



HAL
open science

Land rights activism and the struggle for power: Overlapping of the non-profit sector and the political sphere in Uganda

Gauthier Schefer

► **To cite this version:**

Gauthier Schefer. Land rights activism and the struggle for power: Overlapping of the non-profit sector and the political sphere in Uganda. 2019. halshs-02089769

HAL Id: halshs-02089769

<https://shs.hal.science/halshs-02089769>

Submitted on 4 Apr 2019

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

MAMBO!

Volume XVI (2), 2019

**Land rights activism and the struggle for power:
Overlapping of the non-profit sector and the political sphere in Uganda
Gauthier SCHEFER**

Introduction

This paper is about politics in Western Uganda and the multiple ways it relates to organizations of activists¹ working on human rights issues². It draws examples from a local organization³ dealing with illegal expropriations of land in the region. As land grabbing is pervading in Ugandan society, land rights defenders deal with actors from a large sociological spectrum, from poor farmers to top-level politicians. Advocating human rights against land grabbing entices exposure and risks.

I aim to demonstrate that the conditions for activism on land grabbing in a context cast as “hybrid authoritarian⁴” (Tripp, 2010) imply specific measures and strategies designed to master constraints. On the long run – as will be shown –, shielding against these constraints is shaping activist organizations into public-sector-like “institutions”. Organisations are therefore found at the intersection of the public and the private, or the profit and non-profit sectors. Paradoxically, the threat that organisations actually face is minimal, but it constitutes, nevertheless, the foundation of their credibility and legitimacy as “community-based organizations” in the eyes of Western donors, and a key narrative for their communication.

International academic studies of the non-profit and the NGO sectors in Uganda mostly underline the discrepancy between objectives and achievements – or absence of achievements (Ssonko Nabacwa, 2010). A common explanation is the “hidden agendas” of the milieu, that is, mostly their greed for money and power (Dicklitch & Lwanga, 2003). According to the aforementioned authors, this would explain why the field of human rights poorly contests the most contentious topics and their politicization. In this paper, my approach differs from dominant views of the human rights sector. Following Marie-Emmanuelle Pommerolle’s work on human rights NGOs in Kenya and Cameroon (Pommerolle, 2005), it focuses on the historical and sociological genesis of local organizations. Such an approach helps understand how they are

shaped through contingencies and strategies; it sheds light on the way in which processes of accumulation of both local/national/international influence and financial means enable autonomy and margins of action on opposing topics. In other words, it shows the way in which organisations become “institutions” similar to public-sector institutions.

Mastering the everyday risk: how a repressed group became a local “institution”

Recent significant Acts – namely the *NGO Registration Act* (2006) and the *NGO Act* (2016) – hardened the Ugandan legislation on NGOs. Field specialists feared a potential muzzling of the voices of human rights defenders. I will explain how the organizations under study – and more broadly the milieu of human rights NGOs (HRNGO) – reacted to this new legislative framework. I look at the Kabarole district of Western Uganda and how its geographic remoteness from the central government allowed organisations to develop specific strategies and be more vocal.

My case-study organisation was founded in 2006 by a group of activists who were already airing on local radios (Better FM, Life FM, etc.). In the broadcasts, they were denouncing corruption and asking the ruling elite to abide by accountability practices. Their shows had a social resonance: radio is the most important and broadly used media in the country (Brisset-Foucault, 2011). As a consequence, the very straightforward and polemical language used by these activists⁵ highly exposed them to retaliation. Following regular repressive acts, like beatings, threats, etc., they gathered and created an informal association that became a registered structure in 2007. However, at the time, the association was not registered as an NGO but as a “Company limited with guarantee without shared capital⁶” – a non-profit type of company – so as to avoid falling under a NGO Registration Act and consequently avoid seeing their licence withdrawn from them in

¹ The term “activist” is used by actors for self-qualification; we are using it in that way.

² The present paper is the result of an internship and field work conducted between February and May 2017 in Western Uganda within the framework of a Masters in African Studies at Paris 1 Pantheon-Sorbonne University. The names of the organization and its staff are voluntarily not mentioned. Our argument goes beyond this specific case study and could be used in broader comparisons.

³ In this paper, we refer to the case study organization as “organization” or “non-profit organization”, not “NGO”. Similar to NGOs in many ways, its legal status nevertheless differs – as will be explained later.

⁴ The expression underlines the mix of democratic, inclusive, and authoritarian mechanisms in Uganda’s governance.

⁵ For instance, they are explicitly giving lists of “corrupted leaders” names.

