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COLONIAL OFFICE

UGANDA PROTECTORATE: BUGANDA

Presented by the Secretary of State for the Colonies to the British Parliament by  
Command of Her Majesty, November 1954. Cmd. 9320.

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1. In recent months two new factors have emerged in Uganda. One is the agreement reached on constitutional matters at the conference between the Governor of Uganda and the Buganda Constitutional Committee appointed by the Lukiko and presided over by Sir Keith Hancock. The other is the judgment in the case brought in the Uganda High Court to test the validity of the action taken last year by Her Majesty's Government with regard to the Kabaka Mutesa II (Cmd. 9028).
2. It was announced on the 1st March that Sir Keith Hancock, Director of the Institute of Commonwealth Studies at London University, had agreed, at the invitation of the Rt. Hon. Oliver Lyttelton, now Lord Chandos, and of the Governor of Uganda, to visit the Protectorate to consult with representatives of the Baganda and with the Protectorate Government on various constitutional questions relating to Buganda. For three months, from the 24th June to the 17th September, Sir Keith Hancock presided over discussions first alone with the Constitutional Committee appointed by the Buganda Lukiko, and later with the Committee and the Governor together. This Conference took place at Namirembe, near Kampala, and resulted in complete agreement. The Conference recommended, among other things, that the Kingdom of Buganda, under the Kabaka's government, should continue to be an integral part of the Protectorate; that the conduct of public affairs in Buganda should be in the hands of Ministers; and that, while all the traditional dignities of the Kabaka should be fully safeguarded, Kabakas in future should be constitutional rulers bound by a Solemn Engagement to observe the conditions of the Agreements regarding the Constitution and not to prejudice the security and welfare of the Buganda people and the Protectorate. These Agreed Recommendations are attached at Appendix A.
3. The Governor, in a Statement attached at Appendix B, has made a number of separate recommendations regarding the Executive and Legislative Councils of the central Protectorate Government, as an immediate step forward to implement Her Majesty's Government's policy of constitutional development for Uganda as a whole. The Governor has recommended the introduction of a Ministerial system. The Executive Council would consist of 14 members (including the Governor): nine of these would be Officials, six or seven of them with Ministerial status, and there would be five Ministers, of whom three would be Africans, drawn from the public. There would also be two African Parliamentary Under-Secretaries. At the same time the Legislative Council would be slightly enlarged, to permit of increased African representation for Buganda, Busoga and one other district, and the proportion of African members would be increased to half the total. African members would sit on both sides of the House and the present balance,

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which gives the Government side the majority through the Governor's vote, would be preserved.

4. In the light of the Governor's recommendations the Buganda Constitutional Committee have agreed to recommend to the Lukiko that Baganda members should be elected to the Protectorate Legislative Council by the Lukiko.

5. The effect of the constitutional proposals made in the Governor's Statement and the Agreed Recommendations taken together is explained in a memorandum issued by the Namirembe Conference and attached at Appendix C.

6. The Governor's recommendations for the Legislative and Executive Councils are accepted by Her Majesty's Government who propose that they should be put into effect as early as possible. The Agreed Recommendations dealing with Buganda are also acceptable to Her Majesty's Government and are now being placed before the Great Lukiko. The implementation of these two sets of recommendations should settle satisfactorily the points of difference which have arisen from time to time between the Buganda and the Central Protectorate Governments; in particular the willing acceptance of the continued integration of Buganda with the Protectorate as a whole, which should be ensured under these proposals, together with the transfer of executive power and responsibility from the person of the Kabaka to his Ministers will, it is hoped, create a new and healthier political situation.

7. Her Majesty's Government are greatly indebted to Sir Keith Hancock, whose wise and patient guidance contributed much to the success of the Namirembe Conference.

8. The second new factor is the recent judgement of the Uganda High Court. The plaintiffs sought five declarations. Those directly relating to the withdrawal of recognition from the Kabaka were the first and fifth:—

"1. A declaration —

(a) That H.H. Mutesa II is, and has at all material times since 30th November 1953, been native ruler of the Province of Buganda...;

or alternatively

(b) That H.H. Mutesa II is, and has at all material times since 17th December, 1953, been, native ruler of the Province of Buganda...

5. A declaration (a) that the purported withdrawal by H.E. the Governor of Uganda of recognition of H.H. Mutesa II as native ruler of the Province of Buganda was unlawful, ultra vires and void or alternatively (b) that such withdrawal was of no effect as from the 17th December 1953."

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9. The Chief justice refused all the declarations asked for by the Plaintiffs. He held that the 1900 Agreement did not give the Kabaka a legal right to recognition enforceable by the Court. In case he was held wrong as to this on appeal, he said it, was convenient that he should deal with the question whether or not any right on the part of Her Majesty's Government to withdraw recognition under Article 6 of the Agreement had arisen on the 30th November, 1953. He expressed the view that a right under that Article to withdraw recognition had not arisen on the 30th November.

10. He said:— "At that stage" (i.e. November) "a position had been reached wherein the Secretary of State had made known his decisions on policy, and the Kabaka was called upon to refrain from opposition to the decisions on policy, notably on the question of time-table for independence, whether that opposition be expressed by public pronouncement to the Lukiko or by consultation with the Lukiko, before signing the undertakings which the Kabaka had been called upon to give. The Kabaka's refusal to abide by the decisions on policy as communicated to him, clearly, at that stage, constituted disregard on his part of his duty under the terms of the Agreement to acknowledge and abide by the over-rule of the Crown through the Protectorate Government, which by the Agreement had been acknowledged. It is manifest that the Kabaka having evinced intention to pursue a disloyal policy it was clearly within the right of Her Majesty's Government to exercise the rights reserved by Article 20 of the Agreement and declare the Agreement to be at an end.<sup>1</sup> Again there could have been a withdrawal of recognition as an Act of State. In fact withdrawal of recognition was declared, and declared to be made, under Article 6 of the Agreement."

11. As the Chief Justice indicated, Her Majesty's Government did not terminate the Agreement under Article 20: nor did they claim to withdraw recognition as an Act of State independent of the terms of the Agreement. They regarded themselves as bound by the terms of that Agreement and as entitled by reason of the Kabaka's conduct to withdraw recognition under Article 6.

12. The termination of the Agreement under Article 20 would have meant that neither the Crown nor the Kabaka, Chiefs and People of Buganda would any longer have been bound by any of the provisions of the Agreement or entitled to rely on their rights under that Agreement. This extreme step Her Majesty's Government were not disposed to take and did not take.

13. By Article 6 of the Agreement Her Majesty's Government agreed to recognise the Kabaka, of Buganda as the native ruler of the province of Buganda under Her Majesty's protection and over-rule "so long as the Kabaka, Chiefs and People of Buganda shall conform to the laws and regulations instituted for their governance by Her Majesty's

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<sup>1</sup> The material part of Article 20 reads as follows:— "Should the Kabaka, Chiefs, or people of Uganda pursue, at any time, a policy which is distinctly disloyal to the British Protectorate; Her Majesty's Government will no longer consider themselves bound by the terms of this Agreement."

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Government, and shall cooperate loyally with Her Majesty's Government in the organisation and administration of the said Kingdom of Buganda." Action by Her Majesty's Government under this Article did not consequently involve any question of the termination of the whole Agreement.

14. The Chief Justice held that reliance upon Article 6 was mistaken and that a right to withdraw recognition under that Article had not arisen on the 30th November, 1953 on two grounds; firstly, that to entitle Her Majesty's Government to withdraw recognition under Article 6, there had to be a failure not on the part of the Kabaka alone but on the part of the Kabaka, Chiefs and People to comply with that Article; and secondly, that the Kabaka's conduct did not involve failure to cooperate loyally in relation to "organisation and administration" of the Kingdom of Buganda.

