

THE POLITICS OF LITIGATION AND POLITICAL INTEGRATION IN UGANDA: THE LWEBUGA LEGAL-POLITICAL TANGLE¹

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The 'period' between 1962 and 1966, was an area of vigorous litigation in Uganda. There was faith in legal solutions to 'the struggle for political power between the Central Government and the subordinate governments which were led by the Kabaka's Government. While this tradition of litigation and constitutionalism lasted, it provided a genuine chance of resolving political conflict in a candid manner. The Lwebuga legal-political tangle seeks to illustrate that courts enhanced integration by serving as an important and acceptable forum through which political conflict was resolved.² The study also attempts to show that competitive politics existed between the Kabaka's Government and the Central Government, a phenomenon which enhanced open dissent in the political system of Uganda.

A number of factors contributed towards realising open politics. The major one was captured by Mazrui who said:

Buganda's dominant position facilitated pluralistic competitive politics and helped to encourage certain habits of conflict resolution in the political style of the country as a whole.³

The major point to grasp here is that the Uganda Peoples Congress (UPC), depended on Buganda's support in order to gain political power in 1962. Buganda had organised a movement called Kabaka Yekka (KY)⁴ which mastered 21 seats in Parliament. UPC⁵ had 37 seats in Parliament while the Democratic Party (DP)⁶ had 24 seats. KY formed a coalition Government with UPC headed by Obote.

The survival of the UPC-KY alliance which lasted from 1962 to 1964, precluded the use of force and encouraged the use of litigation in resolving political conflict in Uganda. This procedure enhanced genuine political integration⁷ because political differences were thrashed out in the open and were not suppressed as the Lwebuga legal-political tangle will illustrate.

It must be noted that faith in litigation was facilitated by the complex Constitution of 1962⁸ which each Government attempted to interpret in such a way that it acquired extra financial and political advantages at the expense of the other. J. M. Lee said:

... the Constitution cannot be ignored in studying Uganda because the law is one of Buganda's chief weapons. Uganda politics are played

in an atmosphere where each side is looking for legal 'loopholes' to be turned to its own advantage.⁹

Resolving political disputes through litigation was rooted in Buganda's colonial relations with Britain. It is in turn traceable to the 1900 Agreement which was made between Buganda and the British. The Buganda leaders regarded it as a charter for Buganda's special rights and autonomy. The Agreement recognised the *Lukiiko*, Buganda's Parliament, the Kabaka, and it established private ownership of land commonly known as *Mailo* land in Buganda. Whenever Buganda's political rights or autonomy were in dispute, the Agreement was closely studied and if there were suspicions that the terms of the Agreement were violated, the Baganda would not hesitate to rush the dispute to the Courts. For example, in 1953, the Kabaka refused to nominate Baganda representatives to the Central Legislative Council which the Baganda leaders distrusted.¹⁰ The Colonial Governor withdrew recognition from the Kabaka and deported him to Britain. Many Baganda were petrified and 'thunderstruck'¹¹ and one of the Kabaka's sisters died when she heard of the Kabaka's deportation. Instead of resorting to violence, the Baganda took the matter to the High Court of Uganda. The Chief Justice, a Briton, ruled that the withdrawal of recognition was not a justiciable issue and that in this case, the Crown could be and was the judge in its own cause.¹² However, he added that the deportation was not justified under Article 6 of the 1900 Agreement and that the withdrawal of recognition from the Kabaka could only be fully justified either as an Act of State or under Article 20 of the Agreement.

The judgement contributed to the return of the Kabaka in 1955. This was so because the deportation of the Kabaka under the wrong Article by the British law which they had introduced in Uganda, had the effect of eroding the legitimacy of their action. Indeed, after hearing the judgement, many excited Baganda who had adorned their cars with leaves as a sign of jubilation, drove around the streets of Kampala shouting that the Governor did not possess *Obuyinza* (authority) to deport the Kabaka. Henceforth, there was intensified pressure by Baganda, other Ugandans and British sympathisers, to make Britain change its mind. The major point to note here is that litigation contributed towards reversing a major Colonial decision which the British Colonial Secretary had once described as being irrevocable. It is this historical politics of litigation which manifests itself in the post-independence period.

