second, for this reason the social structure of kinship groups supervises the political structure of the monarchy, each with clear but complementary social and political functions that influence how conflicts are managed to ensure that all 'bundles' remain together.

There are two traditional methods which stand out in dealing with political conflicts in Buganda. The first is the rotation of the centralised authority of kingship across kinship groups. Rotation mitigates conflicts over access to power because no single kinship group can dominate kingship in Buganda. Each kinship group has a chance to have a king from amongst its members. Buganda is a patrilineal society where one takes on the father's kinship group and totem and is named accordingly at birth. However, only a king is allowed to take on the mothers' totem and kinship group. Because of this condition, he can only marry from other families and groups since it is taboo for one to marry within his own kinship group. So each time a succeeding king marries into a different kinship group, the heir to the throne will come from that group. In

that way kingship rotates depending on how different kings choose their wives. This tradition has persisted for centuries until the present time. Therefore, 'royal family' in Buganda refers to many people from different kinship groups with blood ties to kingship, but all cannot claim any right to ascend to the throne because kings of Buganda change depending on their mothers' kinship groups. For example, King Edward Mutesa II was of the *Nte* (Cow) kinship group and married into the *Nkima* (Monkey) kinship group. His son, the current king, is from the *Nkima* kinship group as was his mother. He married into the *Musu* (Edible rat) kinship group, which automatically indicates that the next King will be from the *Musu* kinship group. Kiwanuka (1993) observed that 'the absence of a royal kinship group, a permanent aristocracy and the equality of kinship groups facilitated the building up of a system whereby a young man of humble birth could enter the civil service at court and sometimes rise to a position of considerable importance.' This method has functioned to effectively maintain a number of cultural and political processes within the centrally organised monarchy and ensure the continuity of the kingship system. Between 1966-1993, when kingdoms remained banned and Buganda was without a king, *Abataka* tapped into the symbolic role of kingship to mobilise their members, especially the youth, to preserve culture and history and thus keep the 'bundles' united.

The rotation of kingship in Buganda resembles the alternation of kingship among the Dagomba ethnic group in Northern Ghana. Two brothers, Andani and Abudu, from different mothers agreed to alternate power between their families after the death of their father, Chief Yakubu Nantoo I in 1849. Andani the eldest ruled first, then Abudu followed, and this was extended to their descendants. As in Buganda, such informal rules managed to generate consensus and underscored interdependence among members, thus mitigating conflict that could have emerged over access to the throne. However, the 1884 Berlin conference divided the Dagbon Kingdom. The east was designated as German Togoland and the west as the British Gold Coast (Ghana). Yendi, the seat of the royal chief called *Ya-na*, was located in Togo, yet half of the subjects were located in the Gold Coast. Trouble started when Chief Naa Alhassan of the Abudu family died in 1917. The next king was supposed to be from the Gold Coast, but colonial laws barred him from crossing into Togoland to rule. Although

the boundaries were later removed and the two regions reunited, the system had already been disrupted, causing intra-ethnic wars and hostilities that have continued until present time. The latest round of violence occurred on 17 March 2002, when King Ya-naa Yakubu Andani II and more than 40 others were killed in renewed violence, allegedly by members of the Adubu family. In this case an endogenous method functioned to preserve peace among the Dagomba until efforts to establish a modern state interrupted the system.

The second traditional Bugandan method for dealing with political conflict involved the decentralisation of authority through the distribution of roles and responsibilities between kinship groups. Chiefs appointed to lower political structures of the monarchy provide sufficient space for all members to participate in decision-making. Easton (1990:34) has argued that the 'functioning of a state can only be derived from its relationship not to a class but the whole society.' After the *Bataka* reached a consensus to appoint King Kintu as the first *Sabataka*, subsequent kings distributed responsibilities to kinship groups for the kingdom to remain united and strong. In this way kinship group identities were reinforced with role identities (Korostelina, 2007:21) as political and organisational responsibilities to the kingdom. These have remained the same ever since. There is no seniority between kinship groups to access positions of power, local resources or to serve the king. Traditionally, each of the 52 kinship groups has clear but complementary political and organisational roles which underscore the interdependence between them. Failure by one group to fulfil its role means the monarchy will not function effectively.

