The Federo Question of Buganda in Uganda

within the Context of the East African Political Federation

A Report of the Kituo Cha Katiba Fact-Finding Mission to Uganda

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Contents

Contributors ........................................................................................................... v

Abbreviations and Acronyms ........................................................................ vi

Background and Introduction ........................................................................ vii

Historical Background to the Federo Question ........................................... 1

1. The Foundation of Modern Uganda ............... 1

   Buganda in the Pre-Colonial Period ......................................................... 4

   Post-Second World War Period ............................................................ 9

   The Vicissitudes of Closer Union and East African Federation ............... 12

   Post-Independence Uganda ................................................................ 15

   The Demand for Federo ...................................................................... 19

2. Conceptual Framework ....................... 23

   Understanding the Concept of Democracy ........................................ 23

   On Federo ...................................................................................... 28

   On Federalism .............................................................................. 33

   How Other Communities in Uganda View Federalism ....................... 37

   Comparing Federo and Federalism: the Malaysian Experience .......... 38

   Federo versus Decentralisation ....................................................... 41
3. Mission Findings ...................................................... 45

The Meaning of Federo.................................................... 45

Federo: Perspectives of Other Communities in Uganda ......................................................... 49

Federo versus Federalism................................................. 52

The Need for Buganda to be Democratised ............... 56

Threats and Opportunities to Federo ......................... 57

Threats to the Impeding East African Political Federation .................................................. 60

Ambiguous Position of the Kingdom of Ankole ........... 63

4. Conclusions and Recommendations ................. 65

Conclusions ................................................................. 65

Recommendations ......................................................... 68

Persons Interviewed by the Fact-Finding Mission ....... 70

Literature Available to the Fact-Finding Mission ........ 74
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# Abbreviations and Acronyms

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AD</td>
<td><em>Anno Domini</em></td>
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<tr>
<td>CA</td>
<td>Constituent Assembly</td>
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<td>CP</td>
<td>Conservative Party</td>
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<td>DP</td>
<td>Democratic Party</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>EAC</td>
<td>East African Community</td>
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<td>FAS</td>
<td>Federation of African States</td>
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<td>FEDEMU</td>
<td>Federal Democratic Movement of Uganda</td>
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<td>FRONASA</td>
<td>Front for National Salvation</td>
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<td>IBEAC</td>
<td>Imperial British East Africa Company</td>
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<td>KCK</td>
<td>Kituo Cha Katiba: Eastern Africa Centre for Constitutional Development</td>
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<td>KY</td>
<td><em>Kabaka Yekka</em></td>
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<tr>
<td>Legco</td>
<td>Legislative Council</td>
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<td>MP</td>
<td>Members of Parliament</td>
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<td>NCD</td>
<td>National Caucus for Democracy</td>
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<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>NRA</td>
<td>National Resistance Army</td>
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<td>NRM</td>
<td>National Resistance Movement</td>
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<td>PRA</td>
<td>Popular Resistance Army</td>
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<td>RC</td>
<td>Resistance Council/Committee</td>
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<td>UFF</td>
<td>Uganda Freedom Fighters</td>
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<td>UFM</td>
<td>Uganda Freedom Movement</td>
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<td>UNC</td>
<td>Uganda National Congress</td>
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<td>UNLF AD</td>
<td>Uganda National Liberation Front Anti-Dictatorship</td>
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<td>UNLF</td>
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<td>UPC</td>
<td>Uganda People’s Congress</td>
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<td>UPM</td>
<td>Uganda Patriotic Movement</td>
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<td>UPU</td>
<td>Uganda People’s Union</td>
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<td>USA</td>
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Background and Introduction

Established in 1997, Kituo Cha Katiba: The Eastern Africa Centre for Constitutional Development (KCK) is a non-governmental organisation (NGO) whose remit is the promotion of constitutionalism and democratic governance within East Africa. The organisation provides a neutral forum for activists, academicians and politicians for dialogue, self-reflection and critical debate over current issues of democratic development relevant to the East African context. The organisation ultimately aims to promote active participation of civil society in governance and to cultivate and instill a culture of constitutionalism where constitutions become living documents that reflect the aspirations and needs of the common people in East Africa. KCK is governed by a board whose members are drawn from Burundi, Kenya, Rwanda, Tanzania, Uganda and Zanzibar.

The term *federo* is a homegrown ‘Bugandanised’ concept that postulates a form of quest for power by the people of Buganda. The quest for federo by Buganda is historical and has been persistent and central to Uganda’s governance since the colonial period and has pervaded all post-independence regimes, albeit with most intensity in recent times under the National Resistance Movement (NRM) regime.

The envisioned East African Federation presupposes a single political unit whereby all the East African states will be required to cede their sovereignty to the regional level. It is also expected to be characterised by common foreign and security policies and to usher in a federal president to reign. For such a political arrangement to succeed there
must be unity of purpose, peace and stability across the East African Community (EAC). If a genuine political integration is to succeed, then national impediments such as the federo question of Buganda in Uganda must be addressed. It is against such a background that KCK sent a fact-finding mission comprising East Africans from four East African countries to Uganda to meet and interview a cross-section of Ugandans with a view to obtaining differing opinions on the nature of the federo question in Buganda and its implications for the realisation of the intended East African Federation.

The Mission
The fact-finding mission was undertaken from 1 to 4 August 2011 in Kampala, Uganda. The mission was composed of five distinguished East Africans:
• Prof. Godfrey Muriuki (Kenya); professor of history, University of Nairobi (Head of Mission);
• Mr Jérôme Nikobameze (Burundi); a lawyer working with government in Bujumbura;
• Mr Christian Garuka (Rwanda); a human rights lawyer and researcher, based in Kigali;
• Mr Mohammed Khamis (Zanzibar); state attorney, Office of the Director of Public Prosecutions and part-time lecturer at the Zanzibar University;
• Dr J. Abunuwasi Mwami (Tanzania Mainland); senior lecturer, Department of Sociology and Anthropology, University of Dar-es-Salaam (secretary).