THE REAL POLITICAL ISSUES BEHIND THE LWEBUGA LEGAL-POLITICAL TANGLE OF 1963

The Lwebuga legal-political tangle entailed the struggle for autonomy and power between the Central Government under Obote and the Kabaka's Government under M. Kintu who was the *Katikkiro* (Prime Minister of

Buganda). Lwebuga was interpreted by the Buganda leaders as Obote's subtle political tool by which he was attempting to penetrate Buganda's politics which had hitherto been closed to the governing party. It should be added that according to the terms of the UPC-KY alliance, UPC was not allowed to establish its branches in Buganda. The same terms precluded UPC from contesting the elections which took place in Buganda in February 1962.¹³ The DP which contested them lost heavily for KY won 65 out of 68 seats. Thirty-eight members of DP and seven independent candidates lost their deposits. And thus from 1962, DP was still pre-occupied with problems of political recovery especially in Buganda.

The governing party was, however, increasingly becoming irritated by the alliance which was responsible for three major political consequences. Firstly, the alliance gave Buganda an opportunity to monopolise Buganda's political arena by excluding the governing party from establishing branches in Buganda and from challenging openly what was going on in Buganda. Secondly, while the Kabaka's Government was excluding the governing party from penetrating Buganda's politics, Buganda was at the same time enjoying the advantages of influencing significantly national politics by virtue of the alliance and by its geographical centrality. For example, the governing party was unable to tackle the dispute between Bunyoro and Buganda over Bunyoro's land which the British gave to Buganda in 1896 in recognition of Buganda's assistance to subdue Kabarega's (the King of Bunyoro) resistance to British penetration.¹⁴ Furthermore, the Central Government was unable to integrate Buganda's Courts into the national system in 1964.¹⁵

The third political consequence of the alliance was that the UPC was forced to postpone implementing some important ideas for which it stood but which clashed with Buganda's interests. This point is, of course, very similar to the second one. For example, the UPC stated that one of its aims was to uphold the prestige and dignity of hereditary rulers in order to accommodate the wishes of the four kingdoms. But in fact, most of the UPC's key leaders who included Obote himself¹⁶ and Akena Adoko,¹⁷ preferred a republican ideology to the monarchical one. It is therefore not surprising to note that once Obote had got rid of Buganda's hegemony, he did not hesitate to abolish monarchy and to ban KY. It must also be added that many key leaders and supporters of UPC were inclined to support reducing Buganda's hegemony in order to *inter alia* establish parity of treatment between Buganda and the rest of Uganda. The leaders of the Uganda Peoples Union (UPU) who merged with Obote's wing of Uganda National Congress in 1960 to form UPC, shared with Obote's wing of UNC the sentiment of cutting down Buganda to size.¹⁸ Obote himself is reported to have spoken of crushing Buganda before independence, a statement which initially made the Kabaka of Buganda and M. Kintu reluctant to accept allying with him.¹⁹ And thus Grace Ibingira, a Prince from Ankole had initially found it very difficult to convince the Bugandan leaders to ally with UPC.²⁰

The thrust of the argument is that as long as Obote needed the alliance in order to stay in power, he had to tolerate the three disadvantages. Furthermore, Obote's likely and remaining course of penetrating Buganda's politics, was to support quietly those Baganda who were alienated with what was going on in Buganda. The Government of Buganda was convinced that Lwebuga who was disenchanted with Buganda's politics, had Obote's blessing as he confronted the Mengo²¹ establishment.

THE DEMANDS OF THE ABAWAJJERE (COMMON MEN) UNDER LWEBUGA

There were two major issues over which the Mengo establishment was vulnerable.²² The first one was that the Lukiiko was not fully democratised. The twenty Saza chiefs were ex-officio members of it. And since their term of office was entirely dependent on the wishes of the Kabaka and his Government, the chiefs had to obey the political 'orders' of the Kabaka and his Government. In this sense, the chiefs did not always represent the wishes of the common men.