Under the *Kisaakaate*, kinship groups and family members were mentored and acquired skills to fulfil these roles. For this reason there are no reported disputes between kinship groups over positions and roles within the monarchy. For example, the *Omusu* (Cane rat) kinship group is in charge of health and sanitation, and the *Emamba* (Lungfish) kinship group is in charge of the Navy as part of the king's army. The roles of the *Njaza* (Reedbuck) kinship group include hunting, transport, construction and customs officers on landing sites around Lake Victoria. The *Mpologoma* (Lion) kinship group is also responsible for construction, and entertaining the king by playing a special drum called *Mujaguzo*. The *Nte* kinship group is responsible for the king's iron works. Other

kinship groups were assigned to be in charge of agriculture, farming, security, and education.

Bates (1983:48) asserts that 'ethnic groups are coalitions formed to extract benefits from others or to defend possessions, and violence occurs when these are threatened.' To this end, the Baganda kinship group system also functions to ensure that at all times there is sufficient unity and participation to promote Buganda's interests and defend the kingdom against threats. To achieve this kinship groups employ the methods explained above to ensure that intra-group conflicts are prevented or resolved, with the aim to achieve total reconciliation between parties as a necessary condition to ensure that all 'bundles' remain united against external enemies.

The political structure of the monarchy also functions to achieve this aim. From top to bottom, the *Abataka* vest their political authority in the *Kabaka*. He then appoints (i) the *Katikiro*, Cabinet Ministers, and Chiefs at (ii) *Ssaza* (County), (iii) *Gombolola* (Sub-county), (iv) *Muluka* (Parish), and (v) *Kyalo* (Village) levels. All appointed officials act on behalf of the king and are subject to his authority. From this level of organisation, Hastings (1997:156) observes that:

If there existed one nation-state in Nineteenth-Century Black Africa, Buganda would have a good claim to be it. It had grown over centuries; it had a strong sense of its own history, centralized government, an effective territorial division in counties (*Ssaza*), and possessed, in its kinship group organization, a horizontality of social consciousness to balance the verticality of royal and bureaucratic rule.

Appointments to positions of leadership at all these levels depend largely on the ability to resolve disputes and keep the 'bundles' together, in addition to preserving the culture and the courage to defend the kingdom. As third parties to any dispute, each leader also strives to resolve conflicts at the level they occur to avoid any escalation that may require higher authorities becoming involved. A stalemate produces disgrace to the chief and is discredited if his seniors or the king became involved, especially in a local issue. Therefore, chiefs make sure to keep good relationships and maintain the trust of the people they serve. This

is not only as a sign of respect to the appointed authority but also for their judgments in disputes.

Separation between social and political conflicts is more structured and evident at the top than at the local level within the monarchy. Politically, failed cases are handled at the *Kyaalo*, *Muluka*, *Gombolola*, *Ssaza* and through the highest political office of the *Katikkiro*. Under the kinship group system, the king may be the last person to speak on a number of issues, but is not always final. The *Batakas'* court, from which the king draws his authority as *Sabataka*, can reverse a decision taken by the king or his prime minister. For example, it is reported⁶ that Buganda's Prime Minister Mulwanyamuli Semogerere and his cabinet accepted a proposal by the central government to establish a regional tier system of government, instead of the 1900 federal system demanded by the monarchy. However, the *Batakas'* *Lukiiko* called upon their *Bazukulu* to reject the Bill and the *Kabaka* communicated the decision to the President.⁷ The contentious issues included appointment of the prime minister, control of land in Buganda and powers of the office of the president to take over regional governments.

Challenges to the Baganda kinship group system in a modern state

Through more than 49 years of building a nation-state in Uganda, the kinship system has struggled to remain relevant and to have its tenets practiced by members to keep the 'bundles' together. However, more formal and well-resourced structures and systems of the modern state have replaced or tended to overshadow most traditional practices the Baganda use to mitigate and resolve conflicts among members and between the group and the state. This is most evident in the realm of political conflicts. It is much less in the realm of social conflict where practices like *Kwanjula* figure strongly in preserving the culture and identity of the Baganda.

6 Mr Kisaka Robinson, Buganda Kingdom Government - Department of Education, also in the Department of Tourism, during an interview with one of the authors on 12 August 2011.

7 Kabaka Mutebi's letter dated December 29, 2007 in response to President Museveni's letter on land Ref. PO/8 of 18 December 2007.

Three aspects in the political history of Uganda help explain the diminishing role of the kinship group system in dealing with political conflicts. First, all political regimes have changed by military means, and the influence of the military remains a major character of the modern state and governance in Uganda. The military and dominant ethnic groups in government tend to emphasise state-based processes to resolve conflicts without integrating traditional methods. For example, Idi Amin appointed over 700 soldiers, mostly from northern Uganda, as local governors in the public service to administer projects and programmes around the country including at the village level. Such state officials paid little attention to endogenous methods of resolving conflicts and ensured that systems of government always prevailed to achieve state interests. The monarchy also claims that each government sought to frustrate its entitlements and undermine the status of Buganda. There has been little room for the monarchy and the state to interact on policy and other aspects of governance where such methods could be integrated more formally in structures of the modern state.