15. Thus it was the view of the Chief Justice that the conduct of Mutesa II entitled Her Majesty's Government to take action under the Agreement but that on his interpretation of Article 6, Her Majesty's Government were mistaken in relying upon that Article.

16. This judgment and the constitutional proposals for Buganda (which if accepted by the Lukiko will settle satisfactorily the points of difference which arose last year) create a new situation in which there is both need and opportunity for a new approach to the question of the Kabaka. Her Majesty's Government, after full consultation with the Governor, have therefore decided that subject to certain conditions and after a suitable interval the Lukiko should be given the opportunity to choose whether a new Kabaka should be elected or whether Kabaka Mutesa II should return as Native Ruler of Buganda. These conditions are as follows:

(1) The Agreed Recommendations of the Namirembe Conference should be accepted as a whole by the Great Lukiko.

(2) Her Majesty's Government and the Lukiko should agree the terms of the Solemn Engagement recommended by the Namirembe Conference to be entered into by the Kabaka. The amendments and additions to the 1900 Agreement to give effect to the Agreed Recommendations should also be agreed by Her Majesty's Government and the Great Lukiko and the amending Agreement should be formally executed by the Governor on behalf of Her Majesty's Government and by the Regents and representatives of the Lukiko on behalf of Buganda and be brought into effect.

(3) In order that the new arrangements may be well established before it is called on to make the decision, the choice of the Great Lukiko whether Kabaka Mutesa II should return as Native Ruler or whether a new Kabaka should be elected should be made nine months after the new arrangements have been brought into effect. Her Majesty's Government will however be glad to shorten the period if they are convinced before the end of it that the constitutional arrangements have become well established and are working satisfactorily. Her Majesty's Government

will make every effort to ensure that they are brought into effect by the 31st March next year.

17. When the choice of the Lukiko has been made, the Kabaka will be required to enter into the Solemn Engagement and to sign and thereby confirm the amending Agreement before he is recognised by Her Majesty's Government.

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APPENDIX A

AGREED RECOMMENDATIONS OF THE NAMIREMBE  
CONFERENCE

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**Chapter I: Constitutional arrangements in Buganda.**

Article 1

The Kingdom of Buganda under the Kabaka's Government shall continue as heretofore to be an integral part of the Protectorate of Uganda.

Article 2

Wheresoever in these Articles the term "Buganda Government" appears, it shall bear the same meaning as "Kabaka's Government".

Article 3

The Kabaka shall succeed as heretofore to the throne of Buganda by descent and election of the Great Lukiko. The name of the person chosen by the Great Lukiko must be submitted to Her Majesty's Government for approval, and no person shall be recognised as Kabaka of Buganda whose election has not received the approval of Her Majesty's Government.

Article 4

The Kabaka shall retain all his traditional titles and dignities and shall continue to be the symbol of unity of the people of Buganda and of continuity between their past, present and future; and all rules governing ceremonies and customs appertaining to such dignities of the Kabaka shall be observed.

Article 5

Such constitutional reforms as may be brought into effect shall be consistent with the maintenance of the proper interests and dignity of the Royal House.

Article 6

Permanent provision shall be made whereby the Namasole, the Sabalangira and the Speaker of the Great Lukiko shall be appointed as Regents in the event of the infancy, absence or total incapacity of the Kabaka.

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### Article 7

Clan and succession cases shall be determined as heretofore, subject to the modifications shown in Appendix A.

### Article 8

The conduct of the affairs of the Kabaka's Government shall be the responsibility of Ministers. All public acts done by the Kabaka's Government shall, so far as law and custom so ordain be done in the name of the Kabaka. Formal communications with the Protectorate Government shall be transmitted to and by the Buganda Ministers in accordance with this arrangement.

### Article 9

The constitutional powers of the Kabaka shall, as far as is practicable, be exercised by the promulgation of written instruments signed by the Kabaka and counter-signed by a Minister. To signify final enactment, laws passed by the Great Lukiko shall be signed by the Kabaka.

### Article 10

A Minister shall be legally and politically responsible for every act commanded or authorised to be done by him or by an instrument to which he has put his signature.

### Article 11

Each Minister shall be politically responsible for the conduct of affairs in his own Department and the Ministers shall together be responsible as a Ministry within the functions assigned to the Kabaka's Government.

### Article 12

There shall be six Ministers, namely the Katikiro, the Omulamuzi, the Omuwanika, the Minister of Health, the Minister of Education and the Minister of Natural Resources who shall together constitute the Ministry. The designations and departmental responsibilities of the six Ministers may be varied within the sphere of responsibility of the Ministry.

### Article 13

The Ministers shall be appointed in the following manner:—

- (1) Names of candidates for the office of Katikiro, shall be submitted to the Speaker of the Great Lukiko by a given date. Candidates must be nominated by not less than five members of the Great Lukiko.

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- (2) The list of candidates will then be presented by the Speaker to the Governor, who will be entitled to remove the name of any candidate whom he deems to be unacceptable.
- (3) The list of candidates, excluding any names removed by the Governor, will then be placed before the Great Lukiko. Five week-days after the day upon which the names of candidates are placed before it by the Speaker, the Great Lukiko will proceed to elect by secret ballot from the list placed before it a person (hereinafter called the Katikiro Designate) who will be charged with the duty of forming a Ministry.
- (4) Names of candidates for ministerial office will then be submitted to the Speaker of the Great Lukiko, each candidate requiring to be nominated by not less than three members of the Great Lukiko. Any member of the Great Lukiko may nominate up to three candidates. The Katikiro Designate will be entitled to add further names to the list.
- (5) Three week-days after the day on which names of candidates for ministerial office have been placed before it by the Speaker, the Great Lukiko will elect by secret ballot forty persons.
- (6) The Katikiro Designate, after consultation with the Governor and such other persons as he thinks fit, will choose five ministerial colleagues from among the list of persons elected by the Great Lukiko. At least one of the persons chosen by him must be a serving Saza Chief.
- (7) After the Governor has signified his approval of the persons thus chosen, the Kabaka will formally appoint the Katikiro Designate as Katikiro by handing him the Ddamula in accordance with custom, and will also formally appoint his five colleagues as Ministers. The Kabaka will then hand to each of the six Ministers the seal of his office.
- (8) A Minister need not be a member of the Great Lukiko at the time of his appointment to office; if he is not already a member of the Great Lukiko he will become a member of the Great Lukiko *ex official* if he is appointed Katikiro, Omulamuzi or Omuwanika, and by nomination by the Kabaka if he is appointed one of the other three Ministers.

#### Article 14

The duration of a Lukiko, and the term of office of A Ministry appointed at the beginning of the life of a Lukiko, shall be five years. The term of office of a Ministry appointed other than at the beginning of the life of a Lukiko, shall be such period as remains until the expiry of the life of the Lukiko. The life of the Lukiko that is in existence when these Articles come into effect shall be prolonged from four to five years.



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### Article 15

A Ministry shall tender its resignation to the Kabaka through the Katikiro if a vote of no confidence in the Ministry on an important matter is proposed by twenty members and is carried in the Great Lukiko with the support of not less than two-thirds of the whole membership of the Great Lukiko. Fourteen days' notice shall be given of any motion of no confidence in the Ministry. It shall lie within the discretion of the Speaker of the Great Lukiko, to determine whether a motion of no confidence raises an issue that is important enough to justify its being debated.

### Article 16

A Ministry may be collectively dismissed by the Governor in Council if in the opinion of the Governor in Council the Ministry has failed to accept or to act upon formal advice given to it by the Governor in Council thereby prejudicing peace, order or good government. Upon the dismissal of a Ministry by the Governor in Council the offices of the Ministers will become vacant. The Governor shall notify the Kabaka accordingly, whereupon the Katikiro shall return the Ddamula and the Ministers shall return their seals of office to the Kabaka.

