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**Public Spaces, Private Property and the Displaced Corpse**

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This panel aims to investigate the fate of sacred spaces, in particular burial grounds in the era of global capitalism. The discourse of development and public good is presented as a justification for the displacement of individual connections with the land through burial. Yet ironically this appeal to the public good is often accompanied by the privatization of what were previously public space and the reduction of the individual's access to what are considered by some to be sacred places. These 'sacrilegious' attempts have generated a range of local resistances aimed at limiting the public authorities power to determine the reconfiguration of the city. Within the context of the global extension of global capitalism, these interventions have proved in some ways minor irritations, yet they have opened a space within the public sphere for discussion about the meaning of ritual practices and burial in the culture of modernity. We look at the complex social debates initiated when public spaces of burial are transformed into private commercial property. The two papers we propose for this panel so far look at two instances in which the dead have been displaced or are threatened with displacement to make way for commercial development, the first in Kampala, Uganda, the second in Cape Town, South Africa.

**'Hey KCC, Don't f... with my Zombies!'<sup>1</sup> Displacing the Dead from Lugogo by-pass Cemetery in Kampala, Uganda.**

This paper is at once a personal reflection on burial and exhumation and an interrogation of the ways in which public places such as cemeteries and natural forests have become sites of contestation as they are transformed into commercial property. I begin by telling the story of my parents' remains, at the same time I attempt to trace aspects of the history of the Lugogo by-pass cemetery where they were buried. My essay is a personal reflection on this decision to de-individualize and displace the dead in the interests of commercial development. My reflections have raised complex questions that make me look critically at how the government is appropriating public land; turning it into private property in the purported interests of modernization, industrialization, globalization and commercialization. Sacred places, such as schools, prisons, wetlands, natural forests and burial grounds, have become contested spaces because they are regarded as prime property.

In this paper, I use three different case studies, the Lugogo bypass cemetery, the Kawaala urban project and Mabira Forest; I read them through four different concerns: Firstly, the

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<sup>1</sup> Taken from Tumijuke's Blog 'Hey KCC, Don't fuck with my Zombies!' <http://Ugandainsomniac.wordpress.com/2007/12/07> ... (Accessed 6/6/2008)

cemetery, the residential area and the forest can be seen as sacred places; secondly the exhumation of bodies from public cemeteries, the evictions of the residents of Kawaala, and the proposed give away of Mabira forest can be viewed as ‘sacrilegious’ acts committed by government authorities who are using the rhetoric of development to transgress on this public space, and lastly the way in which these ‘sacrilegious’ acts have evoked responses from the public. The broader interest is in how these three cases enable me to reflect critically on the workings on the public sphere and the interaction between the public and state powers and the different ways in which the public is engaging with these various acts. These debates have entered the public sphere through print media and the internet, which is in itself a new way of displaying resistance in a modern world.

The terms ‘sacred’ and ‘sacrilegious’ in this paper are being used as shifting concepts, the Lugogo by-pass cemetery is a sacred place, because it has been a burial space for decades, the act of displacing the dead can therefore be seen as a ‘sacrilegious’ act. The Kaawala urban project would have involved the ‘sacrilegious’ act of evicting residents from the land from which they derived their livelihood, while destroying ancestral burial grounds. Mabira Forest can metaphorically be regarded as a ‘sacred’ space, and its intended destruction could be seen as a ‘sacrilegious’ act, in modern times a general disregard for the environment has adverse effects on climatic change.

### **Personal reflections on my parent’s burial places, and the threat of their exhumation:**

I was born and raised in Kampala, Uganda. My mother was born in Burundi, but raised in Rwanda, eventually settled in Uganda where she married my father. He was born in Kisoro district in South West, Uganda. Although my parents were born in different countries they belong to the same ethnic group the Tutsi. I was only eight years old in 1977, when my mother died at an early age after battling breast cancer; she was buried at the Lugogo By-pass cemetery in Kampala. My father passed away from liver failure in 1985, I was sixteen years old. At the time of my father’s death, Uganda was going through the civil war that ushered in the current regime of Yoweri Museveni, the country had been split into two sections, the Western and South Western regions where under the control of the National Resistance Army, while the rest of the country was under the rule of the Ugandan National Liberation Army led by Major General Tito Okello. Because my father died in Kampala, his remains could not be returned for burial at his ancestral home in South Western Uganda. He too was buried at the Lugogo by-pass cemetery.

