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UGANDA PROTECTORATE

MEMORANDUM ON CONSTITUTIONAL DEVELOPMENT  
AND REFORM IN BUGANDA

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**H**is Excellency the Governor and His Highness the Kabaka, with their Principal Advisers, have recently held a series of discussions about constitutional and local government development in Buganda, with a view to giving increased responsibilities to the Buganda Government and a greater part in the system of government to the people of Buganda. The purpose of this statement, which is issued jointly by His Excellency and His Highness, is to set out for the information of the Great Lukiko and of the general public the decisions which they have jointly reached with the full approval of the Secretary of State for the Colonies. In brief these decisions are as follows:

- (i) responsibility at the Provincial level and below for the operation of certain departmental services will be transferred from the Protectorate Government to the Buganda Government;
- (ii) there will in consequence have to be financial adjustments;
- (iii) His Highness the Kabaka has decided that there will have to be an increase in the Senior Officers of the Buganda Government;
- (iv) he has also decided to increase the number of elected members of the Great Lukiko;
- (v) he will consult members of the Lukiko before appointing the Ministers;
- (vi) he will put forward to the Lukiko proposals for a system of local government to be established at *Saza* level to which the Buganda Government will devolve certain of its functions.

***Transfer to the Buganda Government of Responsibility for Departmental Services***

2. The intention is that the Protectorate Government should hand over to the Buganda Government responsibility for running the following services: in education primary and junior secondary schools; in medicine and health rural hospitals (at Bombo, Mityana and Mubende), dispensaries, sub-dispensaries, aid posts and rural health services; in agriculture the field service for the improvement of farming methods and soil conservation; in animal health the field service for the improvement of livestock breeding and keeping and disease control. The Buganda Government for its part will continue, in the spirit of the Uganda Agreement of 1900, to carry on these services in accordance with the general policy laid down by the Protectorate Government and in conformity with the

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laws governing these services, e.g. in relation to the control of human, animal and plant diseases. The Protectorate Government through the departments concerned will be entitled to inspect the services transferred so as to ensure that all necessary steps are taken to carry them on efficiently.

3. It must be understood that before any service can be transferred a full enquiry will be needed into the financial and administrative problems involved. This will be carried out by the Ministers, the Resident, and representatives of the department concerned, and it is only when the enquiry has been completed and detailed arrangements for the transfer accepted by the Protectorate and Buganda Governments that it will be possible to agree formally to the transfer of each service.

4. Since the Buganda Government has not at present available technical officers to enable it to operate the services to be transferred, the transfer of responsibility proposed will involve the secondment to the Buganda Government, to an extent yet to be settled in detail, of departmental technical officers at the provincial level together with such of their staff, both European and African, as may be required for the proper administration of the technical services to be transferred. In the case of the Agricultural Department, although it is the intention that an officer of provincial level should be seconded to the Buganda Government to deal with the Services to be transferred, it will be necessary to continue to station an Assistant Director of Agriculture in Kampala to administer the agricultural services in Buganda which are to be retained by the Protectorate Government as being services of a national character which cannot suitably be organised on a provincial basis. These are marketing, cotton seed distribution, experiments in mechanical farming and the handling of cotton ginning and coffee processing affairs.

5. It should be clearly understood that no officer of the Protectorate Government would be seconded to the service of the Buganda Government without his consent; and that every officer who was so seconded would continue to enjoy Protectorate Government rates of pay and conditions of service and would remain fully eligible for promotion in the Protectorate Government service or, in the case of Unified Service Officers, in the Colonial Service generally.

### ***Financial Adjustments***

6. In making arrangements for the transfer of services, occasion will be taken to put the financial relations between the Protectorate and Buganda Government on to a sounder and more workable basis. The Buganda Government recognises that it must provide a substantial part of the cost of running the services transferred to them, and, in order to do so, proposes to introduce into the Lukiko proposals for the establishment of a system of graduated taxation calculated on the ability of each taxpayer to pay. The Protectorate Government for its part recognises that it must take steps to ensure that the Buganda Government is placed in no worse position financially than at present by accepting these new responsibilities. To this end the Protectorate Government will consider making some reduction of Poll Tax provided that the Buganda Government increases Luwalo by

a like amount. The Protectorate Government will continue to assist the Buganda Government in the collection of tax from labour in non-native employment to counteract any tendency there might be for the yield of taxes to suffer from the increase in Luwalo relative to poll tax. The Protectorate Government has also undertaken to take special measures to assist the Buganda Government in Kyagwe where special conditions exist. Detailed proposals with regard to finance will be worked out when the enquiries regarding the transfer of services referred to in paragraph 2 above have been completed, and a report will then be made to the Lukiko.

### ***Appointment of Additional Senior Officers***

7. His Highness the Kabaka has decided that, when his Government takes over responsibility for additional services, it will be necessary to make further appointments of officers of Ministerial status who will provide political direction for the executive officers at the head of these services and will speak for the services concerned in the Lukiko. The new officers will be known as Ministers but will not rank as Officers of State for the purpose of carrying out the functions set out in the Uganda Agreement, 1900; in order to differentiate them from the existing Ministers, the latter will in future be known as Ministers of State or Senior Ministers. It is proposed in the first place to appoint three additional ministers who might deal respectively with Health, Education and Natural Resources (Agriculture and Veterinary Services). The Katikiro's position as Prime Minister will not be impaired. The new Ministers will be members of the Great Lukiko, being included among the six nominees of His Highness the Kabaka, if they do not already hold seats as elected members. In these decisions His Highness has the support of the Governor and the approval of the Secretary of State.