⁶ Companies Act, Cap.110. 1, 1961.

case they were accused of being “subversive”. This was far from being an uncalculated move: the founding members and directors of the institution are lawyers or experts in the development sector. While they first gained popularity through their broadcasts, they stopped going on air and progressively switched to legal advice, then legal representation and assistance to the poor. Until today, the founders and top-management of the organization are members of a local elite, occupying various top-positions in the district. Most are young men in their thirties, all of them graduated from Kampala University in social sciences or law. Most of them have known each other since their childhood and are well connected to an earlier generation of activists⁷. Additionally, some “elders” are engaged along their side as volunteers, notably former “bush soldiers” from Museveni’s army⁸, bringing in an unrivalled knowledge of the field and the people from the region: they had “freed” the region from Obote’s regime in the 1980s. One of them is a former Intelligence Officer, another one is a former Lieutenant, and both left the National Revolutionary Army (NRA) in the 1990s because of their disappointment about Museveni’s conduct of public affairs.

On the other hand, as the NGO grew bigger and received funds from Western countries donors (National Endowment for Democracy, KIOS Foundation, HIVOS, etc.), it had to fire members “infiltrated” by the ruling party, the National Resistance Movement (NRM). These “double-agents” tried to collect information and compromise the group by underlining its political motives, knowing that being explicitly “political” could lead to being designated as subversive and face hard repression. Conscious of these risks, the group of activists evolved from an organization with individual members structured as an association (internal democracy, collegial vote, etc.) to a hierarchized institution with important capital and human means.

In fact, a key condition to this “building-up” success, for such “community-based organizations” (CBOs), is the extension of local relays. In our case, most of them are low-level political actors (LC1)⁹ from villages, farmers themselves and farmers’ representatives. These local relays are attracted by the NGO through workshops or, mostly, through advertisements on local radios. They ensure the organization with a permanent and trustworthy network of informants and intelligence, implying lowered difficulties and costs in intelligence collection and access to local communities. Both are essential material for donor-funded organizations that need to account for their work with the rural people. Mostly poor and uneducated, the relays are the common targets for police arrests and private security hired by corporations, or even rich individuals, engaging in illegal expropriation. Given their importance and their exposure, the activists’ organization has to provide for and monitor the relays security. Thus, top-level activists are using their relations for freeing them from the police or prevent beatings, becoming more of a shield than a threatened group themselves. As mentioned above, the executive personnel of the organizations have international profiles, which holds a

strong protection. Furthermore, they have an exact knowledge of what they can do, what they are able to say, and their margins of action. The CBOs negotiate and solve potential risks daily, so that stories of violence used in their communications are experimented only by their local network. Nowadays, the only repression the organization may face is ritualised and genuine. Arrested executive personnel are freed in a matter of hours. Most of them know or befriend the policeman who arrest them, they socialize in bars at night, making threats more virtual than concrete.

Local networking is combined with networking at larger scales with regional and national level NGO networks specialized in inter-linking organizations, as the Development Network of Indigenous Voluntary Association (DENIVA¹⁰). They are connecting CBOs to ensure a collective protection against repression, while engaging in a rhetoric of compliance with the state and referring to legal conformity. DENIVA for instance implemented a certificate of quality for Ugandan NGOs, called the Quality Assurance Mechanism (QUAM), as a reaction to the Registration Act. “Diplomas” of that kind are aiming to claim a NGO’s conformity with the Ugandan legislation. It is supposed to show the state authorities that all certified NGOs are not involved in “subversive” acts, even though it is equally an argument for attracting international funds (Fafchamps & Owens, 2009). Quite normative in its ambitions, and highly representative of the progression of an evaluation business in the non-profit sector, such a program illustrates the overlapping of scales that NGOs are commonly playing on. Strategies of that kind offer cumulative and differentiated resources in terms of protection and opportunities; resources dragged from that level are then reinvested in the local field. One needs to understand the porosity between the non-profit world and the world of politics to get a better grasp at the modalities of the reinvestment.

Ambiguous relationships towards regional political actors and notability effects

Obviously, networking practices and the institutionalization of a non-profit organization do not occur outside the realm of public administration and the political field. Even if local activists managed to build extensive networks of interconnected actors inside the local political elite, it results more from logics of individual political engagement rather than from an overly conscious strategy. Far from being a rival or a co-optation organ, the world of non-profit organizations is even a privileged sector to reach political positions. In that regard, there is a fluidity of careers between political and non-profit staff. We have already mentioned the young local elite advocating on air: from the path of activism, some invested in different careers, from politics to human rights. Some used the reputation and notoriety earned with the local population through their activism, or their public proximity with activists, to get into various political positions that would otherwise be difficult to reach at such an early age. The local head of the main opposition party, the Forum for Democratic Change

⁷ For instance, cultural associations with political discourse on the kingdom or radio broadcasters.