They are two public cemeteries at the centre of this dispute. The one is located on Jinja- road (Christian cemetery); it was established in the 1920 as burial grounds for former British citizens who died during the colonial era. The second is the Lugogo by-pass (Parsi cemetery) which supposedly belonged to the Zoroastrian community a section of the Indian population in Uganda. When Idi Amin expelled up to 80,000 Asians in 1972, Kampala City Council (KCC) took over custodianship of the cemetery, however they did not maintain the graveyard, it was overgrown, most of the graves had caved in including my mother's; at one point the cemetery was used by thieves as a convenient hideout. I have returned a number of times to Kampala and always make it a point to visit my parents' final resting place and I have witnessed the gradual dilapidation of the cemetery. It has always bothered me firstly, that my mother's grave was gradually disintegrating and would eventually cave in and disappear, secondly, that there was no trace of my father's grave. KCC did not keep proper records of who was buried in the cemetery, with all the political instability and changes it was impossible to get any information from government officials. Personally, it felt as if I was losing my only connection to my parents. Because whenever I visited both my paternal and maternal parents' homes they are burial sites of my deceased relatives, which is a tangible link to them. I have since learnt that because the cemetery was filling quickly during the war, most of those who were buried in the cemetery were placed in mass graves, including my father, he was buried in an unmarked grave. In 2005, I decided to restore my mother's grave, and place both my parents' names on either sides of the tombstone. In 2007 when I was in Kampala I visited my parents reconstructed graves. **(Slides)**

While I was in Kampala at that time, there were unconfirmed rumors circulating that the bodies were going to be exhumed from the cemetery. Early this year these reports gained momentum when the newspapers began reporting on the exhumation process. It transpired that bodies were clandestinely being exhumed, a wall two meters high was constructed around the cemetery and access had been blocked by a padlocked gate.

This exhumation process raised some personal questions:

### **Why was my mother buried in that cemetery?**

Most people in Uganda, except for exceptional circumstances are buried at an ancestral home. In the case of women, when they get married they join the natal home of the husband, so culturally, I thought, my mother should have been buried at my father's ancestral home, in

Kisoro, being buried in a public cemetery seemed anomalous. On enquiry, it turned out that burying at the ancestral home happens in Buganda but not in Kisoro, because I had grown up in Buganda, and I had internalized the burial customs of the Baganda.

According to the anthropologist John Roscoe, In Buganda, where the sovereign owned all the land, it was customary for each clan to have its own burial-ground, and that ground was the freehold of the clan, their claim being the only one which the king admitted to be legal, and even he would not dare to interfere with such property. A burial-ground was constituted by the burial of some four generations in one estate, and it was therefore the duty of a chief never to allow any family to bury their dead anywhere but in their clan burial-ground. It was a duty laid upon the members of a clan to see to the burial of their dead, and any man knew he was sure of burial if there were any of the relatives in the vicinity when he died. It was imperative on clan members to nurse a sick person, and after death to see to the burial . . . . To touch the bones of the dead or to meddle with the graves would bring the wrath of the ghost upon the intruder, for these grounds were sacred. (John Roscoe: Journal of the Royal African Society, Vol. 22, No. 87, (Apr., 1923), pp. 218-225)

Since the Baganda were agriculturalists, as a settled community with strong ties and links to the land, burial sites and spaces were always and are still sacred and revered; in fact ownership of land in modern times is still tested by means of burial grounds.

Since the Tutsi were pastoralists, and led a nomadic life, they did not attach the same importance to the land. I have subsequently discovered that among the Tutsi it was not the custom that a person be buried at an ancestral home, in fact they were no ancestral homes. Instead a person was buried wherever they died. When a person passed away, a natural memorial was erected to mark their final resting place. So although in recent times there has been some cross pollination in terms of burial customs, because most people bury at an ancestral home, culturally it was not uncharacteristic that my mother was buried in a public cemetery in Kampala. She was not buried at my father's ancestral home, because my father and his mother, my grandmother had had a disagreement, he had vowed never to return to his village, until this dispute was resolved, at the time of my mother's death it had not been settled.

**Who owns the cemetery?** It is not clear, one report says that KCC owns both cemeteries, another says KCC own the Jinja road cemetery, and the Lugogo by pass cemetery is owned by the Zoroastrian community, a fourth report says that both cemeteries were sold to a company called Ham-Kag Ltd

**Who is exhuming the bodies?** The exhumation was outsourced to a company called Evergreen, but with all the confusion surrounding the ownership, it is not clear who is paying for the exhumation process. Is it KCC, the Zoroastrian community or Ham-Kag Ltd?

**Where are the bodies going to be reburied?** No one is sure for certain; reports again say Nakigongo in Jinja, Kitigoma in Mukono, Kitoma-Bulumagi in Mukono, Maya in Nsangi sub-county.

The story has changed so many times one does not know who or what to believe. The rumor that is continuously circulating in the public sphere is that, the two cemeteries are going to be used for commercial purposes for the construction of a modern shopping mall and residential apartments.