The second issue concerned official land attached to the offices of the Katikkiro, *Omuwanika* (Minister of Finance), *Omulamuzi* (Minister of Justice) and the twenty Saza chiefs. According to the 1900 Agreement, each of the three Ministers had sixteen square miles attached to his post. Each of the twenty Saza chiefs had eight miles attached to his post. The Ministers and the Saza chiefs used to get rent, levies on brewed beer, and tribute (*Envujjo*) of four shillings for each acre of cotton or coffee grown on the land attached to their posts. These payments were exclusive of their salaries.

A movement known as *Abawejjere* (common men) emerged in Buganda and demanded abolition of the privileges extended to the Ministers and the chiefs and for the total democratisation of the Lukiiko. Eriabu Lwebuga was one of the leaders of the *Abawejjere* movement which was a pressure group within KY. Lwebuga and *Abawejjere* movement were closely watched by the Kabaka's Government because they were, as already noted, believed to be subtle mouthpieces of Obote and his party. It is interesting to note that Obote chose the title 'The Common Man's Charter' in 1969 when he introduced 'socialistic' measures which were used to justify the abolition of Monarchy and the privileges surrounding it.

Meanwhile, the activities of the *Abawejjere* movement became more serious and intensified in Buganda. The leaders of the movement gave the Kabaka's Government an ultimatum to fulfil five conditions or else resign. These included abolition of official mailo land benefits of the three Ministers and the Saza chiefs and raising prices of crops. The ultimatum was read at a meeting of about 500 people at Kampala's Clock Tower (the Ugandan equivalent of the Speaker's corner in Hyde Park, London) by the Chairman of the Youth Committee which had been on tour of Buganda 'questioning

the 'views' of people about the official mailo land problem'.²³ They also demanded that the existing Lukiiko be dissolved and that another election be organised. In January 1963, the Abawejjere met Lukiiko members bearing placards which displayed the following sensitive political issues: 'our representatives should not be chiefs' stooges', 'Abolish taxation of women', 'we are fed up with a rotten machinery'.²⁴

On January 21, 1963, Lwebuga appeared before Mengo Principal Court and was charged under Buganda Native Customary Law on three counts as follows:

Issuing seditious publications aimed at inciting violence among the Kabaka's subjects, alienating the loyalty of the Kabaka's subjects and attempting to overthrow the Buganda Government headed by Mr. M. Kintu.²⁵

THE KABAKA'S GOVERNMENT REFUSES TO RELEASE LWEBUGA AND CREATES A POST OF THE DIRECTOR OF PUBLIC PROSECUTIONS IN BUGANDA

On February 9, 1963, George Farmer, Uganda's Acting Director of Public Prosecutions,²⁶ ordered the Kabaka's Principal Court to discontinue all criminal proceedings against Eriabu Lwebuga. He made this order under Section 82(c) of the 1962 Constitution which 'authorised him to discontinue at any stage before judgement is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority'. The Buganda Government was outraged by the action of the D.P.P. and they rejected it forthwith. Mpanga, a leading lawyer in the Kabaka's Government, and who later on became the Attorney-General of the Government, said that he had reason to believe that similar measures might be taken by the Central Government in relation to the case of Joseph Kazairwe, a leader of the Mubende-Bunyoro Committee, who was alleged to have incited people to refuse to pay taxes and market dues to the Buganda Government: He added:

'This order constitutes not only unprecedented interference with the course of justice in a free country, but it is also deplorable and a deliberate contempt of the Court on the part of the Director of Public prosecutions. . . . It was imperative in the interests of law and order and good Government both in Buganda and Uganda that as little interference as possible should be made by the Central Government in the affairs of Buganda.'²⁷

On February 13, 1963, the Acting D.P.P. was served with a summons by the Kabaka's Principal Court at Mengo demanding his appearance before the Court on February 15, 1963, to justify the "order". The Acting Registrar of the Buganda Principal Court, H. B. Ddumba, issued a statement that the Court had refused to accept the D.P.P.'s order because the D.P.P. had failed to certify that the order was issued by him in person. Ddumba accused the Uganda Minister of Justice of 'mixing' the judiciary with politics.²⁸