### Article 17

(1) A Minister shall be dismissed by the Kabaka, upon conviction of a criminal offence for which the punishment is imprisonment without the option of a fine or which involves moral turpitude; or upon the production of a medical certificate that the Minister is incapacitated by reason of physical or mental infirmity from discharging the duties of his office.

(2) If in the opinion of the Katikiro a Minister has failed to carry out the policy or decisions of the Ministry either persistently or in an important matter he may propose to the Ministry that the said Minister be dismissed. If a majority of votes is cast in favour of the proposal (the Katikiro having an original and a casting vote), the Katikiro may dismiss the said Minister.

### Article 18

The Katikiro shall give the Kabaka all necessary information on matters of public importance.

### Article 19

Ministers shall be assisted by Permanent Secretaries who, in the case of the Departments administering services to be transferred to the Buganda Government, may be officers seconded by the Protectorate Government.

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### Article 20

The Permanent Secretary to the Katikiro, who will be selected either from among Saza Chiefs or from among other senior officers of the Kabaka's Government shall be the Head of the Buganda Civil Service.

### Article 21

There shall be established a Buganda Appointments Board, consisting of the Permanent Secretary to the Katikiro as chairman and four other members who will be persons experienced in public affairs but not at the time of their appointment actively engaged in politics. When the Board is constituted for the first time, the appointment of all of the members shall be made by the Kabaka on the advice of the Katikiro, subject to the approval of the Governor. Subsequent appointments of its members other than the chairman shall be made in the manner aforesaid; but the chairman, who will hold his office by virtue of his appointment as Permanent Secretary to the Katikiro, shall be appointed to his departmental post in the same manner as other Permanent Secretaries. Members other than the chairman shall hold office for five years and may be re-appointed; but arrangements for the rotation of membership shall be made. Members shall be dismissible by the Kabaka on the grounds specified in Article 17 (1) above.

### Article 22

In order that officers of the Kabaka's Government shall stand outside the sphere of politics and shall have proper security of tenure, the Appointments Board and not the Ministers shall be the authority that will make decisions regarding the appointment, promotion, transfer, dismissal and disciplinary control of all public officers serving under the Kabaka's Government, including Saza Chiefs but not including officers seconded by the Protectorate Government. Appointments of Chiefs and Permanent Secretaries shall be made by the Kabaka in conformity with the decisions of the Appointments Board. The approval of the Governor shall be required for the appointment and dismissal of Permanent Secretaries; but his approval of the decisions of the Appointments Board shall not be withheld save in exceptional circumstances. The Permanent Secretary to the Katikiro shall be dismissible by the Kabaka upon the recommendation of the Katikiro, subject to the approval of the Governor, should he fail to carry out the policy of the Kabaka's Government in matters other than those falling wholly within the purview of the Appointments Board.

### Article 23

The regulations to be followed by the Appointments Board in the matters falling within its jurisdiction shall be agreed between the two Governments. If either Government considers that the regulations have been infringed in any way, the two Governments shall consult together. If the matter cannot be settled by such consultation, a committee to

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examine the matter shall be set up in consultation between the two Governments, should either Government so desire.

#### Article 24

The Saza, Gombolola and Miruka Chiefs shall remain the backbone of public administration in Buganda and shall be responsible to the Katikiro, subject to the Governor's ultimate authority, for the maintenance of law and order. As soon as is practicable, the Protectorate Government shall put at the disposal of each Saza Chief, either in or in proximity to his saza, a unit of the Protectorate Police to assist in the maintenance of law and order. The Protectorate Government shall arrange training courses for the Buganda Government Police with a view to raising standards of efficiency.

#### Article 25

The composition and method of election of the Great Lukiko shall for the present time remain unaltered. Before the next general election of the Great Lukiko, however, consideration shall be given to the questions whether the present system whereby three representatives are elected from each saza should be varied in cases where there are large differences in population between sazaz; and whether the requirement that representatives of a saza must be resident in the saza should be abolished.

#### Article 26

There shall be a Speaker of the Great Lukiko, who shall receive a salary to be determined by law. The first business of the Great Lukiko after a general election shall be the election of a Speaker. The Speaker shall be chosen from among former Buganda Ministers, former Saza Chiefs or other persons who have had long experience of membership of the Great Lukiko. The Great Lukiko shall elect a Deputy Speaker with similar qualifications from among its own members. Either the Speaker or the Deputy Speaker shall preside at every meeting of the Great Lukiko. If the Speaker is acting as a Regent the Deputy Speaker shall preside.

#### Article 27

There shall be the following Committees of the Great Lukiko: Finance Committee, Public Works Committee, Education Committee, Health Committee, Natural Resources Committee, Community Development and Local Government Committee and such other committees, permanent or, for a particular purpose, as the Great Lukiko deems expedient. Each permanent Committee shall be under the chairmanship of the appropriate Minister and shall have attached to it the Permanent Secretary or Secretaries of the Department or Departments concerned and such other administrative and technical officers and other persons as it requires for its efficient working. Officers or other persons attached to a Committee shall have the right to speak but not to vote. It

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shall be the function of each Committee to study policy in the field of government with which it is concerned, and to give advice to the Minister responsible. The existence of these committees shall in no wise detract from the individual responsibility of Ministers for the conduct of their Departments or from the responsibility of the Ministry as a whole for the general course of policy in matters committed to it. The recommendations in this Article do not affect the position of the Standing Committee.

#### Article 28

Every Kabaka shall henceforward on becoming Kabaka enter a Solemn Engagement with the Great Lukiko and people of Buganda and with Her Majesty's Government, formally accepting and agreeing to be bound by these Articles and by the Uganda Agreement, 1900, and any amendments thereto, and undertaking not to prejudice the security and welfare of his people and the Protectorate.

#### Article 29

So long as the Kabaka shall observe his Solemn Engagement, Her Majesty's Government agrees to recognise the Kabaka as the ruler of the Kingdom of Buganda.

### **Chapter II: Relationship of Buganda with the Protectorate**

#### Article 30

The functions entrusted to the Kabaka's Government shall be formally defined in a document that shall be brought into operation simultaneously with the Agreement, amending or supplementing' the Uganda Agreement, 1900, which will be negotiated after the recommendations of this Conference have been accepted by Her Majesty's Government and the Great Lukiko. At the outset these functions shall be those at present carried on by the Kabaka's Government, together with those listed in paragraph 2 of the Memorandum on Constitutional Development and Reform in Buganda, issued in March, 1953. Local government in the sazas shall be the responsibility of the Buganda Government, with the advice and assistance of the Protectorate Government; the position in townships and trading centres will be examined in accordance with Article 47. In community development the Buganda Government and its officers shall work in co-operation with the Protectorate Community Development Department. The list of functions may subsequently be varied by agreement between the Protectorate and Buganda Governments.

#### Article 31

The Buganda Government shall administer the services for which it is responsible in accordance with the general policy of the Protectorate Government and (subject to Article 5 of the Uganda Agreement, 1900) in conformity with the laws governing those services. It shall initiate policy in the spheres of responsibility thus committed to it,

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provided that its policies shall not be opposed to the general policies of the Protectorate Government. In the formulation of Protectorate policies in relation to those services from time to time, expression will be given to the views of the people of Buganda by the representatives of Buganda on the Legislative and Executive Councils and by the representatives of the Buganda Government on the Consultative Committees referred to in Article 32 below.

#### Article 32

There shall be established Consultative Committees on education, medical and health questions, natural resources, local government and community development. Buganda shall be represented by the Minister and Permanent Secretary concerned and by two or three unofficial members of the Great Lukiko Committee dealing with the subject. The Protectorate shall be represented by the Member of Executive Council, the Parliamentary Under-Secretary (if any) and the head or heads of the Departments concerned, and the Resident, Buganda.