Goal and Objectives
The principal objective of the mission was to examine areas of tension related to the federo question of Buganda in Uganda and to recommend ways and means of resolving them in the interest of a successful East African political federation. The specific objectives of the fact-finding mission were:
• To interrogate the concept of federo and what it entails;
• To examine the current threats and opportunities present for federo at the national level;
• To examine the current threats and opportunities present for federo in the wider East African political federation;
• To examine and assess the mechanisms by which the federo question should be addressed both at the national level and within the context of the wider regional and East African political federation.

**Methodology**

The mission met with a broad spectrum of people of different ideological persuasions. It held one-on-one interviews with 39 key players in Uganda – among them government officials, members of parliament (MPs), leaders of political parties, and representatives of civil society including the media, academicians and different ethno-cultural groups.

The key instrument used to elicit views from the respondents was an open-ended question guide to which each respondent was requested to provide his/her own views on the meaning of the concept of federo, what it actually entails and the possible threats and opportunities which may accrue in the political federation of the EAC. The entire process of conducting the interviews and the associated dialogue which ensued was guided by the chairperson, while members of the mission posed questions and probes as opportune. The methodology, therefore, was purely qualitative.

Given the sensitive nature of the assignment, strict confidentiality of the interviews was maintained and to this end no attribution to either personalities or institutions was made unless there was a specific waiver of anonymity. Hence, whenever quotations are made, they are for the purpose of capturing the meaning and content of the discussion. It is
the opinion of the mission that the discussions were made in a conducive and relaxed atmosphere and as such, the information that was elicited from the respondents was genuine and frank. In unfortunate situations where the mission was unable to meet the earmarked respondents, written submissions were requested from them. Fortunately, apart from verbal discussions, a good number of those whom the mission met provided written submissions at the end of the day. The mission also made reference to relevant literature.

The mission report was also presented and discussed at a regional workshop which drew together a wide spectrum of key stakeholders from Uganda and the rest of the region, held on 7 December 2011 in Kampala, Uganda.
Chapter One

Historical Background to the *Federo* Question

**The Foundation of Modern Uganda**

Until the last quarter of the nineteenth century, Britain had no appetite for acquiring colonies in Africa. But this did not mean that she was uninterested in exploiting its resources. On the contrary, she did so while at the same time ensuring that she did not get entangled in local affairs. This was done by creating protégés wherever possible in what came to be called an ‘informal empire.’ Alternatively, she would send a gun boat or two to cow recalcitrant communities and hence, the concept of a ‘gun boat policy.’

Mainly for strategic reasons, Britain was interested in East Africa as part of her strategy to ensure safe passage of her commercial and naval fleets on their way to the East. Accordingly, when the Omani Arabs chased away the Portuguese from East Africa in 1698, she was more than ready to assist the Omanis to firmly establish their hegemony along the East African coast.

The Omanis built garrisons in Zanzibar (Unguja) itself, Pemba and Kilwa. Furthermore, their ruler, Seyyid Said, was attracted by the political tranquility of Zanzibar in comparison to the volatile Muscat. He also appreciated the economic potentialities of the region. Consequently, in 1832 he decamped from Muscat to Zanzibar, which he was keen
to develop as a commercial centre. To that end, in Pemba, he developed a thriving spice industry – particularly cloves – thereby earning the islands the nickname, ‘Spice Islands.’ At the same time, he realised that on the East African mainland there were other natural resources that were in demand on the international market. Hence, he supported the expansion of the caravan trade into the mainland in search of ivory, minerals and slaves. And ultimately, his dream came true. Zanzibar became an entrepôt which attracted various trading powers. And in order to make their presence felt, they established diplomatic relations and signed treaties of amity with the Sultan. The United States of America (USA) did so in 1836, Britain in 1840 and France in 1844. However, Britain developed stronger links with the sultan than the other parties. The British helped to consolidate his role as a sultan by assisting him to deal with troublesome subjects. Even more, they provided the necessary military and naval accessories and trained his armed forces, particularly the navy. Indeed, over time Zanzibari rulers became virtual clients of the British.¹

In due course, the fortunes of Zanzibar took a nosedive. In the last quarter of the nineteenth century, European powers engaged in a vicious scramble for Africa, which threatened to plunge Europe into war. To avert such an eventuality, a conference of the nations was organised and met in Berlin in 1884–1885. Participants at the Berlin Conference amicably resolved their differences by agreeing on how to curve up

Africa into spheres of influence. Each power was then required to effectively occupy the area it claimed. Consequently, Germany, Britain and France showed interest in East Africa. Germany and Britain were recognised as having a superior claim to East Africa. As a result of this, Germany demanded that the extent of the sultan’s empire be determined so that the two powers could share their spoil. Thus both countries agreed on how to share East Africa in the Delimitation Treaty of 1886.

They readily agreed on how to divide the coastal area, but could not do so as far as the interior was concerned. The consequence was that there emerged a fierce competition for what eventually became Uganda. Faced with the realities of international politics, Britain had to decide what to do. The British government and public were averse to acquiring colonies, which were considered to be a drain on the exchequer. Yet a British administration had to be put in place, otherwise Germany would have taken over the whole of East Africa. It was believed in British circles that this would pose a threat to its interests in Egypt. Indeed, the general feeling was that, under no circumstances should the Nile Valley fall into enemy hands. Britain decided to firm out her sphere of influence to a company, as indeed she had done elsewhere in Africa. This turned out to be easy to do as a group of philanthropists and humanitarians were interested in the area.