It was reported that the Acting D.P.P. went to Mengo District Court buildings in Kampala accompanied by two police officers and a lorry load of armed policemen. Meanwhile, the Lukiiko met and 85 members voted in favour of the amendment Bill which provided for the creation of the offices of Director of Public Prosecutions and a Solicitor-General in Buganda. One person abstained from voting. This Bill created the post of the Director of Public Prosecutions in Buganda.²⁹

A. L. Basudde, the Acting Katikkiro of Buganda, expressed the suspicions and feelings of the Lukiiko when he said, "there was someone behind that order whose intentions were to place us on nails".³⁰ The Uganda Argus had expressed similar sentiments when it said:

Uganda's Acting Director of Public Prosecutions, acting under the instructions of the Uganda Attorney-General, has ordered the Kabaka's Principal Court to discontinue all criminal proceedings against Eriabu Lwebuga, leader of the 'Common Man' pressure group within Kabaka Yekka.³¹

As we will show later on, the newspaper paid heavily for publishing this piece of news in this manner. There were a number of reasons for suspecting that the Acting D.P.P. had been directed by 'someone' to stop the proceedings against Lwebuga. First, the UPC governing party was known to be very sympathetic to Lwebuga's cause which was said to be aimed at improving the lot of the common man in Buganda.³² These suspicions were enhanced when the Prime Minister of Uganda addressed a public rally at the Clock Tower in Kampala and said:

What have they as common men got from all this (the creation of Buganda's D.P.P.?) Supposing Buganda has a D.P.P. of her own does that mean the people of Kisenyi³³ will tomorrow be richer than they are?³⁴

Obote had taken pains to write an open letter to the Acting Katikkiro of Buganda and had reminded him that it was the Buganda delegation at the London Conference which had led all other delegations against the proposal that these powers should not be given to the D.P.P. And thus the Prime Minister's overt concern about this matter and his reference to it in public speeches in order to score points against the Mengo establishment tended to endorse the view that the Uganda Acting D.P.P. had been influenced to stop the proceedings against Lwebuga.

Second, Abu Mayanja, a lawyer, pointed out that in ordering the dropping of charges against Lwebuga, the Acting D.P.P. had not called for the papers in the case and that he had not examined the record. Mayanja remarked that the D.P.P. made a 'blanket order' to drop all proceedings which was a shocking manner of carrying out such vital orders.³⁵ Third, there was also a 'Common Man's' argument which the author heard in the corridors of Mengo, which went like this: 'How could Omuzungu³⁶ understand the

intricacies of our domestic politics to the extent of interfering in it unless he was directed to do so by highly placed Ugandans?

G. Ibingira, the Uganda Minister of Justice, made a statement in Parliament in which he observed:

It is most astonishing therefore that the same people (Kabaka's Government) who argued that this Government must not control the D.P.P. have now wrongly alleged that it is our Government which is directing him and are attempting to diminish his authority by appointing their own D.P.P. The D.P.P. is by law not required to give reasons why he institutes or discontinues proceedings against anybody in any court. For him to be required to give evidence in a court as to why he exercises his constitutional power is analogous to summoning a Judge of the court to give reasons for his judgment.³⁷

Despite a stern warning which the Minister of Justice gave the Kabaka's Government not to question the actions and the independence of the Uganda D.P.P., the Acting Registrar of the Buganda Principal Court issued a defiant statement in which he asserted: "Even the Governor-General could be summoned to give evidence before a court of law under Cap. 77, Section 19 of the Buganda Courts Ordinance."³⁸

The Buganda Government refused to release Lwebuga and Buganda's assertion of its autonomy assumed dramatic dimensions when it was rumoured, and widely believed, that the Uganda Acting D.P.P. might be arrested for refusing to appear before the Mengo Principal Court as he had been ordered to do. This rumour acquired credibility when Ibingira warned the Buganda Government that if they attempted to arrest the Uganda Acting D.P.P., they would face grave consequences. The Uganda Acting D.P.P. was accordingly protected by armed Ugandan policemen. Mengo's³⁹ political morale was boosted when local newspapers wrote so approvingly of Mengo's toughness. For example, one of the leading Luganda newspapers *Munno* described Mengo as *Olwazi* (i.e. 'rock') in an editorial which praised Buganda's 'brave' actions during this political tussle.⁴⁰ *Taifa Uganda Empya*, another Luganda newspaper which was widely read, used the following headline: *Mmengo Ebiragiyo Yabigobye Iwa D.P.P. Farmer kugaana kugenda mu Kooti e Mengo*.⁴¹ These words, which captured the attention of many readers, may be translated as 'Mengo dismissed the orders of D.P.P. Farmer because he refused to appear before the Court of Mengo'.