⁸ Museveni accessed presidency when overthrowing Milton Obote in 1986 after 5 years of guerrilla war (1981-1986).

⁹ In Uganda the decentralized administrative system is made of 5 gradual echelons (LC1 to LC5): *village, parish, sub-county, county/town, district* (Kakumba, 2010).

¹⁰ DENIVA is a Ugandan organization with offices in Kampala and an extended network of partners’ country-wide.

(FDC), and the speaker of the municipal council for instance, both originates from the group of activists I worked with.

A fusing of personal interests and reciprocal values, these professional politicians share information and confidential documents with the activists. For instance, they divulge cases of corruption from their political adversaries, which the organization is using in both its reports and press conferences, increasing its notoriety. Provision of information by political actors manifests the intense rivalries inside the ruling party (Wilkins, 2017), the NRM, especially the importance of its dissident wing in Kabarole. In an ambiguous manner, a branch of these young reformists makes use of the stamp of “activist” to gain influence in Museveni’s party using popular support, and of an established network of low-key dissidents within the NRM.

But the top-management of non-profit organizations is not shy when interacting with the political class: human rights defender careers may be quite attractive and rewarding. Non-profit elite’s earnings may be higher than the official salary of top-level local politicians – an exception being Members of Parliament – and becomes exponential if they are implicated in numerous programs, considering that they get compensation for each program they are involved with. The status of human rights defender also offers a privileged access to the international level – a significant indicator of success in local eyes. Thus, top non-profit managers are becoming public figures (Siméant, 2014), which goes together with considerable leeway in their actions.

In other words, high fluidity between non-profit and political networks, and autonomy, helps understand how those who manage to make a career are truly becoming notables in the region. The academic debates over the hidden agendas of NGOs and on co-optation are far less relevant as soon as we understand that the development of an influent structure implies notability effects in itself.

An insight on the political agenda of non-profit organizations: the overthrowing attempt of the Tooro King in 2015

Community based organisations as these are picking the interests of donors looking for durable partners with whom they can spend their operational budget. When looking for partners to implement new programs, they prioritize them and have a link of reciprocal dependence. Fidelity of that sort provides the “elected” organization with a regular income that may be spent with relative care. In fact, it allows activists to directly invest in the political field in a dubious manner. Here, we examine the role the young activist elite played in the local power fight during a specific event: the overthrowing attempt of the Tooro King in 2015.

The Tooro Kingdom comprehends the 4 Ugandan districts of Kabarole, Kyenjojo, Kamwenge and Kyegegwa. Its palace is located in Fort Portal, Kabarole district. Kingdoms were abolished in Uganda in 1963, and then re-established in 1993 by Museveni, deprived of their executive and judicial powers by the Ugandan Constitution of 1995. However, the power and omnipresence of the kingdom in the local political scene originates in its still high land revenue – many peasants are living on or occupying the kingdom’s land. Moreover, the Queen Mother Best Kemigisa and her son, the current king, King Oyo, are Museveni’s long-



Picture 1: A map of Uganda, showing the Toro Kingdom @Valérie Golaz

time allies. They used this support at various times to go against the law and sell off portions of the royal land without any prior consultation – e.g., of the Kingdom’s Parliament that represents the local clans. In 2010, the sales led to illegal and massive expulsions of land occupants, severely harming the Kingdom’s popular support. Unpopularity paved the way for an outsider in the political field – Prince Kijanangoma, a cousin of the king who spent the majority of his life in the US – to launch a political movement in 2015, aiming at replacing King Oyo. However, Kijanangoma was promptly fooled by the central government emissaries. They engaged in negotiations and told him to wait until the 2016 election, then will he be satisfied. It did not happen. During these few months of political unrest, the young elite of activists – notably the organization I worked in – played an important role at Kijanangoma’s side. Their network organized meetings and radio shows, using personal funds and even allegedly¹¹ using donor’s money.



Picture 2: An electrified fence built by the landlord to prevent “squatters” from cultivating a banana field in Kasenda sub-county, Kabarole district. @G. Schefer

After the start of the negotiations, a big portion of these young elites rapidly turned their back on Kijiangoma, and his camp split in two. The “elders”, mostly some influential local notables, were on Kijiangoma’s side and wanted a negotiated outcome. The “youth” on the other hand, led by educated activists, were opposing the process. They continued to mobilize the population so that the importance of some protests raised the central government’s attention. In the end, the movement broke down.

What is the most compelling here is not the story of the event in itself, but the local relations of power the incident highlighted. The network of young activists and politicians was carrying a political project of dismantling the kingdom’s institution, viewed as obsolete and irrelevant in its interventions in the conduct of public affairs.