#### Article 33

The functions of Consultative Committees shall be:

- (a) to enable the Buganda Government to express its views on Protectorate policy;
- (b) to secure that Protectorate and Buganda policy are not in conflict;
- (c) to discuss all matters of common interest.

The Committees shall meet at regular intervals.

#### Article 34

The Protectorate Government, through the Departments concerned, shall be entitled to inspect the administration of the services to be transferred.

#### Article 35

Officers of the Protectorate Government shall be seconded to the Buganda Government for the purpose of giving assistance in the administration of the services to be transferred, under the conditions envisaged by paragraphs 4 and 5 of the Memorandum on Constitutional Development and Reform in Buganda, issued in March, 1953.

#### Article 36

The functions of officers of the Protectorate Government (other than seconded officers) in their relations with the Buganda Government and its officers shall be those of advice and assistance.

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### Article 37

If, upon any disagreement arising between the two Governments, differences cannot be resolved by use of the machinery of a Consultative Committee, the matter shall be referred to a joint meeting, under the chairmanship of the Governor, of Members of the Executive Council and the Buganda Ministers. Such a meeting shall not only have regard to the general interests of the Protectorate but shall also take fully into account and give due weight to the views of Buganda. Such a meeting may also, if necessary, be convened in order to resolve any disagreement arising out of a reply by the Governor to a resolution of the Great Lukiko, if the matter cannot be settled by the ordinary process of consultation between the Buganda Minister concerned and the Resident.

### Article 38

If, after the exhaustion of the above consultative processes, an issue remains unresolved which, in the opinion of the Governor in Council, affects peace, order or good government, it shall be open to the Governor in Council to give formal advice to the Buganda Ministry. If the Ministry then refuses or fails to act in accordance with such advice, it shall be open to the Governor in Council to dismiss the Ministry, as was explained in Article 16. The Governor shall be entitled to act in his discretion in agreeing to laws passed by the Great Lukiko, although upon any question arising out of any such law which he considers to be a question of principle he will consult with his Executive Council.

### Article 39

The Resident shall be the Governor's representative in dealing with the Kabaka's Government. His functions shall be to advise and assist the Kabaka's Government, to keep it informed of Protectorate Government policy in so far as this is not covered by the Consultative Committees, and to ensure that the Protectorate Government is kept fully aware of its views and of important developments in Buganda. He shall be assisted by a Deputy Resident.

### Article 40

A programme for the development of local government bodies responsible to the Buganda Government in the sazas, in accordance with paragraph 14 of the Memorandum on Constitutional Development and Reform in Buganda issued in March, 1953, shall be drawn up by the Katikiro and Resident in consultation and considered by the Consultative Committee on Local Government referred to in Article 32. After this programme has been approved by the Buganda and Protectorate Governments and the necessary legislation passed by the Great Lukiko, the Katikiro and Resident shall consult regularly together to ensure that the development of local Government bodies in Buganda proceeds according to the approved programme. The Senior Assistant Residents and Assistant Residents shall advise and assist the Chiefs, and through them

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the Councils, in the development of local government bodies in accordance with the approved programme, as part of their general function of advising the Chiefs in the different areas of Buganda (East and West Mengo, Masaka and Mubende).

It shall be the aim of policy that, when the system of local government has been firmly established in Buganda, with the devolution by the Buganda Government to the local government bodies in Buganda of appropriate financial and administrative responsibility, the function of guiding and inspecting these local government bodies shall be assumed by the Buganda Government, with whatever secondment of Protectorate officers may at that time be necessary for the purpose. A review of progress in local government in Buganda to determine whether the Buganda Government should then assume this responsibility shall form part of the review, to be undertaken in six years' time, referred to in Article 48. Meanwhile, steps shall be taken as soon as is practicable, in consultation with the Buganda Government, to appoint suitably qualified Baganda as Assistant Residents so that these officers may be among those seconded or transferred to the Buganda Government when this responsibility is assumed by the Buganda Government.

#### Article 41

The supervisory powers of the Protectorate Government over expenditure by the Buganda Government shall be limited to approval of the annual estimates and of schedules of supplementary provision submitted quarterly, to audit of accounts and to questions affecting financial grants and loans made by the Protectorate Government to the Buganda Government.

#### Article 42

The financial needs of Buganda shall be reviewed from time to time by the Protectorate and Buganda Governments so that as far as practicable the grants made to Buganda by the Protectorate Government may be on a firm basis for periods of not less than three years. In accordance with paragraph 6 of the Memorandum on Constitutional Development and Reform in Buganda, issued in March, 1953, the Protectorate Government will ensure that the Buganda Government is placed in no worse position financially than at present by accepting the transfer of services which is to take place in accordance with that Memorandum. The Protectorate Government recognises the need for adequate remuneration of Buganda Government servants in order that officers of the right calibre may be attracted.

In view of the decision already taken by the Great Lukiko to impose graduated taxation in Buganda, the Protectorate Government, apart from the other measures referred to in paragraph 6 of the Memorandum of March, 1953 and apart from such grants as may be agreed upon between the two Governments in respect of the transfer of services, will recommend that the rate of poll tax payable to it in Buganda shall be reduced from Shs. 11/25 (i.e., Shs. 15/- less the 25 per cent rebate) to Shs. 6/- per annum (on the understanding that this reduction will be absorbed in the graduated tax payable to the

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Buganda Government). The protectorate Government will also recommend that payments shall be made to the Buganda Government in respect of Crown Land revenue and mining rents and royalties on Crown Land on the same basis as such payments are already made to the District Councils in the rest of the Protectorate. The Protectorate Government will examine the position with regard to Crown Land in Buganda with a view to determining whether the status of any part of that Crown Land can be modified.

#### Article 43

The Buganda Constitutional Committee recommends in the light of His Excellency the Governor's recommendations to Her Majesty's Government which are set out in Appendix B to these Articles,\* and the pledge on East African Federation there referred to, that the Great Lukiko agree to the representation of Buganda on the Legislative Council of the Protectorate. The Committee recommends that the representatives of Buganda be elected by the Great Lukiko by secret ballot, and that after the election the Great Lukiko shall assign each of the members elected to a particular area.

### **Chapter III: Citizenship**

#### Article 44

Her Majesty's Government shall be requested to consider the question of creating a citizenship of Uganda, whereby a sense of unity may be fostered.

### **Chapter II: Administration of Justice and Local Administration in Buganda**

#### Article 45

The work of separating the Judiciary from the Executive shall be proceeded with immediately.

#### Article 46

A committee including legal experts shall be appointed to examine means by which the court system in Buganda can be gradually developed into a system of courts of common jurisdiction in which no distinction will be made between persons of different races or between the inhabitants of urban and rural areas. The committee will also examine methods whereby justice may be dispensed as expeditiously as possible and whereby facilities for legal training may be provided for Africans.

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\* The statement by the Governor referred to in Article 43 as Appendix B is reproduced separately.



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Article 47

A committee including local residents and representatives of the Buganda Government shall be set up to consider, as a question of urgency, the establishment of a new local authority, under the Buganda Government, for the administration of the Kibuga. This committee will be instructed to explore means by which such an authority may include representatives of all sections of the community resident in the Kibuga and may have jurisdiction, for local government purposes, over all sections of the community resident in the Kibuga. After it has completed its work on the Kibuga, this committee, with some revision of membership, will be instructed to report on the establishment of local authorities representing all sections of the community in townships and trading centres in Buganda (other than Kampala, Entebbe, Masaka and possibly Mubende) and to advise on the means of bringing them under the Buganda Government.