Did Mengo have the legal authority to create the position of a D.P.P.? When the Bill which created the position of D.P.P. in Buganda was passed, Fred Mpanga, a Legal Officer in the Kabaka's Government, was appointed a Solicitor-General and Acting D.P.P.,⁴² a move which was not challenged by the Central Government because as a federal state, Buganda had the legal authority to create posts including that of a D.P.P.

Many Baganda saw the creation of Buganda's D.P.P. as being a logical consequence of Buganda's right to have a High Court which was provided

for under Section 94 of the 1962 Constitution. This view was, for example, shared by Amos Sempa,⁴³ a former Minister both in the Central Government and in the Kabaka's Government. He had been a prominent political figure at Mengo. Uganda's Minister of Justice admitted in Parliament that Buganda had the legal authority to create the post.

Having noted that Buganda had the authority to create Buganda's D.P.P., we must point out that the major aim behind creating the post was to reduce the practical capacity of the Central Government's D.P.P., to intervene in Buganda's 'domestic affairs'. Eventually, however, Buganda seems to have realised the limits of its constitutional authority and thus the Lukiiko gave 'a mandate to the Kabaka's Government to open negotiations with the Central Government and Buganda Members of Parliament about the transfer of powers of the Uganda D.P.P. to the Buganda D.P.P.'⁴⁴ But before these negotiations took place, another incident occurred which enabled the High Court of Uganda to assert the unfettered authority of the Uganda D.P.P. to discontinue criminal proceedings throughout Uganda.

Mrs. Joyce Lwebuga applied for *habeas corpus* on behalf of her husband in the High Court of Uganda.⁴⁵ Fred Mpanga on behalf of the Kabaka's Government argued:

I am not disputing such power of the D.P.P. to discontinue criminal proceedings in any court in this country, that includes the Buganda courts. What I am contending, I am disputing, is whether the power given to the D.P.P. under Section 82, whether that power has been properly exercised.⁴⁶

He further argued that the D.P.P.'s order was not effective enough to secure the discharge of the prisoner and that the Buganda Principal Court itself had to be moved to make an order both to discontinue and to discharge the prisoner.⁴⁷ Criticising the D.P.P.'s order, Mpanga pointed out that it just happened all of a sudden without the D.P.P. asking for the papers and that the order did not specify the charges, the case and the number. He added that the D.P.P. never sent his representative to the Mengo Principal Court as happened in previous cases.⁴⁸

Mboijana, who defended Lwebuga, submitted that it was not for the High Court to amend the Constitution by laying down the procedure and that it was for Parliament to lay down the procedure. He also contended that the D.P.P. was not required to give any reasons for his action.⁴⁹ Justice Sheridan made the following points in his judgment:⁵⁰ First, that Section 82 of the 1962 Constitution vested in the Director of Public Prosecutions the unfettered right of control of criminal courts other than Courts Martial in Uganda. Second, that Section 82(6) made it clear that in the exercise of the powers conferred by the Section, the D.P.P. was not to be subject to the direction or control of any other person or authority. Third, that as soon as the Buganda Principal Court had received the order of the D.P.P., it was a

necessary consequence of that order that the court should immediately have discharged the prisoner. Fourth, that the Buganda Principal Court had no authority to inquire into the mode of the D.P.P.'s exercise of his powers and that D.P.P. did not have to give any reasons for the exercise of his power. He concluded:

I am satisfied that the Prisoner is at present illegally detained by an order of the Principal Court and I order him to be set at liberty forthwith. The applicant is to have costs of these proceedings.⁵¹