They also regarded it as a major obstacle to their personal career ascension, being led by a queen and a king they were enemies of. Thus, for the influent members of the group, Kijiangoma – besides being fairly illegitimate in Tooro – was not a king to be crowned but a “weak man¹²” to be manipulated and used. They wanted to cause an upheaval, overthrow King Oyo, launch a popular referendum, then dismantle the Kingdom of Tooro and build a more democratic governance in the region. As one of them explicitly said on air in 2011, the Ugandan Constitution allows a popular referendum on the destitution of the kingdom: “Are Kingdoms relevant? Do we really need them to harass us? Are there means we can use to avoid such acts from happening? Our Constitution answers that: we can reject Kingdoms if they don’t suit our culture, desires and aspirations as a community.”

The Tooro Kingdom events illustrate the power of the local human rights actors, carrying an agenda of political re-foundation of the community. This historic sequence could have led the organization to a more explicit politicisation. But, following the event, Kijiangoma and Oyo’s power were tarnished, whereas the activist organization maintained its influence. Moreover, it partly earned the privileged position of direct interlocutor with the local government – replacing the weakened kingdom.

Conclusion

In a hybrid authoritarian context, the production of a highly critical discourse and the involvement in the local political field come with a cost for a non-profit organization. It requires margins of actions and liberties that only strong organizational structures may possess. Moreover, the genesis of such “institutions” comes as the unintentional result of daily actions the non-profit organization implements to secure its margins of action, combined with political strategies. An example of it is the 2015 struggle for the head of the Tooro Kingdom. In fact, an organization that “makes it” internationalizes its funds and deploys rooted local networks of “volunteers”, relying on them for influence and autonomy. Repression in itself only occurs as ritualized practices and as a

narrative designed for Western donors, used to underscore the risks the activists are supposed to live under. In Museveni’s Uganda, the constant link with both international donors and the local political personnel could be less an indication than an insurance of having secured margins of action. Autonomy, even if incomplete, is a result of this long-term work. Actions and political discourses – disguised as technical, using the vocabulary of the law – of the activists are rendered possible because they overcame the status of local individual activists.

References

Tripp Aili Mari, 2010, *Museveni’s Uganda. Paradoxes of Power in a Hybrid Regime*. Boulder, Lynne Rienner Publishers.

Brisset-Foucault Florence, 2011, *Prendre la parole en Ouganda: critique et citoyenneté sous l’hégémonie du Mouvement de Résistance Nationale (NRM)*, PhD Diss. in Political Science, University of Paris 1 Panthéon-Sorbonne.

Dicklitch S., Lwanga, D., 2003, “The Politics of Being Non-Political: Human Rights Organizations and the Creation of a Positive Human Rights Culture in Uganda”, *Human Rights Quarterly*, 25, 2, p. 482-509.

Kakumba U., 2010, “La participation citoyenne et le développement rural au niveau des autorités locales : réflexions sur le système de décentralisation en Ouganda”, *Revue Internationale des Sciences Administratives*, 76, 1, p. 183-200.

Fafchamps M. & Owens, T., 2009, “The Determinants of Funding to Ugandan Nongovernmental Organizations”, *The World Bank Economic Review*, 23, 2, p. 295-321.

Pommerolle Marie-Emmanuelle, 2005, *À quoi servent les droits de l’Homme? Action collective et changement politique au Cameroun et au Kenya*, PhD Diss. in Political Science, Institut d’Études Politiques de Bordeaux.

Siméant Johanna, 2014, *Contester au Mali. Formes de la mobilisation et de la critique à Bamako*. Paris, Karthala, coll. « Les Afriques ».

Ssonko Nabacwa M., 2010, “Relations between gender-focused NGOs, advocacy work, and government: a Ugandan case study”, *Development in Practice*, 20, 3, p. 395-406.

Wilkins S., 2017, “Who pays for *pakalast*? The NRM’s peripheral patronage in rural Uganda”, *Journal of Eastern African Studies*, 10, 4, p. 619-638.

Biography

Gauthier Schefer is a MA candidate in the Department of European Political and Governance Studies at the College of Europe, Bruges, currently working on the post-Cotonou agreements and the European Union-Africa relationship. This paper is the result of a previous Master’s degree completed at the Sorbonne University in the Department of Political Science – African Studies.

Contact : gauthier.schefer@coleurope.eu

¹¹ Some interviewee on Kijiangoma’s side made such assertion, but we couldn’t confirm it using evidence.

¹² The expression was repeatedly used by members of the group, that is why we are quoting here.