Sir William Mackinnon and his humanitarian friends had formed a company called Imperial British East Africa Company (IBEAC). It was granted a royal charter in 1888 and entrusted with establishing an administration from the coast of East Africa to what became Uganda on the shores of Lake Victoria. In doing so, it faced many difficulties in carrying out its mandate. Among them was that Germany, by inciting local
communities against the company, proved to be a thorn in its flesh.

Unable to handle the challenges, IBEAC relinquished control. It was undercapitalised and the directors did not have adequate business experience. It had inexperienced personnel, often derisorily called ‘raw Scots’. It was also confronted by stiff resistance from the local people, which forced it to embark on expensive series of wars against the Mazrui, Kikuyu and Nandi of Kenya, and the Banyoro and Baganda in Uganda. Consequently, it became bankrupt and the British government had no choice but to buy out the company and take over the administration of what became two regions. Uganda was declared a protectorate in 1894 and British East Africa in 1895.²

Buganda in the Pre-Colonial Period

According to the Baganda oral traditions, their first king, Kato Kintu, arrived in Buganda sometime in the fourteenth century. He found the country occupied by indigenous people who allegedly had been ruled by 30 kings before his arrival. This is consistent with archaeological evidence which shows that the interlacustrine region was occupied by Bantu-speaking peoples as early as the sixth century AD. The Bantu were makers of Urewe pottery, which has been dated from the sixth to twelfth century.

Originally, Buganda consisted of only three counties. But over the years, it was to grow into a strong and expansive kingdom. For example, other clans migrated from the East. And after the collapse of the Bachwezi rule, others moved eastwards, including King Kimera, who probably founded a new dynasty

in Buganda. Its expansion was noticeable from the sixteenth century, particularly after the decline of the Bunyoro-Kitara kingdom. This territorial expansion continued in the next two centuries so that, by the nineteenth century, Buganda was at its height of power. Indeed, from the original three counties, it had added another seventeen, thereby ending up with twenty counties by the close of that century. In this endeavour, it was successful because it had ample natural resources, a well-organised army, a navy consisting of outrigger canoes and an efficient administrative system. Finally, it welcomed newcomers without discrimination, a phenomenon that has made Buganda a haven for many immigrants. To date, it is estimated that nearly 50 percent of the population of Buganda is made up of descendants of non-Baganda.

Turning to its administrative system, Buganda had a centralised system of government. At the very top was the Kabaka (king), who wielded power through a number of agents: the non-hereditary chiefs (bakungu) that he appointed, and the hereditary clan chiefs (bataka). Chosen from among the peasants, the bakungu were responsible for checking the powers of the traditionally influential bataka. Below them were a range of agents who derived their power from the Kabaka. Even more important was that in the kingdom, political authority was based on achievement, rather than aristocratic birth. This gave everyone a chance of upward mobility based on one’s ability. In return, those so identified and appointed kingdom officials became fiercely loyal to the Kabaka.

The kingdom had also evolved a traditional parliament, called Lukiiko. A katikkiro, (prime minister), was the administrative head of the kingdom under the watchful eye of the Kabaka, who was the head of all clan leaders, Ssabataka. At the same time, he took the clan of his mother in a strictly
patrilineal society. And as he was required to marry from any clan, this meant that there was no royal clan to monopolise power. In the end, this ensured the stability of the kingdom, in contrast to other kingdoms such as Ankole.³

The arrival of foreigners affected the Buganda kingdom in a very fundamental way. To begin with, Muslim traders had arrived in the kingdom in the 1840s. They were followed by Christian missionaries; Anglicans, in 1877 and the Roman Catholics in 1879. The Anglicans came at the express invitation of Kabaka Mutesa I, not because he was overjoyed at the prospect of turning his subjects into Christians, but rather this was a calculated political manoeuvre, realpolitik.

At that particular time, his kingdom faced increasing threat from the Khartoumers coming from Sudan and the Swahili and Arab traders from the East African coast. Consequently, he fathomed that the incoming Europeans would be a bulwark against such threats. He had been favourably impressed by the firepower that was exhibited by H. M. Stanley when he helped him to defeat troublesome Buvuma islanders. Thus he requested Stanley to appeal for missionaries to come to Buganda. The calculation was that they would be a ready source of guns, which were in great demand. With these he could then confront the threatening invaders from a position of armed strength.

But to his dismay and that of his successor, Mwanga, converts of the new religions began to undermine his political authority. Arguably, it is this threat that led to the execution of the newly converted pages by Mwanga. Equally, in this charged atmosphere Christians and Muslims began to compete for Baganda souls. At that point in time, Muslims in Africa were

facing a serious challenge from Europeans. In response, they had resorted to attempting to kick them out, all the way from Egypt to East Africa. Hence, in an alliance with Kabalega, the king of Bunyoro, in 1888 they staged a ‘coup d’état’ against Kabaka Mwanga and placed Kalema on the Buganda throne. This unleashed religious-cum-political wars between 1888 and 1894. However, Christians trounced the Muslims in 1890. But no sooner had the Muslims been defeated than the Christians turned against one another. Eventually, assisted by Frederick Lugard of the IBEAC, the Protestants were able to defeat the Roman Catholics in the Battle of Mengo of 1892. And in the ensuing peace agreement, political offices in the kingdom were to be shared on religious basis. For example, the holder of the position of Katikkiro was reserved for a Protestant. Thus the agreement laid the foundation for the intertwining of politics and religion not only in Buganda, but also in Uganda as a whole.4

The British government was forced to take over Uganda from IBEAC in 1894. In that year, the British and the Baganda signed an agreement which, for all practical purposes, put Buganda under British rule. Furthermore, in its efforts to establish a viable administration in Uganda as a whole, the British realised that Buganda was key to its success or failure. Yet Buganda had also demonstrated its military capability. For instance, the Baganda had assisted them to defeat the Sudanese mutineers. In the event, British administrator Sir Harry Johnston decided to negotiate rather than fight with them, leading to the Buganda Agreement, which was reached

in 1900. The agreement was in many ways unique. There are not many colonised people who negotiated with their colonisers!