POLITICAL AND LEGAL CONSEQUENCES OF THE TANGLE

The political and legal consequences of this case were far-reaching. Lwebuga was released and he was embraced and surrounded by his sympathisers who were freely shouting UPC slogans. Although Lwebuga had not yet openly resigned from being a member of KY, those who shouted KY slogans during the excitement of welcoming him from prison were silenced,⁵² because KY was closely associated with the Kabaka's Government which had lost this politico-legal fight. The UPC Government gained some credibility in Buganda for championing the cause of the common man. This was so because it was believed in Buganda that the UPC Government had directed the Acting D.P.P. to discontinue the proceedings against Lwebuga who was seen as the 'champion of the common man in Buganda'.

This interpretation of the Lwebuga incident put the UPC Government in a dilemma. On the one hand, it wanted to make it clear that in accordance with the provisions of the Constitution, it could not direct the Uganda D.P.P. to discontinue the proceedings against Lwebuga and that the D.P.P. had acted independently. On the other hand, the Central Government was eager not to destroy the political credit which was being circulated in Buganda that it had come to the rescue of the leader of the common man. The ordinary man in Uganda found it extremely difficult to distinguish these legal niceties. And yet there were serious political consequences from not making the distinction. Meanwhile, central control was boosted by this case. Local newspapers published the story that Mengo had no authority to continue detaining Lwebuga after the D.P.P.'s orders. Following this episode, Lwebuga and other members of KY joined UPC. The phenomenon of crossing the floor⁵³ which is outside the scope of this paper, gained momentum until 1964 when Obote was politically strong enough to dispense with the alliance.

It must be noted that the Lwebuga tussle entailed a conflict between Buganda's customary law and the Ugandan law over the liberty of an individual. As Nkambo-Mugerwa put it:

The liberty of an individual is such a fundamental matter that even unlawful imprisonment for five minutes is actionable. Since the Ugandan Director of Public Prosecutions had been fully satisfied that there was not enough evidence either to justify prosecuting Lwebuga

or detaining him, the Ugandan law had to prevail over the customary law, more so because this issue concerned the liberty of an individual.⁵⁴

The remaining legal facets of this case were once again publicly raised when the Uganda D.P.P. and the Uganda Attorney-General sued Uganda Argus Limited for damages arising out of libel.⁵⁵ Earlier on we noted that the Uganda Argus of February 11, 1963, published an article stating that the Acting D.P.P. acted under the instructions of the Uganda Attorney-General to discontinue criminal proceedings against Lwebuga. Sir Udo Udoma, the Chief Justice of the High Court of Uganda, described this piece as 'being 'mischievous', 'irresponsible' and 'reckless journalism'.⁵⁶ He found the paper guilty of falsely charging both the Uganda D.P.P. and the Attorney-General of having acted contrary to and in open violation of Section 82 of the Uganda Constitution. In short, the D.P.P. asserted that in accordance with the provisions of the Constitution, he acted independently. The Attorney-General also contended that he did not direct the D.P.P. to stop the proceedings against Lwebuga because this would have been violating Section 82 of the Uganda Constitution. Sir Udo Udoma said, "surely these charges if true would be sufficient to render the plaintiffs unfit to hold their respective high public offices". Accordingly, the Uganda Director of Public Prosecutions was awarded damages of Shillings 40,000/- with costs while the Attorney-General was awarded damages of Shillings 50,000/- with costs against the defendants.

CONCLUSION

The Lwebuga legal political tangle displays the following intertwined threads: It shows competitive politics between the Central Government and the Kabaka's Government which was typical of the period between 1962 and 1966. The ultimate wish of the Central Government under Obote was to acquire unfettered authority to intervene in important affairs of Buganda just as it was entitled to do so in other sub-centres of power in Uganda. The Kabaka's Government attempted to use its political alliance with the Central Government and litigation to repel and reject Central intervention. The Abawejjere movement under the leadership of Lwebuga provided open political cracks in Buganda, cracks which enabled Obote and his ruling party to penetrate Buganda's political arena. The arena had hitherto been monopolised by Kintu's Government with the assistance of the Kabaka.