**Chapter V: Review**

Article 48

In order that a period of stability may be secured, no major changes in the constitutional arrangements prescribed in the foregoing Articles shall be introduced for a period of six years, after which there shall be a review; that is, in 1961, assuming that the arrangements recommended in these Articles are brought into force in 1955.

**Chapter VI: Uganda Agreement, 1900**

Article 49

The Uganda Agreement, 1900, shall be amended to the extent that such amendment becomes requisite upon the approval of the foregoing Articles by the parties concerned, but shall otherwise continue in its present form.

Each Member of the Namirembe Conference approves these Agreed Recommendations by appending his signature. The Governor agrees to recommend them to Her Majesty's Government. The members of the Buganda Constitutional Committee agree to recommend them to the Great Lukiko.

The Buganda Constitutional Committee:

M. MUGWANYA	Y. KYAZE.
A. K. KIRONDE	THOMAS A. K. MAKUMBI.
E. M. K. MULIRA	E. B. KALIBALA.
J. P. MUSOKE	Y. K. LULE.
J. K. MASAGAZI	+ J. KIWANUKA.
J. G. SENGENDO-ZAKE	Mgr. J. KASULE.

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A. B. COHEN,  
*Governor.*

W. K. HANCOCK, *Chairman.*

S. W. KULUBYA.

J. P. BIRCH.

S. A. DE SMITH,

E. Z. KIBUKA,

Secretaries.

15th September, 1954.

### **Appendix A**

(See Article 7)

(1) For clan and succession cases the Ddiro Court shall be replaced and its functions discharged by a Council of Clan Elders. The Council shall be empowered to delegate its authority to a committee of its members.

(2) The Council shall remit cases in which there is no dispute through the Katikiro to the Kabaka for formal confirmation.

(3) The Council shall hear cases in which there is a dispute and shall record its findings. In matters concerning property a party to the dispute shall have the right to take the case to the Principal Court and thence to appeal to the High Court of Uganda. When the right of appeal has been exhausted, the findings shall be communicated to the Council of Clan Elders for transmission through the Katikiro to the Kabaka for formal confirmation.

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## APPENDIX B

### STATEMENT BY THE GOVERNOR<sup>(1)</sup>

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The Secretary of State for the Colonies on behalf of H.M. Government stated in the House of Commons on the 23rd February, 1954, that "the long-term aim of H.M. Government is to build the Protectorate into a self-governing state" and that "when self-government is achieved the government of the country will be mainly in the hands of Africans." He also stated that "when the time for self-government eventually comes H.M. Government will wish to be satisfied that the rights of the minority communities resident in Uganda are properly safeguarded in the constitution, but this will not detract from the primarily African character of the country."

2. In accordance with this statement of policy the ultimate aim of constitutional development in Uganda is a responsible Government answerable to an elected Legislature of the whole Protectorate, with proper safeguards in the constitution for the rights of the minority communities resident in Uganda. As an immediate step towards this eventual aim I propose to make certain recommendations to the Secretary of State.

3. I am anxious that members of the public should be more closely associated than they are at present in the formation and execution of policy. Not only is this desired by many members of the public; I am convinced that by bringing the Government closer to the people such a step would promote the orderly and smooth progress of the country.

4. I accordingly propose to make the following recommendations to the Secretary of State:—

(1) A Ministerial system should be introduced.

(2) Seven members of the public, of whom five would be Africans, should be invited to join the Government and to sit on the Government side of the Legislative Council.

(3) Of these seven persons joining the Government, five, of whom three would be Africans, would be members of the Executive Council with the status of Ministers. Of these five Ministers, two – one African and one other – would have full executive responsibility under the Governor for groups of departments; one, an African, while he would be a full member of the Executive Council, would be an Assistant Minister dealing under the Minister concerned with the large portfolio of Social Services covering Education, Health, African Housing and Labour; while the other two would not have executive responsibility, but would, I

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<sup>(1)</sup> This statement is the statement referred to in Article 43 of the Agreed Recommendations of the Namirembe Conference.

should hope, concern themselves with particular spheres of Government activity. In addition there would be two African Parliamentary Under-Secretaries.

(4) The selection of these Ministers and Parliamentary Under-Secretaries and the allocation of responsibilities to them would be in the Governor's discretion. He would choose them, on grounds of merit, either from the representative side of the Legislative Council, at which he should, I suggest, look particularly, or from the cross-bench or from outside the Council.

(5) There would be nine official members of the Executive Council, as against ten at present, of whom six or seven would have Ministerial status. All these six or seven other than the Attorney General, who is the Government's principal Legal Adviser, would have executive responsibility for departments.

(6) The membership of the Council, including the Governor, would thus be fifteen, with nine official members other than the Governor and three Africans and two others drawn from the general public as against one African and four others at present.

(7) The Executive Council would be the principal instrument of policy and the members would be required publicly to support any policy decided upon by it. The Governor would consult the Executive Council on all important matters save in exceptional circumstances and, although he would continue to have the constitutional right to act against the advice of members of Executive Council, he would not, I should assume, do so save in exceptional circumstances.

(8) Ministers with executive responsibility, whether officials or members of the general public, would have the function under the Governor of forming and directing policy within their spheres of responsibility. But heads of departments would retain their full present status and responsibility for the administration of their departments.

(9) Parliamentary Under-Secretaries would have the functions of assisting their Ministers in the presentation of Government measures in Legislative Council, in answering questions and in debate; of assisting their Ministers generally in their work, including the formation of policy; and of travelling round the country and keeping in close touch with the public in connection with the work with which they were concerned.

5. The Legislative Council has recently been reorganised and enlarged and now has 56 instead of 32 members in addition to the Governor as President. There are now 28 representative members, of whom 14 are Africans, seven Europeans and seven Asians. The Government side of the Council consists of 17 officials and 11 cross-bench members drawn from the general public, of whom six are Africans. There are thus 20 African members in the present Council as against eight in the old Council.

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6. I would not be prepared to recommend that the structure of the Legislative Council should be completely altered so soon after the recent change. But certain adjustments within the existing structure have in my opinion been shown to be desirable. Buganda with three members is, I consider, somewhat under-represented, while changes on the Government side of the Council are required to give effect to the proposals made above for the appointment of Ministers and Parliamentary Under-Secretaries drawn from the general public.

7. I therefore propose to make the following recommendations to the Secretary of State with regard to the Legislative Council:—

(1) Provided that the Great Lukiko agrees that Buganda should participate fully in the Legislative Council through members elected by whatever method is decided to be appropriate, I am prepared to recommend that the number of representative members from Buganda should be increased from three to five. In order to make this possible, the European and Asian representative members of the Council have stated their willingness each to give up one of their seven seats, the two members concerned transferring to the Government side of the Council on what is at present the cross-bench.

(2) This would increase the Government side of the Council from 28 to 30 and I propose that the representative side should also be increased to 30 by the addition of two further African members. One of these additional African seats would go to Busoga, the district, with the largest population outside Buganda; this would be on the assumption that the Busoga District Council would agree to elect members to Legislative Council. The other would go to one of the other most heavily populated districts outside Buganda.

(3) There would thus be 18 African representative members, six Asians and six Europeans.

(4) On the Government side of the Council there would be 10 or 11 official members instead of 17 at present. The Government side would also include the seven members of the public, five Ministers and two Parliamentary Under-Secretaries who would join the Government under the proposal in paragraph 4 (2) above. In so far as these seven members of the public joining the Government were drawn from the representative side or the cross-bench, they would be replaced there by other members drawn from the same section of the community as themselves.

(5) With the introduction of so substantial an element drawn from the general public onto what has hitherto been the official part of the Government side of the Council, I can see no reason for the retention of the cross-bench in its present form and this should, I propose, be converted into a Government back-bench. The members would still as at present be free to speak and vote as they like except on a motion of confidence.