Second, each political regime acquired an ethnic character, where the ethnic identity of a group had political consequences including differential treatment (Gurr, 1968). Uganda has experienced three civil wars and four military coup d'états. In all cases, elites of ethnic groups that claimed their members were excluded from state power and access to national resources mobilised to fight government. This is based on 'the belief that having people from one's region in positions of power facilitates access to resources' (Posen, 2005:2). In Uganda, this situation is partly a consequence of 'deadly ethnic distinctions' (Volkan, 1997:14) that 'were enforced by divide-and-rule policies of the colonial government' (Mamdani, 1996:18). Attempts by Buganda to make alliances with such groups, like the *Mukago* between KY and UPC, have not yielded much success in addressing Buganda's interests and priorities. These, the monarchy believes, will preserve the status, culture and identity of Buganda better in a modern state.

Third, militarisation and ethnicity were reinforced by a 'fusion of power' (Mamdani, 1996:31), whereby during each regime all state powers centred on the president, who also had 'tribal loyalties that produced nepotism and discrimination' (Oloka-Onyango, 1997:22). In the case of Buganda, out of

eight presidents since independence, three were from Buganda but all of them combined ruled for less than three out of 49 years. Yet, they were all removed by the military. Failure by Buganda to hold on to state power has made it difficult for such traditional methods to be integrated into systems and structures of the modern state. The monarchy claims that governments led by non-Bagandans continue to marginalise Buganda by refusing to meet its demands. According to Horowitz (1985), it is such putative ascription that accounts for the special difficulties ethnic conflict poses for democratic politics, and makes compromise so difficult in divided societies.

These factors suggest that the influence of the kinship group system to deal with political conflicts diminished with the rise of a militarised but ethnically divided modern state. The system was unable to deal with the demands of such a state, thus its influence was reduced to preserving the culture and identity of the Baganda. However, even with such a reduced role in the political affairs of Buganda, the system still poses formidable challenges to the stability of the state. Whenever threats against the culture, identity or interests of Buganda have emerged in the region, elites from the monarchy or political groups exploited the system to mobilise Baganda resistance especially to government actions.

The *Mukago* involving President Museveni is often referred to and narrated by Baganda elites whenever hostilities between the monarchy and central government escalate. It is viewed as a violation of a 'symbolic and rational traditional practice' (LeBaron, 2003) by the *Kabaka*. Mamdani (1996), while analysing Uganda's political history, attributed the impasse in democratisation to a persistent contest between civil and customary systems and elements of the society, where this provides a good example. He argues that 'de-ethnisation' of civil society and de-tribalisation of native communities would be the starting point to break the impasse. From experiences in the Buganda region, however, it remains unclear how de-tribalisation can be achieved without dismantling the kinship group system.

Efforts towards democratisation, state stability and viability in Uganda, as with many states in Africa, remain inattentive to traditional practices of dealing with local conflicts and how they can contribute to improved governance. On the other hand, traditional practices remain the lens through which a number of

local communities conceptualise and understand how local conflicts could be resolved. The Baganda continue to argue that the best way to de-escalate hostilities between the central government and the monarchy is for President Museveni to honour the *Mukago* he made with the *Kabaka* in 1980-86 (The Independent, 2010). Many elites also continue to exploit such claims to create 'ethnic differentiation and mobilize members to gain political power' (Rothchild, 1997:6). Yet they suppress these very traditional methods of dealing with conflict when they succeed in assuming power.

Conclusion

States are in constant flux. Political representation and justice require a discursive capacity that only an authentic conversation between traditional groups and the modern structures can truly satisfy. Indeed, state and traditional systems can work together cooperatively, complementing one another. However, this would require a fundamental re-orientation towards mutual respect and understanding, away from hostility and neglect. To pave the way to this re-orientation it might be advisable to consider focusing on synergy, on what each system could contribute to the constructive evolution of the other. Traditions and states are never static. They change over time. Engaging respectfully they can strengthen one another through legitimacy, effectiveness, and capacity to support all citizens in resolving their conflicts. A successful example in this area could also contribute tremendously to the evolution of political structures worldwide. Local traditions must be able to interact with and contribute to the state formation process. A shared focus on conflict resolution strategies and patterns might provide a very fertile and promising ground for this to take place.

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