The courts provided a significant forum for conflict resolution. They enjoyed a number of advantages which included legal and technical competence. They were also manned by people who were not suspected of being a party to ethnic rivalries and their proceedings were carried out in the open and under strict procedures. These advantages were fortified by a historical tradition of litigation. And thus, the political 'belligerents' were willing to go

to courts in order to thrash out their differences. The period between 1962 and 1966 when vigorous dissent was tolerated and not suppressed; provided genuine opportunities for realising political integration.

FOOTNOTES

1. Some of the points raised in this paper appeared in Apolo Nsibambi's "The Politics of Litigation in Uganda, 1962-1967". It was given at Cambridge University, U.K. on November 15, 1972.
2. Cf. M. Weiner, "Political Integration and Political Development", *The Annals of the American Academy of Political and Social Science*, Vol. 358, March 1965, esp. pp. 52-55.
3. A. Mazrui, "Privilege and Protest as integrative Factors: The case of Buganda's Status in Uganda", in R. Rotberg and A. Mazrui (eds.), *Protest And Power In Black Africa* (New York: Oxford University Press, 1970), p. 1075.
4. For more information on KY, see I. R. Hancock, "Patriotism and Neo-traditionalism in Buganda: The Kabaka Yekka ('The King Alone') Movement, 1961-1962", *Journal of African History*, XI 3(1970), Abu Mayanja, *You and Your Vote, A Guide to the Lukiiko Election* (Mengo: Friends Press Ltd., February, 1962), Sir Edward Mutesa, *The Desecration of my Kingdom* (London, 1967), and H. Kyeyune and Apolo Nsibambi, *Buganda, a Federal State of Uganda* (Mengo: Kabaka's Government, 1962).
5. For more information on UPC, consult Joseph S. Nye, Jr., "TANU and UPC: The Impact of Independence on Two African Nationalist Parties" in J. Butler and A. A. Castagno (eds.), *Boston University. Papers on Africa: Transition In African Politics* (New York: Frederick A. Praeger, 1967).
6. See D. A. Low, *Political Parties in Uganda, 1949-1962* (London, 1962).
7. Various meanings of political integration can be found in Apolo Nsibambi's "Some Problems of Political Integration in Uganda", *East African Journal*, February, 1969.
8. For details refer to Apolo Nsibambi, "The Rise and Fall of Federalism in Uganda", *East Africa Journal*, December, 1966, Emory Bundy, "Uganda's New Constitution", *East Africa Journal*, October, 1968, and G. F. Engholm and A. A. Mazrui, "Violent Constitutionalism in Uganda", *Government and Opposition*, July-October, Vol. 2, No. 4, 1967.
9. M. Lee, "Buganda's Position in Federal Uganda", *Journal of Commonwealth Political Studies*, Vol. III, No. 3, November, 1965, p. 165.
10. The Central Legislature was distrusted *inter alia*, because the Bugandan leaders feared that other tribes of Uganda which were less privileged than Buganda, would gang together in order to abolish Buganda's special position. The Bugandan leaders also felt that some of the party leaders who were likely to dominate the Council, were hostile to the existence of Monarchy.
11. D. A. Low, *Buganda in Modern History* (London: Weidenfeld and Nicolson, 1971), p. 112.
12. D. A. Low and R. C. Pratt, *Buganda and British Overrule* (London: Oxford University Press, 1960), p. 342.
13. These elections enabled the Buganda Lukiiko to act as an electoral college and send its 21 representatives to the Ugandan Legislative Assembly.
14. For more details consult *Report of a Commission of Privy Counsellors on a dispute between Buganda and Bunyoro* (The Molson Report), Cmd. 1717, Entebbe, 1962.

