

INSTITUTE OF CURRENT WORLD AFFAIRS

IMW-27
The Lost Counties

P.O.Box 5113
Nairobi, Kenya
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Mr. Richard H. Nolte
Institute of Current World Affairs
366 Madison Avenue
New York 17, New York

Dear Mr. Nolte:

In a few days Uganda will become an independent nation. Until several years ago the "pearl of Africa" was widely expected to be the first East African territory to achieve this goal, but at the last moment Tanganyika beat it to the draw with a combination of factors including its own massive African and European unity in comparison with Uganda's obvious lack of unity. Clearly, in almost every outward sign, Uganda has been qualified for independence for years, but Ugandans' inability to come together to attain their common goal has delayed it until the ninth of October.

That Uganda is now achieving independence is due in no small degree to the efforts of Her Majesty's Government which has convinced, cajoled and at times even forced the Uganda Government into agreement on various contentious issues. Actually the final negotiations for her independence were so hastily concluded and the solutions to some outstanding problems were so vaguely stated that there is no general agreement on what the solutions actually entail.

In this context I am referring specifically to the question of the Lost Counties, an internal boundary dispute between the Kingdoms of Buganda and Bunyoro. Essentially a tribal dispute, their ownership has been at issue for almost seventy years and the decision at the Lancaster House Conference last June, in effect to defer any decision for at least two years, presents the present Government, a Uganda Peoples Congress-Kabaka Yekka coalition, with its greatest challenge.

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The Omukama of Bunyoro
Sir Tito Gafabusa Winyi IV

(Photo Smith Hempstone)



The Lost Counties comprise the three counties of Mubende District (the western part of Buganda) and a large area in the north of Buganda. Although they are now part of Buganda and have been since the signing of the 1900 Buganda Agreement, formerly they were either part of Bunyoro or subject to her rule. At the time of the British arrival in the 1880s the Omukama of Bunyoro, Kabarega, was an able and aggressive king, and he was determined to regain Bunyoro's lost prestige at the expense, largely, of Buganda. On the other hand Mwanga, the Kabaka of Buganda, enlisted the support of the British against his traditional enemy, Bunyoro, and a series of bloody battles took place in the early 1890s.

Kabarega's armies were no match for the combined British and Buganda forces, and he suffered a series of defeats ending in his flight from Bunyoro in 1894. Evidently without prior consultation with his Government, the British military commander promised the Buganda chiefs the area now known as the Lost Counties in return for their assistance in fighting Kabarega. His promise did not become known to his successor until the end of 1895 whereupon the disputed area was handed over to Buganda. The 1900 Buganda Agreement legally recognized this transfer of territory.

Needless to say the Banyoro never accepted the breakup of their former Kingdom, and the dispute has since been kept alive on the strength of old tribal rivalries and traditions. With the coming of independence Bunyoro's demands for the return of the Lost Counties have become insistent and determined.

Bunyoro bases its claim on three factors. It asserts that historically the area formed part of Bunyoro, that a large proportion of the population of the area are Banyoro, and that under Buganda's rule this section of the population has been discriminated against. Bunyoro also points out that the Lost Counties are more important to Banyoro sentiment than much of what is presently Bunyoro, because the tombs of all the Omukamas who died before 1900 are situated inside of what is now Buganda. These tombs have an important place in the ritual of the dynasty as it is customary for a new Omukama to be crowned at the tomb of his predecessor.

The Munster Commission, which in 1961 investigated the question of the relationship between the Central Government and local authorities in an independent Uganda, emphasized the danger that other parts of Uganda might become involved in the dispute, and it feared it might even lead to civil war. They proposed that a referendum should be held in three of the disputed counties.

When the question was discussed before and during the October 1961 Lancaster House Conference, neither Buganda nor Bunyoro would agree to a referendum, the former because Buganda wouldn't countenance any loss of territory, and the latter because of Bunyoro's insistence that a referendum be held in all the counties claimed by her. The decision was made to appoint a Commission of Privy Councillors to investigate the situation and make recommendations. The Buganda Delegation to the Conference undertook to give "full and careful consideration to the Commission's recommendations", but the Bunyoro delegate insisted the matter be solved at the conference

and when told it could not, he walked out.