The agreement bestowed a special status on Buganda. To begin with, under the indirect rule rubric, it was allowed to retain its traditions and ruler. Moreover, the British were impressed by the Buganda model of traditional government to the extent of extending it to other parts of Uganda. Above all, up to the 1920s, the British government used the Baganda agents as teachers, tax collectors, missionary helpers and chiefs in the rest of the protectorate. In short, Baganda became sub-imperialists. In the final analysis, it is alleged that this made the Baganda acquire a superiority complex and hence looked down on everyone else.

This mentality was further buttressed by one other factor. Buganda hosted the seat of the colonial government. Kampala developed into the commercial centre of the territory. The Baganda were the first to embrace Christianity and literacy. Proceeds from coffee and cotton made many of them fairly prosperous. This enabled them to employ migrant workers from other communities to labour in their farms. All these factors gave them an edge in comparison with the other communities. The upshot of all this was that their presence outside Buganda was increasingly resented and ultimately ended in violent confrontations.

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Another important facet of the agreement related to land. The kingdom retained control of half of its land. This was allocated to the Kabaka and chiefs, and came to be referred to as mailo (Luganda name for mile) land. The rest, which was composed of swamp and scrub, was left in the hands of the colonial power. In the process, clans were dispossessed of their traditional land. It also created a landed aristocracy. Later on, this would cause untold acrimony between the peasants (bakopi), clan leaders (bataka) and the Buganda government. For example, the mailo landlords demanded more rent on land (busulu) and cash crops (nvujjo) from their tenants on pain of expulsion. A subsequent decline in production led the government to pass the Busulu and Envujjo Law of 1928, setting a limit on the rent that landlords could demand from them. Certainly, the acrimony that convulsed Buganda heralded the beginning of nationalist activities in Uganda as evidenced in the Bataka Movement which started in 1911. The Bataka Movement and other organisations made economic, social and political demands, such as the option to elect their chiefs as well as the return of their land. Their political activism culminated in the riots of 1945 and 1949.\(^7\) From this perspective, it is manifestly clear that the current demand for the return of land is nothing new.

**Post-Second World War Period**

The end of the Second World War witnessed unprecedented political awakening in Africa. By that time, a substantial number of Africans had gained higher education either in the metropole or in the emerging higher education institutions in the colonies, such as Makerere in Uganda and Fourah Bay in Sierra Leone. Such individuals had internalised the ideals and values preached by their overzealous mentors and hence they

considered themselves to be at par, if not better, than their colonial masters. On return home, they were, therefore, not ready to accept the status quo and for that reason clamoured for change in the prevailing colonial order. This changed outlook was clearly demonstrated at the Manchester Pan-African Conference of 1945, where a bunch of nationalist leaders in the diaspora agreed to return home and demand independence instead of merely seeking to be accommodated in the colonial dispensation.

During the war, African soldiers were recruited to fight against Germany alongside their European counterparts. To win their support, Allied powers mounted a media blitz emphasising that they were engaged in a struggle against tyranny. In this regard, the Atlantic Charter of 1940 issued by Britain and America gave pride of place to the idea of self-determination. This struck a chord amongst the colonised and, particularly, the war veterans. They quickly recognised the hypocrisy of their colonial masters. In particular, they wondered why it was wrong for the Germans to dominate the world while the colonial powers themselves did the same in the colonies without batting an eye. At the same time, the war experience laid bare the idea of white superiority. They were now seen not as demi-gods of yore, but ordinary human beings. Owing to these factors, war veterans emerged as the most militant group of protesters against the colonial powers. Equally, they made good use of their military training by spearheading the wars of liberation that took place in Africa from the 1950s to the 1980s.8

Given this general background, it was not surprising that Uganda saw increased political turmoil after the war. Prior to this, Buganda farmers had formed a Bataka Association

in 1921. It campaigned against the landed aristocracy and challenged the Asian monopoly on the processing and marketing of cotton. This was followed in 1938 by the Bana ba Kintu, who championed the rights of ordinary farmers and merchants. In 1941, Ignatius Musazi formed the Uganda African Farmers Union, which agitated for the rights of farmers and culminated in the Bataka riots of 1945 and 1949, earlier mentioned. These political rumblings did not go unnoticed by the colonial government. Accordingly, three Ugandans were nominated to the Legislative Council (Legco) in 1945 and the number was increased to eight in 1950. The move was intended to stem the tide of nationalism. But from then on, the question was how to form a countrywide political party in view of Buganda’s dominance of the political scene.

A number of parties appeared on the scene. Uganda Farmers Union collapsed after the Bataka riots of 1949. Thereafter, Uganda National Congress (UNC) was formed in 1952. While it was dominated by King’s College Budo elite, it was nevertheless socialist, cosmopolitan, interracial and Pan-Africanist in outlook. In contrast, E.M.K. Mulira formed the Progressive Party in 1955. It drew its support from Buganda by embracing members of the Lukiiko, and leaders of the teachers association, businessmen and church organisations. In 1956, Roman Catholic followers, who felt marginalised in Buganda politics, formed the Democratic Party (DP). For this reason, it earned the epithet Dini ya Papa (Holy Father’s Party). This was followed by the formation of Uganda People’s Union (UPU) by members of the Legco in 1958. In 1959, UNC split into two factions led by Musaazi and Milton Obote. The era of political manoeuvring continued into 1960 when Obote’s wing joined UPU to form the Uganda People’s Congress (UPC). Not to be outdone, in 1961 the Baganda formed Kabaka Yekka
‘King Only’ [KY]) to protect the kingdom of Buganda and its institutions. All this was happening when independence was around the corner.