### ***Composition of the Great Lukiko***

8. His Highness the Kabaka has decided, with the full approval of the Governor and the Secretary of State, to increase to 60 the number of elected representatives in the Great Lukiko. In accordance with Article 11 of the Agreement, three of these will be elected from each Saza for appointment by His Highness the Kabaka. One from each Saza will, as at present, be a person of educational standing or prominent in trade or agriculture elected by the full Saza Council. The other 40 (two for each Saza) will be elected from the *muluka* level through a single electoral college. It is proposed that elected representatives one from each *muluka*, should meet at the Saza Headquarters and together elect the two Saza representatives directly to the Great Lukiko. Legislation to provide for these elections will be submitted to the Lukiko later in the year.

9. In order that the members of the Lukiko may be more closely associated with the administration of particular services, His Highness has decided that the committee system shall be developed by the appointment of committees to deal with different services. The executive Heads of Departments at provincial level, seconded from the Protectorate

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Government Service, will be appointed to the appropriate committees in an advisory capacity.

### ***Appointment of Ministers***

10. Under Article 10 of the Agreement, it is the prerogative of His Highness the Kabaka to appoint the Ministers with the sanction and approval of the Governor; but His Highness recognizes that it will be to the advantage of his country, and in accordance with the democratic practice which he has chosen to follow, if members of the Lukiko are consulted as to the appointments and the Lukiko itself is given an opportunity to pledge its support for the appointments. He has therefore decided to make use of the following arrangement:

(a) In any new Lukiko when the sixty elected representatives have been appointed, they and the twenty Saza Chiefs will meet together under the Chairmanship of the retiring Katikiro and select a delegation of twelve or sixteen persons whom the Kabaka will be able to consult about the appointment of new Ministers.

(b) The delegation will be composed in accordance with the composition of the Lukiko itself. It will consist as to one quarter of Saza Chiefs elected from among their number by the 20 Saza Chiefs; as to another quarter of representatives of the Saza Councils elected by the 20 Saza Council representatives in the Lukiko; and as to the remaining half of miruka representatives elected by the 40 miruka representatives in the Lukiko.

(c) His Highness will inform the delegation of those persons he has in mind to appoint as Ministers, and it will be the duty of the delegates to tell the Kabaka if any of them is likely to be unacceptable to the Lukiko.

(d) When a mutually acceptable list of Ministers has been prepared and has been found to be acceptable to the Governor, the retiring Katikiro will read out the list to the Lukiko and request them, without debate, to vote in favour of the list or against it.

11. This arrangement made by His Highness the Kabaka does not affect Article 10 of the Agreement and, should the process of consultation described above break down or should the Lukiko unreasonably refuse to accept the list of Ministers put forward by the Kabaka, it would naturally be open to His Highness, in accordance with his constitutional right under the Agreement, to proceed to the appointment of the Ministers himself, subject only to the approval of the Governor.

12. Circumstances might arise, although it is to be hoped that they will be avoided, in which there were continuing differences of Opinion between the Ministers and the Lukiko amounting to a deadlock. In such a situation it would be open to the Kabaka to exercise the rights which he has under the Agreement, subject to the consent of the

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Governor, of dismissing the Ministers, or any one of them, or dissolving the Lukiko. Should it be necessary to replace a single Minister, His Highness would consult the delegation of the Lukiko but would not submit the appointment for ratification to a vote of the whole Lukiko.

### ***Appointment of Chiefs***

13. It has been suggested in certain quarters in Buganda that Chiefs should be elected. In the case of the Ministers His Highness is prepared, as has been stated above, to consult with the members of the Lukiko before making the appointments; but Chiefs are in a different position from Ministers. Whereas the latter are the chief political advisers of the Kabaka and the political leaders in the Lukiko for a fixed period only, the Chiefs are the permanent executive agents of the Buganda Government. Chiefs are in fact civil servants, and it is therefore necessary that their appointment and dismissal should not be subject to any political considerations, but should be vested in the Kabaka in accordance with the standard practice in other countries, subject only in the case of Saza and Gombolola Chiefs to the approval of the Governor in accordance with the Agreement. It would be inappropriate for the members of the Lukiko to be given a say in the appointment of Chiefs and still more inappropriate for Chiefs to be elected. The Kabaka, the Governor and the Secretary of State are in full agreement on this matter.

### ***Local Government in Buganda***

14. His Highness has decided to develop a system of local government in Buganda in which the Buganda Government will stand in broadly the same relation to the local government bodies as the Protectorate Government will to local government bodies in the districts outside Buganda. This will entail the devolution to the Saza Councils of financial and administrative responsibility for certain functions in accordance with the broad principles laid down in the Wallis Report on African Local Government in the Uganda Protectorate. New legislation to establish this system of local government will be submitted to the Lukiko in due course.

### ***The Uganda Agreement, 1900***

15. By these decisions, the responsibilities of the Buganda Government will be much enhanced and the say of the people of Buganda in their government will be greatly increased; but the position under the Agreement will not be altered. The Governor and his advisers will continue to advise His Highness the Kabaka and his Ministers; in particular the Resident and his Assistants will continue to interpret the policy of the Protectorate Government to the Buganda Government and will be ready at all times to offer advice on the development of the country and its institutions. For their part, the Kabaka, his Government and his people will continue to co-operate loyally with the Protectorate Government in the organization and administration of Buganda in accordance with the terms of the Agreement, and will conform to the laws and

regulations of the Uganda Protectorate so long as these do not conflict with the Agreement.

16. The Uganda Protectorate has been and will continue to be developed as a unitary state. The Kingdom of Buganda will continue to go forward under the government of His Highness the Kabaka and play its part, in accordance with Clause 3 of the Agreement, as a Province and a component part of the Protectorate.

Kampala,  
17<sup>th</sup> March 1953.