(6) In addition to the three African Ministers and the two Parliamentary Under-Secretaries there would be seven other African members on the Government side of the

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Council -there are at present six Africans on the cross-bench. The total number of Africans on the Council would thus be 30, 18 on the representative side and 12 on the Government side. In fact half the members of the Council would be Africans.

8. In order that a period of stability may be secured for the country, I would propose that no major changes in the above constitutional arrangements should be made for six years from the date of the introduction of these arrangements, if approved by H.M. Government; and that, assuming these arrangements are introduced in 1955, the position should be reviewed early in 1961, with a view to introducing any changes that are then agreed at the beginning of the life of the new Legislative Council which will come into being early in 1962.

9. In November, 1953, H.M. Government gave a most important assurance on the subject of East African federation. This assurance reads as follows: -

"Her Majesty's Government has no intention whatsoever of raising the issue of East African federation either at the present time or while local public opinion on this issue remains as it is at the present time. Her Majesty's Government fully recognises that public opinion in the Protectorate generally and Buganda in particular, including the opinion of the Great Lukiko, would be opposed to the inclusion of the Uganda Protectorate in any such federation; Her Majesty's Government has no intention whatsoever of disregarding this opinion either now or at any time, and recognises accordingly that the inclusion of the Uganda Protectorate in any such federation is outside the realm of practical politics at the present time or while public opinion remains as it is at the present time. As regards the more distant future, Her Majesty's Government clearly cannot state now that the issue of East African federation will never be raised, since public opinion in the Protectorate, including that of the Baganda, might change, and it would not in any case be proper for Her Majesty's Government to make any statement now which might be used at some time in the future to prevent effect being given to the wishes of the people of the Protectorate at that time. But Her Majesty's Government can and does say that, unless there is a substantial change in public opinion in the Protectorate, including that of the Baganda, the inclusion of the Protectorate in an East African federation will remain outside the realm of practical politics even in the more distant future."

This is a solemn and morally binding pledge which provides a full safeguard for the future. In order to ensure that, should the occasion ever arise in the future, public opinion throughout the Protectorate should be able to express itself fully and clearly, I am prepared to recommend to the Secretary of State that it should be laid down now that, should the occasion ever arise in the future to ascertain public opinion in terms of this pledge, the Protectorate Government would at that time consult fully with the Buganda Government and the other Authorities throughout the country as to the best method of ascertaining public opinion.

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 APPENDIX C

 EXPLANATORY MEMORANDUM ISSUED BY THE  
 NAMIREMBE CONFERENCE
 

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1. The Agreed Recommendations of the Namirembe Conference are a short document, but they embody three months of intense thought and discussion. The work fell into two stages:

(1) from 24th June to 28th July, during which time the Buganda Constitutional Committee met alone under the chairmanship of Professor Hancock and with Mr. S. A. de Smith. The Buganda Constitutional Committee consisted of:

Mr. M. Mugwanya, Omulamuzi.  
 Bishop J. Kiwanuka.  
 Mr. A. K. Kironde.  
 Dr. E. Kalibala.  
 Mr. E. M. K. Mulira.  
 Mgr. J. Kasule.  
 Mr. T. A. K. Makumbi.  
 Fr. J. K. Masagazi.  
 Mr. Y. K. Lule.  
 Mr. J. G. Sengendo-Zake.  
 Mr. Y. Kyaze.  
 Mr. J. P. Musoke, Saza Chief, Kyambalango.  
 Mr. E. Z. Kibuka – Secretary.

The Committee also held meetings at Mengo under the chairmanship of Mr. M. Mugwanya, Omulamuzi.

(2) from 30th July to 17th September, during which time the Committee held discussions with the Governor and two members of his Executive Council, Mr. J. P. Birch, the Resident, and Mr. S. W. Kulubya.

These meetings, which were also under the chairmanship of Professor Hancock, were called the Namirembe Conference. Forty-nine meetings in all were held under the chairmanship of Professor Hancock.

2. The forty-nine Articles which make up the recommendations are not the report of an aloof expert or body of experts. They are the agreed proposals of men closely concerned with the public life of Buganda and the Protectorate. By signing the Articles the Governor has undertaken to recommend them to Her Majesty's Government and the Buganda Constitutional Committee has undertaken to recommend them to the body from which it derives its authority, namely the Great Lukiko.

3. The Articles are divided into the following chapters: -

Chapter I – Constitutional Arrangements in Buganda.

Chapter II – Relationship of Buganda with the Protectorate.

Chapter III – Citizenship.

Chapter IV – Administration of Justice and Local Administration in Buganda.

Chapter V – Review.

Chapter VI – Uganda Agreement, 1900.

Chapters III, V and VI each consist of one Article only; Chapters I and II contain the greatest number of articles.

### **Chapter I**

4. Article 1 declares that the Kingdom of Buganda under the Kabaka's Government shall continue as heretofore to be an integral part of the Protectorate of Uganda. Article 2 declares that the term "Buganda Government", wherever it is used shall bear the same meaning as "Kabaka's Government". The Articles immediately following emphasise the monarchical constitution of Buganda and the traditional status of the Kabaka.

5. In recent years political development has been going forward in Buganda and the Great Lukiko now has a majority of elected members. The Conference has had to consider how to safeguard the dignity of the Kabaka's office in these circumstances. The Buganda Constitutional Committee decided to recommend that this should be done by placing responsibility for the conduct of public affairs in the hands of the Kabaka's Ministers, so that, if mistakes are made, the Ministers and not the Kabaka himself will bear the responsibility for them. Articles 8 to 11 lay down the methods and procedures by which this purpose is achieved. Each Minister will be individually responsible for the conduct of policy in his own department and the Ministry will together be responsible for the acts of the Kabaka's Government.

6. The Kabaka will formally appoint the Ministry by handing the Ddamula to the Katikiro, in accordance with custom, and by handing to each Minister the seal of his office. Before formal appointment takes place, however, certain things must be done to ensure that the Ministers will be men who possess the confidence of the country. Article 13 establishes a procedure which may appear at first sight to be rather complicated, but in practice the procedure will prove easy to understand and to work. The Lukiko elects, the Governor approves, the Kabaka appoints the Ministry.

7. The arrangements recommended in Article 13 for the formation of a Ministry suit the conditions of the present time, in which political parties are still unformed or in a very



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early stage of formation. But the arrangements will also remain workable when political parties have been firmly established. However, if and when that time comes, it will be open to the Protectorate and Buganda Governments to consider together whether a different system should be established of finding a Ministry which possesses the confidence of the Lukiko.

8. Great care has been taken to ensure stability of Government. Under the recommendations, a Ministry, like the Lukiko itself, will be appointed for five years. During this period an individual Minister can be dismissed by the Kabaka or the Katikiro only in exceptional cases. Only in exceptional cases (Articles 15 and 16) can a Ministry be obliged to tender its resignation to the Kabaka or be dismissible by the Governor in Council. The former contingency would arise if the Ministry were defeated on a motion of no confidence in an important matter by a two-thirds majority of the whole Lukiko. The latter contingency would arise if a Ministry failed to accept or to act upon formal advice tendered to it by the Governor in Council, thereby endangering peace, order or good government. The Articles in Chapter II establish a new system of consultation between the Protectorate and Buganda Governments, which will in practice enable them to iron out any difficulties and differences, thus making it unlikely that a situation could arise in which the Governor in Council would have to consider tendering formal advice.