### **What are the legal implications?**

According to section 120 of the Penal Code Act 1950 of Uganda

On Trespassing on burial places.

Every person who ... commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, commits a misdemeanor.’

This is what the law stipulates, but the challenge is to find out who actually owns the cemetery? Who is trespassing on these burial places, who should be persecuted? Even if the case goes to court, the general punishment for misdemeanors is imprisonment for a period not exceeding two years.

Land in Uganda, particularly in the capital Kampala is becoming a complex and contentious issue because it is increasingly scarce. Uganda’s population is growing at an average rate of 3.4% per annum. The UN estimates that Uganda will have 130 million people by 2050, almost have five times the current population (28 million) this is putting pressure on available land resources, especially in the cities where the average annual urban growth in sub-Saharan

Africa is estimated at 4.7 percent (Coquery-Vidrovitch, 2005:8) In spite of this massive expansion and the increased demands for land there has been insufficient planning that takes into account the future needs of the city. The government of Uganda, various municipalities and potential investors tend to disregard socio- cultural and environmental issues under the guise of economic development which has a negative effect on the present and future generations.

My interrogation of the exhumations at the Lugogo by-pass cemetery led me to look at other ways in which KCC has gone about appropriating public spaces; the exhumations are not an isolated case. In *Women and Politics in Uganda*, Aili Mari Tripp documents the case of the Kawaala Housing project in detail. It was started in 1989; it was to be the first urban project in Kampala since independence in 1962. The project was financed by the World Bank through the Ministry of Finance. The World Bank had indicated that it needed the support of the government and the residents of Kawaala before the funding was granted. Its aim was to provide the residents of Kawaala with piped water, improve sanitation, repair roads, install electricity, and build four primary schools, four nursery schools, one community centre, one dispensary, a post office, a shopping centre, and a market. KCC gave the World Bank the assurances that extensive consultations had taken place and that all parties had agreed to the project.

However, it transpired that they had been no consultations with the residents, in fact the Town planners had not even visited Kawaala before drawing up the plans, because if they had done so, they would have realized that Kawaala already had four primary schools, a secondary school, a nursery school and a dispensary, so what was being proposed was not what the residents required. More importantly, KCC failed to recognize the cultural importance that was attached to land in Kawaala. 'Kawaala land belonged to the Kabaka until 1966 when the state claimed it. The area was settled primarily by Baganda, for whom the land and the fact that many ancestors were buried in the area, [were cultural issues] closely tied to questions of identity.' (Tripp 2000:181) The land was the central issue at stake, evicting and displacing them residents from this area, was regarded as a 'sacrilegious' act that would sever them from their cultural heritage because most of them had lived there for years and had buried their ancestors on the land. 'In a letter to the Kabaka requesting his assistance, the residents reminded him that the land included the burial ground of Mugema, the great-grandfather of the Buganda (sic): Senkezi and Bawala-enkedi of the Mamba clan; Mukangula, who was

Mutesa's gate-keeper; Sabaganzi Mwakiri, who was the maternal uncle of Kabaka Mutesa and Bubasuula of the Ngeye clan.' (Tripp 2000:185) In spite of the bullying tactics of KCC, the Kawaala residents won this battle; it ended after a four year battle in which civil society had organized against KCC officials, the World Bank and the Local Council authorities.

[T]he residents especially the women involved, were trying to institutionalize some new norms for community mobilization, not just in Kawaala but more widely in providing a model for other community projects. They had a vision of a more collaborative effort that took the needs of women, widows, children, and the elderly as a starting point and recognized their dependence on their land for survival. ... They also sought to preserve a moral and cultural order that valued the centrality of land and revered the ancestors who were buried on the land. (Tripp 2000:194)

The World Bank eventually pulled out, ostensibly because KCC had not met a deadline in regards to compensation for land, but underlying this could be the controversy and the open resistance that they received from the residents. As Tripp argues,

World Bank representatives never publicly acknowledged their responsibility. They saw themselves merely on the sidelines as a financial institution swerving as the financier of the project. Yet residents saw matters differently, 'The World Bank was one of the forces that was aiming at displacing us. Their pulling out was welcome,' said ... the newly elected chairman of the LC1 Kawaala. (2000:192)

In this case, the World Bank and state officials used the rhetoric of development and yet the lack of consultations with the residents of Kawaala indicated a total disregard for issues of accountability and good governance.