General elections were held in 1961 and the DP, led by Benedicto Kiwanuka, won. In Buganda, the elections were boycotted by a majority of Baganda. However, Roman Catholic supporters were brave enough to vote. Consequently, the DP won 20 of the 21 seats on offer in Buganda. And hence, Kiwanuka became the prime minister. His victory raised the possibility of the DP leading the country into independence. This turn of events alarmed the Protestants and the UPC. Specifically, most supporters of the UPC came from outside Buganda, particularly the northern region. Thus, the wider implication of this was obvious. The UPC had no hope of coming into power unless and until it mended fences with Buganda. In the same vein, the Buganda establishment searched for allies, who would guarantee the special status of Buganda. In the end, this formed the rationale for the political marriage of convenience, or unholy alliance, between the DP and KY in 1962.9

The Vicissitudes of Closer Union and East African Federation

For over a century now, various efforts have been made to either integrate Kenya and Uganda, or federate the three East African countries. But all the toil has come to naught for a variety of reasons. For example, at the beginning of the colonial administration in Kenya and Uganda at the end of the nineteenth century, British administrators were anxious to see the amalgamation of Kenya and Uganda. Lugard, in particular,

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proposed the creation of a British East African empire, with its headquarters located in the healthy and bracing uplands of Kikuyu or Mau plateau.\textsuperscript{10} And in 1899 Harry Johnston was still campaigning for the establishment of such an entity with a capital at Njoro or Londiani. However, the transfer of eastern Uganda to Kenya in 1902 robbed the campaign of its steam. Henceforth, the idea was shelved for almost two decades, notwithstanding further efforts by Leo Amery and Percy Girouard.\textsuperscript{11}

The idea was revived in the 1920s, but faced opposition from unexpected quarters. Since coming under the British colonial rule in 1894, Buganda has strenuously struggled to maintain its identity, institutions and values. And although these were amply safeguarded by the 1900 Agreement, this was not the end of threats to its status. For example, after the First World War, the League of Nations gave Britain the mandate to rule Tanganyika. Thus Britain became the overlord of Kenya, Uganda and Tanganyika. And so in the 1920s and 1930s, she mooted the idea of consolidating its empire from the Sudan to the Limpopo. The proposal was taken up by white settlers in East and Central Africa who wanted to solidify the white ideal by creating a ‘great white dominion.’ To that end, they met in Tukuyu in October 1925, Livingstone in 1926 and Nairobi in 1927. Meanwhile, in 1919 the governors of the three East African territories were requested to study the idea of closer union. The Ormsby-Gore Commission was dispatched to East Africa in 1924, followed by the Hilton Young Commission and the Joint Select Committee of both Houses of Parliament

\textsuperscript{10} Lugard, F.D., op.cit., pp.634-636.

in 1931. The latter declared the idea of a closer union to be inopportune. One of the main reasons for this was that Africans in East Africa rightly feared that such a move would only go towards the introduction and consolidation of policies that had been implemented in white-settled colonies, particularly Kenya and South Africa. It was obvious to the Africans that such policies would have been detrimental to African interests and welfare, in spite of British assertions to the contrary. And for our purposes, Buganda was in the forefront of opposing the project\textsuperscript{12} because she feared the imposition of unfair and discriminative policies, as well as the grabbing of her land by white settlers.

Then, in the 1940s, there was close co-operation between the East African countries in order to effectively support the war effort. Proposals were made to accelerate industrialisation as a means of reducing imports and a common market was inaugurated on 1 January 1948 under the umbrella of the East African High Commission. All these measures were seen as the first steps towards an eventual federation of East Africa, as had happened in British Central Africa.

Nevertheless, it was not until the 1950s that the idea of an East African federation was expressly resurrected. In June 1953 the colonial secretary, Sir Oliver Lyttelton, had remarked that an East African federation was in the offing. This alarmed the Buganda establishment and led to a confrontation between the Kabaka, Sir Edward Mutesa, and the governor, Sir Andrew Cohen. The Baganda feared that the proposed federation would

be dominated by Kenyan settlers who would then undermine African interests, as was the case in Kenya. Thus, the Baganda even demanded independence if such an eventuality came to be. In response, the British government withdrew its recognition of Mutesa as head of the Buganda state and exiled him to Britain, leading to widespread condemnation of the act even outside Buganda. The hiatus was resolved at the Namirembe Conference of 1954 and Mutesa returned to his kingdom as a constitutional monarch in October 1955.

The 1955 Agreement was intended to reform the Buganda government. But it did not clip the Kabaka’s powers. It virtually gave back to the Kabaka his old political powers. For example, he was responsible for appointing and dismissing chiefs, which was a major concession.

The idea of a federation was once again revived between 1959 and 1963. This time it was done by East Africans themselves. President Julius Nyerere of Tanganyika and Prime Ministers Jomo Kenyatta of Kenya and Apollo Milton Obote of Uganda signed the Nairobi Declaration of 1963, setting up a federal working committee to draw up a suitable federal constitution. But the proposal was stillborn almost from the outset. Once again, Buganda threw a spanner in the works, thereby forcing Obote to develop cold feet for fear of alienating the Baganda whose political support he sorely needed.\footnote{Hughes, op. cit.} Yet, notwithstanding this rebuff, political developments in Uganda eventually forced Buganda to make an about-turn regarding the federal question. Why?