15. Indigenous customary cases were tried in Buganda's Courts, a procedure which was dear to Buganda. For details, see H. F. Morris and J. S. Read, *Uganda: The Development of its Laws and Constitution* (London: Stevens and Sons, 1966), especially pp. 254-258.
16. Obote's anti-monarchical sentiments and his preference for republicanism emerge clearly in his *Common Man's Charter*, Entebbe, 1969.
17. Akena Adoko's anti-monarchical sentiments are stated clearly in his *Uganda Crisis* (Kampala: Consolidated Printers Ltd.), pp. 9 and 107.
18. D. A. Low, *Buganda in Modern Uganda*, *op. cit.*, pp. 189-194 and Mazrui, *op. cit.*, p. 1082.
19. Sir Edward Mutesa, *op. cit.*, p. 160.
20. G. S. K. Ibiringira, *The Forging of an African Nation* (New York: The Viking Press, 1973), pp. 201-205.
21. Source: Interview with two former Katikkiros of Buganda who requested to remain anonymous. Mengo was the Capital of the Kabaka's Government.
22. The religious differences in Buganda were also a possible source of cracking Buganda's apparent political unity. However, the apportionment of key posts on a religious basis, tended to postpone religious confrontations. For example, the Katikkiro and the Minister of Finance tended to be Protestants, The Minister of Justice, a Roman Catholic and the Minister of Education, a Muslim. See F. Welbourn, *Religion and Politics in Uganda* (Nairobi: East African Publishing House, 1965).
23. *Uganda Argus*, December 10, 1962, p. 3.
24. *Uganda Argus*, January 9, 1963.
25. See the return of the Superintendent of Prisons, Kabaka's Government, in Obedience to the writ leave of whose issue was granted by Justice J. Sheridan on February 14, 1963. Miscellaneous cause No. 11, 1963, in High Court of Uganda, Kampala, February 19, 1963, p. 1.
26. Hereafter referred to as D.P.P.
27. *Uganda Argus*, February 11, 1963. See also the *Eastern Africa Law Reports*, 1964 (London: Butterworth and Co. Publishers Ltd. 1965), pp. 570-571.
28. *Uganda Argus*, February 16, 1963, p. 5.
29. *Uganda Argus*, February 13, 1963.
30. *Uganda Argus*, February 13, 1963. He was referring to Obote.
31. *Uganda Argus*, February 11, 1963.
32. When the author interviewed Lwebuga he admitted that he was aware that the UPC was sympathetic to his cause. However, he added that he did not get any direct assistance from the UPC.
33. This is a slum area in Kampala.
34. *Uganda Argus*, February 15, 1963.
35. *Uganda Argus*, February 16, 1963.
36. Farmer, the Acting D.P.P., was a European (Omuzungu).
37. *Uganda Parliamentary Debates*, February 14, 1963, p. 300.
38. *Uganda Argus*, February 16, 1963, p. 1.
39. Although Mengo normally refers to the seat of the Kabaka's Government, in this context it refers to the political establishment of Mengo plus their sympathisers.
40. See Munno (Kampala), February 13, 1963.
41. *Taifa Uganda Emnya*, February 16, 1963.
42. See *Uganda Argus*, March 2, 1963.
43. He endorsed this view when I interviewed him in 1972.
44. *Uganda Parliamentary Debates*, *op. cit.*, p. 300.
45. *Uganda Argus*, February 23, 1963.

46. See Miscellaneous Cause No. 11 of 1963 in Her Majesty's High Court of Uganda at Kampala February 22, 1963.
47. *Ibid.*, pp. 2-3.
48. *Ibid.*, p. 8.
49. *Ibid.*, pp. 9-10.
50. See Uganda High Court Judgment in the matter of Writ of Habeas Corpus and in the matter of an Application by Joyce Lwebuga wife of Eriabu Lwebuga an unconvicted Prisoner at Njabule Prison. Miscellaneous Cause No. 11 of February 22, 1963.
51. *Ibid.*, p. 3.
52. See *Munno*, February 23, 1963, p. 8.
53. For details on this theme, See G. F. Engholm and A. Mazrui, "Crossing the Floor and the Tensions of Representation in East Africa", *Parliamentary Affairs*, Vol. XXI, No. 2, Spring 1968.
54. Interview with Nkambo-Mugerwa, a former Attorney-General and Solicitor-General of Uganda.
55. See *Farmer and Another versus Uganda Argus Ltd.* (Civil Case Nos. 317 and 349 of 1963), in the High Court of Uganda, July 11, 1964. It is also reported in the *Eastern Africa Law Reports*, 1964, pp. 568-581.
56. *Ibid.*, p. 580.