9. The Ministers, in assuming responsibility for the conduct of policy of the Buganda Government, will require the support of a strong civil service; and each of the Ministers will be assisted by a Permanent Secretary (Article 19). Permanent Secretaries and all other civil servants must have both security of tenure and the freedom to carry out their administrative duties without political interference, subject of course to the control of Ministers in matters of policy. It is most important that the appointment, transfer, dismissal and disciplinary control of civil servants should be free from all danger or suspicion of political pressure or influence. For this reason these matters are put into the hands of an Appointments Board, to be appointed by the Kabaka on the advice of the Katikiro and with the approval of the Governor (Articles 21 to 23). The Appointments Board will act in accordance with Regulations drawn up by agreement between the Protectorate and Buganda Governments and will have the power to make decisions on appointments and the other matters concerned. The appointments Board will be under the chairmanship of the Permanent Secretary to the Katikiro, who will be the Head of the Buganda Civil Service. It will have four other members experienced in public affairs, but not actively engaged in politics. Appointments of Chiefs and Permanent Secretaries to departments will be made by the Kabaka in accordance with the decisions of the Appointments Board, the Governor's approval being required only in the case of Permanent Secretaries, although such approval will not be withheld save in exceptional circumstances.

10. These arrangements for public administration in Buganda will ensure continuity with the past. The Saza, Gombolola and Miruka Chiefs will remain the backbone of public administration and will be given the support of the Protectorate Police which they require for the fulfilment of their responsibilities (Article 24). At the same time the departments

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of the Kabaka's Government at Mengo (including the three new ones that will be set up in fulfilment of the policy agreed upon in March, 1953) will have the reliable staff which they need for the performance of their responsibilities in the future. In Article 42 in Chapter II the Protectorate Government recognises the need for adequate remuneration of Buganda Government servants in order that officers of the right calibre may be attracted.

11. The Kabaka's Government needs to be efficient. It needs also to keep in close touch with the Lukiko which has elected it and whose confidence it must strive to retain. Members of the Lukiko themselves have a contribution to make in the formation of policy on such important subjects as finance, education, health, local government, etc. For this reason, Article 27 makes provision for committees of the Lukiko which will meet under the chairmanship of the appropriate Minister and have attached to them the administrative and technical officers who are required for their efficient working. These committees will be advisory. They will in no way detract from the individual responsibility of Ministers for the conduct of policy in their departments or from the general responsibility of the Ministry as a whole. At the same time they will be an effective means both of keeping Ministers in touch with the needs and wishes of the people and of giving elected members of the Lukiko practical knowledge of the business of government.

12. The Buganda Constitutional Committee thought that, while the position of civil servants in the Lukiko would have to be reviewed at the appropriate time, it would be premature at present to make any change in the composition and method of election of the Lukiko. The Conference did, however, recommend (Article 25) that certain points (the number of members representing each saza and the question whether persons not resident in a saza might be elected) should be examined before the next general election. The appointment of a Speaker and a Deputy Speaker, to be elected by the Lukiko, is recommended in Article 26.

13. No alteration at all is made in the traditional dignities and ceremonies of the Kingdom of Buganda. The effect of the Articles in Chapter I is to reconcile the high status of the Kabaka with the conduct of a Ministry answerable to a mainly elected Lukiko. Article 4 recognises the Kabaka as the symbol of unity of the people of Buganda and of continuity between their past, present and future. The other Articles which have been explained above raise the Kabaka above the turmoil and danger of political conflict. New conditions are established which bring the principles of monarchy and democracy into harmony.

14. It is essential that these conditions shall be clearly understood and accepted by all the parties concerned. To make certain of this, Article 29 provides for a Solemn Engagement which every Kabaka will henceforward enter into with the Great Lukiko and the people of Buganda and with Her Majesty's Government. Article 30 follows in logic and provides that so long as the Kabaka shall observe his Solemn Engagement, Her Majesty's Government agrees to recognise the Kabaka as the ruler of the Kingdom of Buganda.

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## Chapter II: Relationship of Buganda with the Protectorate

15. The Agreement of 1900 recognised a sphere of operation belonging to the Buganda Government; but this sphere was largely determined by customs of the past. Most of the big changes that have taken place since then – in education, medical services, commercial organisation and economic development – have belonged to the sphere of Protectorate policy. The Buganda Government and the Lukiko have remained in general concerned with the old order of things, while the Protectorate Government and the Legislative Council have been concerned with the new order of things. Yet this new order of things is of immense importance to every Muganda in his day-to-day tasks of earning a living, bringing up his children and equipping them to make the best of their opportunities in a rapidly changing world.

16. The Conference has considered this state of affairs and recognised that there are three needs. In the first place the Buganda Government and the Lukiko must have a substantial place in the new order as well as in the old order. In the second place there must be intimate contact and consultation between the Buganda Government and the Protectorate Government. In the third place the Protectorate Government and the Legislative Council must become increasingly representative of the people of the country both in Buganda and throughout the Protectorate. This last process cannot be completed immediately; time must be left for growth and change. Nevertheless it is possible to do something immediate and practical to carry the process forward and to make people confident that, when it is completed, the process will have the results which they desire.

17. The Articles in Chapter I, which have been described already, are a guarantee that the Kingdom of Buganda, while remaining deeply rooted in its own customs and culture, will be in a position to play an increasing part in the new order of things in the Protectorate. Chapter II describes how it will play that part. Article 30 reaffirms the arrangement made with the Protectorate Government in March, 1953, whereby important new functions will be taken over by the Buganda Government. It also makes provision whereby the division of functions may be varied from time to time by agreement between the two Governments.

18. Article 31 provides that the Buganda Government shall administer the services for which it is responsible in accordance with the general policy of the Protectorate Government; subject to this proviso, it will initiate policy within its sphere of operation. At the same time, it will be given new opportunities for bringing its influence to bear upon the policies of the Protectorate.

19. Articles 32 and 33 establish important new procedures through which this influence will be exercised. From henceforward Ministers and permanent officials of the two Governments will be in close touch with each other through Consultative Committees for education, local government and community development, medical and health questions and natural resources. On the Buganda side the Lukiko itself will have a part to play in this process of consultation, because each committee will include two or three

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elected members of the Lukiko. (the committees will discuss all matters of common interest and will enable the Buganda Government to express its views on Protectorate policy. Normally they will prevent conflicts of policy arising between the two Governments. If nevertheless any serious difference should arise between them beyond the competence of a single Consultative Committee to solve, it will be referred to a joint meeting of the members of the Protectorate Executive Council and the Buganda Government under the chairmanship of the Governor (Article 37). Only if all these processes of consultation fail to produce agreement – which appears a very unlikely contingency – will it be open to the Governor in Council to give formal advice to the Buganda Government (Article 38).

20. The Protectorate Government will help the Buganda Government and the people of Buganda in their progress forward, through the advice given by Protectorate officers (Article 36), through the inspection of the services transferred to the Buganda Government (Article 34) and through the secondment of Protectorate officers to the Buganda Government (Article 35). The Resident (Article 39) will continue to be the Governor's representative with the Kabaka's Government. Senior Assistant Residents and Assistant Residents (Article 40) will have a specially important part to play in advising and assisting the Chiefs, and through them the Councils, in the development under the Buganda Government of local government bodies in the sazas, along the lines envisaged by the Memorandum of March, 1953, and in accordance with a programme to be drawn up by the two Governments in consultation. When these local government bodies have been firmly established and the powers of running local services have been handed to them by the Buganda Government, it is the aim of policy that the function of guiding and inspecting them should be assumed by the Buganda Government itself, with whatever secondment of Protectorate Government officers may at that time be necessary. The progress achieved in local government will be reviewed (as well as all the other subjects dealt with in these Articles) six years from the time when the Articles come into force, to determine whether the Buganda Government should then assume this responsibility. Meanwhile steps will be taken as soon as is practicable to appoint suitably qualified Baganda as Assistant Residents, so that these officers may be among those to be seconded or transferred to the Buganda Government when this responsibility is assumed by the Buganda Government.