**Post-Independence Uganda**

Obote needed the support of Buganda if he were ever to become the leader of Uganda. But to get its support, he had to make a huge compromise. The deal was that, firstly, the special status
of Buganda would be entrenched in the 1962 independence constitution. It formed Schedule 1 of the constitution. Secondly, the Kabaka would appoint Buganda representatives to the National Assembly. And thirdly, the Kabaka would be the titular head of Uganda, while Obote would become an executive prime minister. This meant that Kabaka would wear two hats as the president of Uganda and king of Buganda. Sooner than later, this dual role caused problems.

While granting independence to Uganda, the British government shied from resolving the long-standing conflict between Buganda and Bunyoro with respect to the so-called ‘lost counties.’ This surprising decision ignored the recommendations of the Lord Munster and Lord Molson commissions. Indeed, it was part and parcel of the old British ‘policy of appeasing Buganda whatever their demands or actions at the expense of the rest of Uganda.’14 However, the 1962 constitution provided that a referendum should be held in the lost counties in 1964 to determine the views of the inhabitants. Two counties, Buyaga and Bugangaizi, chose to rejoin Bunyoro. That outcome required that Mutesa, as president of Uganda, should sign the necessary legislative instruments transferring the counties to Bunyoro. But to the king of Buganda, such an action was an anathema. He refused to do so, which became one of the factors that generated tension between him and Prime Minister Obote.

The tension was further exacerbated by allegations that the president, as commander-in-chief of the armed forces of Uganda, had not been consulted by Obote when he decided to send a contingent of the Ugandan Army into the Democratic Republic of Congo (DRC) to assist Patrice Lumumba who was facing a serious revolt against his fragile government. To

make matters worse, allegations of corruption, particularly the looting of coffee, gold and ivory during the exercise were levelled against the army commander, Idi Amin. Ostensibly, the proceeds were meant to purchase arms for the Congolese Army.

As though these were not enough headaches, there was also jockeying for power within the top ranks of the UPC. To avert being politically sidelined, as well as resolve his differences with Mutesa, in 1966 Obote abrogated the 1962 constitution. He made himself the president and abolished federalism and kingdoms in Uganda. Above all, he sent the army to take over Mengo, the seat of Buganda kingdom. The Kabaka narrowly escaped capture and fled to Britain where he died in exile in 1969. Consequently, Obote earned the venom of the Baganda; they have never forgiven him for ‘desecrating’ the Buganda kingdom.

Thereafter, feeling politically insecure, Obote became an autocrat, which further fuelled opposition to his rule. In the end, the army led by Idi Amin staged a successful coup in 1971. Amin established an even more ruthless regime, which had scant respect for human rights. It is estimated that about 100,000 Ugandans were killed, and about 70,000 Asians were dispossessed of their property and expelled during what Amin called an ‘economic war.’ He then made the blunder of invading the Kagera region of Tanzania in 1979. To this, Tanzania responded by mounting a counterattack assisted by Ugandan exiles. Amin was duly ousted from power, forcing him to seek refuge, first in Libya and finally in Jeddah, Saudi Arabia.

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Yusuf Lule led the Uganda National Liberation Front (UNLF) and formed an interim government. But he ruled for only 68 days, between 13 April and 20 June 1979. His successor, Godfrey Binaisa, ruled for a year before he too was toppled by the Military Commission. This was followed by a general election in 1980. The DP, UPC, UPM and the Conservative Party (CP) took part in the elections. However, Obote was declared the winner and hence formed a second government, generally called Obote II. But for all that, this was disputed by the other contestants. In particular, Yoweri Museveni of the Front for National Salvation (FRONASA), a faction of UNLF, did not accept the results, arguing that the elections had been rigged. Thus, after UNLF was dismantled, Museveni formed the Popular Resistance Army (PRA) to fight Obote. In this, he was joined by the Uganda Freedom Fighters (UFF) led by former president Lule, which two eventually coalesced into the National Resistance Army (NRA). Other political organisations and forces that participated in the struggle to overthrow Obote included the Uganda Freedom Movement (UFM), the Federal Democratic Movement of Uganda (FEDEMU) and the Uganda National Liberation Front Anti-Dictatorship (UNLF AD).

The NRA’s main theatre of operation was the Luwero triangle in Buganda, wherefore it had considerable support from the Baganda, as well as Rwandan Tutsi refugees. Furthermore, Kabaka Mutebi visited the war front in 1985. This was interpreted to be a signal that he supported the NRA’s ‘bush war’ as other traditional rulers had done. It is even alleged that the Buganda royal family threw its considerable political weight in its favour on the understanding that its kingdom would be reinstated if the NRA came to power. This, however, has been vehemently denied by Museveni. But irrespective of
such denials, in fact the kingdom was restored by the Army Council in 1993 and formalised by the constitution in 1995.

In 1985, the Obote II government was overthrown by Okello Lutwa. Thereafter, the NRA invaded Kampala and took over power in January 1986. It then established what it called a Movement System, which forbade the operation of political parties. Elections were eventually permitted in 1996, but these could only be competed for by individuals and not political parties. Several candidates offered themselves, with Paul Ssemwogerere being the most prominent threat to Museveni; however, Museveni won with 75.5 percent of the votes.

At this stage, a number of salient political developments need to be taken into account. In July 2005 a referendum was held, which accepted the reintroduction of the multiparty political system. Moreover, the constitution was amended to scrap the term limits for presidency. This allowed Museveni to contest, contrary to his 2001 promise that he would not do so.