The exhumation of bodies buried at the two cemeteries, the eviction of residents from Kawaala show that they are no sacred places anymore, the last and current controversy is around the governments' proposed sell of a section of Mabira tropical rainforest to The Mehta Group for agribusiness purposes. Sugar Cooperation of Uganda Limited SCOUL is a joint venture between the Uganda government and the Mehta Group, who wanted to increase their sugar cane plantations and boost sugar output from 50,000 tons to 110,000 tons. So they approached President Yoweri Museveni who proposed that the government give the Mehta

Group 7,100 hectares of the forest reserve. Mabira has been a forest reserve since the 1930s; it can be seen as sacred place in terms of the environment, which globally is under constant threat. This forest is home to approximately 300 bird species, including the Nahan's francolin which is an endangered species, 312 tree species, 200 butterfly species, nine of which can only be found in Mabira Forest and the surrounding forests, and nine species of primates. By converting a quarter of the forest into agricultural land, it would threaten the rich ecological system. The change in land use would also impact negatively on Mabira's biodiversity which maintains the water levels of Lake Kyoga, 'Lake Victoria and River Nile and the communities around Mabira forest benefit from the nutrients in the forest' (Nalugo: 19 July 2008) the effects of the change in land use would eventually spread to all the countries that depend on the Nile Basin.

This sparked out cry, in the public sphere as civil society, and members of parliament mobilized themselves to put pressure on the government to stop the forest give-away. Environmental activists launched the Save Mabira Crusade Phase II and took to the streets on the 12 April 2007 to demonstrate against the proposed expansion of the sugar plantation, unfortunately this mass protest ended in the death of three people. The environmental activities phrased their concerns by appealing to environmental justice, they argued that 'the unpredictability in climatic conditions that threaten the survival of mankind, have led to the development of a basic international environmental precautionary law principle to protect and conserve nature for the benefit of present and future generations. [This] principle which governs the exploitation of natural resources like forests, was developed following the 1982 World Charter of Nature which provides in its principle 11(b); that activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; that their proponents shall demonstrate that expected benefits outweigh potential damage to nature. (*Monitor*:27 December 2007)

Following the negative publicity, the government scrapped these plans, but this was a short-lived plan. In December 2007 President Museveni revived the controversial plan to hand over parts of the forest, in a confrontational mood, he began by attacking all those who were opposed to his plan by labeling them 'criminals and charlatans' who were against economic development. In defense of the Mehta Group he said that 'Mehta wants to expand his factory ... in the under-utilized part of Mabira ... criminals and charlatans kicked up lies and caused death. We suppressed the thugs, ... he reiterated if we do not industrialize, where shall we

get employment for the youth? I will mobilize the youth smash ... these cliques obstructing the future of the country.' (*Reuters*: 21 December 2007) The future of country is not only in economic development. It is in economic development, which is ecologically viable, because the environment should be protected for the future youth. By using the rhetoric of economic development to support the sacrilegious act of destroying this natural resource, Museveni fails to recognize that the damage caused to the environment is irreversible. The public protests and resistance are aimed at the destruction of the country's natural resources and not at economic development. Museveni's hostile attitude has not deterred civil society; they are turning to the justice system for protection.

... a petition was filed by a coalition of environmental activists in the constitutional Court challenging government's actions to destroy the forest. The petitioners led by the Advocates coalition for the Development and Environment have argued in their petition that government's determination to parcel out parts of Mabira forest have the effect of limiting the citizens' fundamental right to a clean and healthy environment. One of them is the intergenerational equity principle that calls for equity and fairness in the exploitation of environmental resources between generations. In essence the principle demands that the present generation should ensure that the health, diversity and productivity of the environment are maintained for the benefit of the present and future generations. It's imprudent for government to serve the interests of a few private investors while ignoring the concerns of the majority of the citizens... . (Sserwanga: 30 June 2008)

In conclusion, I would like to return to the Lugogo by-pass cemetery, it is still uncertain what is happening to the cemetery. The Mayor of Kampala said that in fact the application by Ham-Kag Ltd had been rejected by the Executive committee because of the historical and tourism value of the cemeteries. He had 'resolved to beautify these cemeteries and maintain them as tourist attractions.' This is the same Mayor who said at the time of Amin's funeral in 2003 'that by burying Amin in Saudi Arabia, Uganda had lost the opportunity of attracting tourists to see Amin's grave.' One can see how tourism also becomes a form of false developmental rhetoric that continues to profit on the sacred space of the dead. At the same time, the South African government was inadvertently drawn into this furor. They were told by government officials that they were Mkhonto Wesizwe (MK) soldiers who had been buried at Lugogo by-pass, they were also informed that people had started encroaching on the cemeteries. They

were given permission to exhume the bodies which were in marked graves, and rebury them at Kawaweta where on the 9 October 2008, when then President Thabo Mbeki was supposed to officiate at a ceremony where he would handover the O R Tambo School of Leadership which had been refurbished by the South African government. In a symbolic gesture President Yoweri Museveni would in turn give him the remains of the MK soldiers to be reburied at this former African National Congress Camp.

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