The Commission was duly appointed under the Chairmanship of Lord Molson, and the Report (although presented to the U.K. Government in early March) was published in May after the general elections at the end of April. The Molson Report is an interesting and well documented paper. The Commission investigated every cause for complaint and came to the conclusion that "a limited transfer of territory is essential to achieve a just and lasting settlement of the dispute". They proposed that two of the counties in Mubende District should revert to Bunyoro for not only is the population in them predominantly Banyoro but their loyalties are entirely directed to the Omukama and all "attempts to assimilate them into the Kingdom of Buganda have failed entirely". They suggested that in return for the two counties, Bunyoro should "forever renounce" her claim to the rest of the Lost Counties.

Furthermore they considered a referendum to be ill-advised primarily because it would exacerbate tribal feelings and probably lead to bloodshed. One final comment of the Commission is worth noting: "It strikes us as being most significant that while Banyoro on both sides of the boundary were prepared to acquiesce under protest in the 1900 settlement while the British Administration was still firmly in the saddle, the course of events since 1955 has shown clearly that they are not prepared to tolerate the present situation after independence."

The Buganda reaction to the Report was one of horror. The Commission was widely denounced, the Report described as "an empty document", and the recommendations were said to be outside the Commission's terms of reference. In the Buganda Parliament, the Lukiko, one of the Kabaka's ministers demanded the report be burnt and said, "There should never be a word about Buganda's counties reverting to Bunyoro". Several members suggested that Buganda prepare for war to protect the counties.

Thus by the time of the June 1962 Lancaster House Conference, where the final details for Uganda's independence were to be ironed out, the battle lines were drawn, and there was little room for constructive negotiation. Both sides had committed themselves, and so agreement proved impossible. It fell to the Colonial Secretary, Reginald Maudling, to impose a solution. I reproduce it in full from the Report of the Conference.

- (a) There would be no immediate transfer of territory.
- (b) The administration of the two counties of Buyaga and Bugangazzi would be transferred to the Central Government.
- (c) After not less than two years from the date of transfer the National Assembly of Uganda would decide upon a date for a referendum in these two counties in which the electorate would be asked to express their preference between the following choices:
 - (i) to be part of Buganda, with the administration of the area reverting to the Kabaka's Government;

- (ii) to be part of Bunyoro with the administration of the area passing to the Government of Bunyoro; or
 - (iii) to be a new District, remaining under the administration of the Central Government.
- (d) The future of the two counties would then finally be determined on the basis of the views expressed in the referendum.

As a result the Bunyoro Delegation again walked out of the Conference. Buganda was on the verge of doing the same until, it is said, the Kabaka's counsel prevailed. Instead it announced the decision was "wholly unacceptable".

And so the situation remains today. Skeptics feel the compromise was in effect, a surrender to Buganda, and that Uganda's new constitution is so worded that the transfer of territory to the Central Government will never take place, not to mention the referendum which has been postponed indefinitely. Optimists, on the other hand, point out the Kabaka's moderating influence in keeping the Buganda Delegation at the Conference. Otherwise they can't really point to anything concrete. Prime Minister Obote has pledged himself to carry out the Maudling formula and place the two counties under Central Government administration, but he has failed to present a White Paper to the present session of the National Assembly on how this would be done, as he had promised. This is understandable if only because Mr. Obote relies on a UPC-Kabaka Yekka coalition in his government. Kabaka Yekka is a Buganda royalist movement which controls about one-fifth of the present Assembly, and it would not hesitate to throw the present Government out of office were Buganda to be threatened.

Therefore the solution lies primarily on the Prime Minister's skill as a negotiator. He has amply proved his ability in this capacity before, but then he has never had such a tough nut to crack. The latest reports out of London, where he was until recently, however, are optimistic. Colonial Office circles have let it be known that the dispute may be resolved in the near future without resorting to the plebiscite or time clause agreed upon at the London talks. This could well lead to the return of two of the disputed counties to Bunyoro.

If Obote can pull this off, it will be a brilliant move. Not only will it strengthen his own position immeasurably, but it also would produce that "gesture of statesmanship" from Buganda which has been sought by so many for so long.

Very sincerely yours,



Ian Michael Wright