The next elections were held in 2006. The presidency was contested for by nine political parties. Like in 2001, the main contestants were Museveni and Besigye. Museveni was declared the winner, a feat that he was to repeat in the 2011 elections.16

The Demand for Federo

Given the emerging political architecture, the Baganda have now been converted to the idea of federalism, or federo, which they, in the past, considered to be an anathema. This change of mind has come about due to a number of reasons. They

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feel shortchanged in that the 1995 constitution, restoring traditional cultural institutions, does not go far enough. They point out that the devolution envisaged by the introduction of the third tier system causes more problems than it solves. In particular, they express their dismay in that Buganda is starved of finances due to the limitation of its power to tax its subjects. The import of this is that the kingdom is unable to implement development projects in those areas permitted by the constitution such as primary education and health.

The proposal that Mengo is to derive its power from the local councils, which are under the control of the central government, is perceived as an attempt to clip the wings of the Mengo establishment. Even more, the introduction of democratic processes is also seen as intended to play the same role. For example, given that about 50 percent of the people living in Buganda are non-Baganda, there is a genuine fear that they would exercise undue influence in the political processes. This, in turn, would mean that a non-Muganda could easily become Katikkiro – a horrible nightmare for them. In their view, it is also seen as an attempt to undermine Buganda’s power hitherto exercised by the Lukiiko and Kabaka. Worse still, the provision that districts can opt out of the kingdom frightens all. To them, the only acceptable solution to Buganda woes is to honour the agreements of 1900 and 1955, as well as the 1962 constitution. In short, the system of Buganda government that existed from the pre-colonial period to 1966 should be reinstated.

The bug for federalism has bitten the other communities, although to a lesser extent than in Buganda. This has been caused by disenchantment with the Government of Uganda. The government is accused of being unaccountable to the people, of manipulating the constitution for political ends, of
not delivering essential services and of becoming dictatorial
and authoritarian, among other ills.

The desire for federalism was clearly demonstrated by the
report of the Odoki Commission.\textsuperscript{17} The commission found that
in the Resistance Council (RC) level one and two, 97 percent
of the Baganda population supported federalism, while
67 percent did so in other parts of Uganda. In contrast, the
Ssempebwa Commission found that on the whole, the idea
was only supported by 32 percent of the entire population.
In other words, and unlike in the past, the Baganda are not
fighting a lone battle.

However, when the idea of federalism was tabled in the
Constituent Assembly (CA), it was shot down due to political
intrigues and machinations between the NRM, federalists
and monarchists. The majority of CA delegates were NRM
supporters and Buganda monarchists. And in the debate on
traditional rulers, Buganda monarchists mooted the idea of a
federo system. This demand alarmed the other delegates. But
delegates representing the National Caucus for Democracy
(NCD) were multipartyists. Consequently, they decided
to support the Buganda delegates on condition that they
reciprocate by supporting NCD against the NRM, particularly
on the reintroduction of political pluralism.

In its turn, the NRM schemed for Buganda support for
a continued ban on multiparty politics and its retention of
power for another five years. It then promised to grant federo.
Ultimately, Buganda delegates allied with the NRM to defeat
multipartyists. But after attaining its goal, the NRM reneged on
the federo idea and campaigned for a unitary state system.\textsuperscript{18}

\textsuperscript{17} Government of Uganda (1993) \textit{Report of the Constitutional Review

\textsuperscript{18} Naluwairo, R. and Bakayana, I. (2007), \textit{Buganda’s quest for federo and the
17, Kampala, August.
The proposal was not also assisted by the fact that the government recourse was the introduction of the third tier system recognising the role of traditional rulers. If they so wish, communities can have traditional rulers, who are supposed to be apolitical. Their role would thus be purely restricted to cultural matters. And so, the debate continues.\textsuperscript{19}

Chapter Two

Conceptual Framework

Understanding the Concept of Democracy
Although many scholars have written and argued about the true nature of democracy, no precise and universally accepted definition has yet emerged. However, two main types of democracy have been identified: direct democracy and representative democracy.

Direct democracy (sometimes called participatory democracy) is based on the direct, unmediated and continuous participation of citizens in the tasks of government. It is a system of popular self-government. This was possible in ancient Athens through a form of government by mass meeting. Participatory/direct democracy in its strict sense as it was known in Ancient Athens is not applicable in most states, including Uganda. While direct democracy can be equated to participatory democracy, there are claims that direct democracy is totally different from participatory democracy. Those who make this claim assert that direct democracy is a third form of democracy.

Representative democracy is a limited and indirect form of democracy. It is limited in that popular participation in government is infrequent and brief, being restricted to the act of voting every few years. This form of rule is democratic only insofar as representation establishes a reliable and effective link between the government and the governed. Many times this is expressed in the notion of an electoral mandate.\(^{22}\) The focus here is thus on representative democracy which implies elections as the source of legitimacy for rulers.\(^{23}\)

The current and common definition of democracy which reflects representation is described as ‘government of the people, by the people, and for the people’, as proclaimed by US President Abraham Lincoln in 1863 after the Battle of Gettysburg.\(^{24}\)

Government by the people means a government ruled by their representatives with a free (party-based) mandate while government for the people means a government ruled by politicians responsive to the people’s interests.\(^{25}\) Briefly, democracy is a method by which decision-making is transferred to individuals who have gained power in a

\(^{22}\) Heywood, Andrew, op.cit.

\(^{23}\) The possibility of having both participatory democracy and representative democracy in one country cannot be ruled out, however, participatory democracy, as it was in the Ancient Athens, excludes the existence of representative democracy; Hamilton, M.A. (2005) ‘Republican democracy is not democratic’, *Cardozo Law Review, vol.* 26, p. 2529.