21. The financial needs of Buganda will be reviewed by the two Governments periodically (Article 42) so that protectorate grants to Buganda may be on a firm basis for periods of at least three years. This Article also proposes that the poll tax payable to the Protectorate Government should be reduced to 6s. per year and that revenue from Crown land and minerals under Crown land should be payable to the Buganda Government on the same basis as in other parts of the Protectorate. The Protectorate Government will re-examine the status of Crown land in Buganda.

22. While these changes are taking place in the structure of the Buganda Government and in its relations with the Protectorate Government, equally important changes will be under way in the Protectorate Government itself and in the Legislative Council. These

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changes are announced in the statement made by the Governor which is issued as a separate document and also printed with the Agreed Recommendations as Appendix B. This statement deals not simply with Buganda, but with the whole Protectorate.

23. In his Statement the Governor first refers to the declaration by the Secretary of State for the Colonies in the House of Commons on the 23rd February, 1954, that "the long-term aim of H.M. Government is to build the Protectorate into a self-governing state" and that "when self-government is achieved the government of the country will be mainly in the hands of Africans." The Governor then describes the ultimate aim of constitutional development in Uganda as a responsible Government answerable to an elected Legislature of the whole Protectorate, with proper safeguards in the constitution for the rights of the minority communities resident in Uganda.

24. The Governor goes on to describe the recommendations which he proposes to make to the Secretary of State as an immediate step towards this eventual aim. These are designed first to associate representatives of the public more closely with the Executive Government of the country, and secondly to increase the African membership on the Legislative Council.

25. With regard to the Executive the Governor proposes that a Ministerial system should be introduced; and that seven members of the public, of whom five would be Africans, should be invited to join the Government and to sit on the Government side of the Legislative Council; these seven persons would be selected by the Governor. Out of the seven, five, of whom three would be Africans, would become members of the Executive Council with the status of Ministers. Of these five Ministers, two – one African and one other – would have full executive responsibility under the Governor for groups of departments and one, an African, while he would be a full member of Executive Council, would be an Assistant Minister dealing under the Minister concerned with the large portfolio of Social Services covering Education, Health, African Housing and Labour. In addition there would be two African Parliamentary Under-Secretaries. There would be nine official members of the Executive Council as against ten at present, of whom six or seven would have Ministerial status. The membership of the Council, including the Governor, would thus be fifteen, with nine official members other than the Governor, and three Africans and two others drawn from the general public, as against one African and four others at present. The Executive Council would be the principal instrument of policy and the members would be required publicly to support any policy decided upon by it.

26. The Legislative Council was enlarged early in 1954 and now has fifty-six instead of thirty-two members in addition to the Governor as President. There are twenty African members on the Council as against eight in the previous Council: The Governor now proposes to increase the membership of the Legislative Council to sixty, of whom half would be Africans.

27. On the representative side of the Council the Governor proposes that instead of fourteen Africans, seven Asians and seven Europeans, there should be eighteen Africans, six Asians and six Europeans. Of the four new African seats two should go to Buganda, provided that the Great Lukiko agrees that Buganda should participate fully in the Legislative Council through elected members. This would increase the number of representative members from Buganda from three to five; in order to make this possible the present European and Asian representative members have stated their willingness each to give up one of their seven seats, the two members concerned transferring to the Government side of the Council on what is at present the cross-bench. One of the other new African seats will go to Busoga, the district with the largest African population outside Buganda; this will be on the assumption that the Busoga District Council will agree to elect members for the Legislative Council. The further new African seat will go to one of the most heavily populated districts outside Buganda.

28. On the Government side of the Council the number of official members would be reduced from seventeen to ten or eleven. The Government side would also include the seven members of the public, five Ministers and two Parliamentary Under-Secretaries, who would join the Government as explained above. In all the Governor proposes that there should be twelve Africans on the Government side of the Council. With the introduction of a substantial element drawn from the general public on to what has hitherto been the official part of the Council the Governor sees no reason for the retention of the cross-bench in its present form and proposes that it should be converted into a Government back-bench, the members still being free as at present to speak and vote as they like except on a motion of confidence.

29. On East African federation the Governor quotes the solemn assurance given by H.M. Government in November, 1953, the last sentence of which reads as follows:-

"But Her Majesty's Government can and does say that, unless there is a substantial change in public opinion in the Protectorate, including that of the Baganda, the inclusion of the Protectorate in an East African federation will remain outside the realm of practical politics even in the more distant future."

The Governor proposes to recommend to the Secretary of State that it should be laid down now that, should the occasion ever arise in the future to ascertain public opinion in terms of this pledge, the Protectorate Government would at that time consult fully with the Buganda Government and the other Authorities throughout the country as to the best method of ascertaining public opinion.

30. The Buganda Constitutional Committee has studied the Governor's Statement carefully and, in the light of the Governor's recommendations to Her Majesty's Government and of the pledge on East African federation referred to in the statement, has recommended in Article 43 that the Great Lukiko should agree to the representation of Buganda on the Legislative Council of the Protectorate. The Committee has also

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recommended that the representatives of Buganda should be elected by the Lukiko by secret ballot.

### **Chapters III to VI**

31. Chapter III contains only one Article. It deals with the question of citizenship, a complicated matter which concerns all the countries of the British Commonwealth. Article 44 recommends that Her Majesty's Government shall be requested to consider creating a common citizenship for Uganda. Examination of this recommendation must be in the first place a matter for the Colonial Office, but if and when the work proceeds the principle underlying it will be discussed in Uganda also.

32. Articles 45 and 46 recommend that the work of separating the Judiciary from the Executive in Buganda should be proceeded with immediately and that a committee including legal experts should be appointed to examine means by which the court system in Buganda can be gradually developed into a system of courts in which no distinction will be made between persons of different races or between the inhabitants of urban and rural areas.

33. In Article 47 the Conference propose that a representative committee should be set up to consider as a question of urgency the establishment of a new local authority, under the Buganda Government, for the administration of the Kibuga. This authority should it is suggested include representatives of, and have jurisdiction for local government purposes over all sections of the community resident in the Kibuga. The Article goes on to recommend that the committee should later report on the establishment of local authorities representing all sections of the community in townships and trading centres in Buganda other than Kampala, Entebbe, Masaka and possibly Mubende, and should advise on the means of bringing such local authorities under the Buganda Government.

34. In Article 48 the Conference recommends that, in order to secure a period of stability for the country, no major changes in the constitutional arrangements proposed in the Articles should be introduced for a period of six years, after which there should be a review. The Article makes it clear that the review would be in 1961, assuming that the proposals of the Conference are brought into force in 1955. This six-year period of stability, to be followed by a review, is also provided for in the Governor's Statement about the Executive and Legislative Councils of the Protectorate.

35. The Conference expressed the hope during its meetings that the Agreed Recommendations may be accepted without undue delay by the Great Lukiko and Her Majesty's Government and that the Articles may come into effect as soon as the necessary legal instruments have been agreed and in any case not later than the 1st July, 1955. It was the understanding of the Conference that as soon as the Articles come into effect a new Ministry should be appointed, in accordance with the procedure proposed in Article 13, for the remainder of the life of the present Lukiko. Article 14 recommends that the life of the present Lukiko should be extended from four to five years.

36. Finally Article 49 proposes that the Uganda Agreement, 1900, should be amended to the extent necessary to give effect to the recommendations of the Conference, but should otherwise continue in its present form.

37. The Agreed Recommendations of the Namirembe Conference are closely interrelated with one another. It was the understanding of the Buganda Constitutional Committee, of the Governor and of Professor Hancock that these Agreed Recommendations would be considered and decided upon as a whole by the Great Lukiko and Her Majesty's Government.