\(^{24}\) Abraham Lincoln was president of the United States during the American Civil War. The Battle of Gettysburg was a turning point in terms of Lincoln’s justification of the war from being simply the preservation of the union to being the union and freedom. His phrase, ‘the government of the people, by the people and for the people’, was later identified with definitions of American democracy.

competitive struggle for the votes of citizens. This implies a link between elections and democracy.

There is no doubt that the participation of the citizens in elections and thereafter collective involvement of the elected officials in the decision-making process are important ingredients for the gradual establishment of democracy.

In other words, elections are meant to do more than bolster support for the regime. They may also be the means by which leaders and (sometimes) actual policies are chosen by the people. An election must involve a choice between candidates or a choice whether a particular policy is to be followed. If elections are to be used to choose political leaders, there must be some rules translating people’s votes into a particular selection of leaders.

It can also be argued that democracy acknowledges the difference between the people and the ruling elite, and distinguishes between the wish to rule and the will of the electorate as to whether they should do so. Nevertheless, the viability of a democracy relies on several conditions: that governmental decisions are responsive to the needs of citizens; that decision-making is efficient and based on adequate information and is subject to criticism; and that government is not ‘systematically’ oppressive to individuals.

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29 Ibid.

As previously noted, the legitimacy of the rulers derives from the consent of the people through elections. These elections have to be free and fair. Free and fair elections signify that results reflect the free expression of the will of the people. Popular leaders would expect to do well in elections, but when such leaders participate in undemocratic elections and are victorious, they lose legitimacy.\(^{31}\) Free and fair elections fulfil the requirements of representative democracy, whereby those who rule not only come from the people, but represent them in processes of decision-making.\(^{32}\) Whether elections in Uganda have always been free and fair is beyond the scope of this presentation.

A free and fair election presupposes competition between political parties or independent candidates.\(^{33}\) With respect to the relevance of political parties in elections, the European Court of Human Rights held that formation of political parties seeking elected office for their candidates plays an essential role in ensuring pluralism and the proper functioning of democracy.\(^{34}\)

Multiparty elections provide a mechanism for political mobilisation within an institutional framework. However, democracy cannot be measured by the quantity of competitors alone. The quality of political parties is also important.

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\(^{33}\) Political competition implies different political actors with their agendas.

Above all, they should be able to offer alternative policy and leadership options to the electorate.\textsuperscript{35}

Nevertheless, one cannot dismiss the fact that ethnic, religious and linguistic differences will transform into a major political problem if they correspond to significant social and economic inequalities. They provide a source of identity and a common bond for the socially and economically deprived groups.\textsuperscript{36} However, it must be noted that an ethnic group cannot properly be said to be collectively in office or in power, whatever the level of solidarity. Only ruling elite can be said to be in office or power. If one can resist the temptation of privileging the ethnicity in everything to which it is remotely relevant, it is readily seen that what is important here is the defence of power against threat by those who hold it. Ethnicity is just one possible means among many for accomplishing this task. In other words, power is all that matters to politicians.\textsuperscript{37}

If held in a country where there is no respect for basic human rights of its citizens and where there is a persecution of both opposition parties and civic society, with lack of an independent judiciary, then elections will have no real meaning.\textsuperscript{38}

In addition, at the decisive stage of collective decision-making, each citizen must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen. In determining


outcomes at the decisive stage, these choices – and only these choices – must be taken into account.\(^{39}\)

**On Federo**

Broadly, the quest for federo is essentially and inextricably linked to two broad issues: the question of democracy on one hand and the right of self-determination on the other. In the present neo-liberal era where the values of democracy, human rights and independence are the order of the day, at the national level, democratic forms of government can never be dismissed. At worst, they can be suppressed for some time, only to be resuscitated with vengeance at a later period. In the recent past, the resurgence of democratic demands and movements in the Arab world and the associated social and political upheavals that have accompanied them are a testimony to this proposition.\(^{40}\) Similarly, in the African continent where the concentration of power is in the hands of the executive arm of the state and within it in the hands of the president, where repressive laws and institutions of the colonial state which are in full force and effect, where democratic freedoms are heavily curtailed, and where human rights are abused, the demand for the democratisation of the African states cannot be wished away. In actual fact, it has always been the most outstanding outcry. It is no wonder, therefore, that the call for democracy – that is, the demand for the organisation of the state in such a way that there are in-built processes for protest, censure and exposure so that oppression and abuse of power is minimised – has been the most common demand. In other words, the whole purpose of

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proposing a certain structure of the state as opposed to another is intended to empower people so as to safeguard themselves against the abuse of state power.

On the other hand, the quest for federo may be interpreted as an aspect of the right to self-determination. It is a doctrine which is inherently linked to the notion of the right of all peoples to determine their political, social and economic development according to the policy they have freely chosen. Although historically the right to self-determination was traditionally referred and linked to oppressed people within the context of classical colonial domination, today, the notion is relevant in the context of neo-colonial domination where uneven and lopsided development occasioned by the nature of the development of capitalism is typical.

The concept of federo, however, is defined differently by different people and scholars depending on their ideological persuasions and convictions. As it will be demonstrated later, even within the inner corridors of power of the Mengo government, the concept is not clearly defined; rather, over time, it tends to acquire different meanings.

According to Senyonjo,41 for example, federo is equated to federalism – as a doctrine which allows people to ‘administer their affairs without undue interference from the central government.’ Naluwairo and Bakayana,42 on the other hand, provide a contrasting definition of federo. According to them, federo does not mean federalism, although the latter constitutes ‘the major part of Buganda’s federo demands.’ They posit that federo is ‘a Bugandanised concept which

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The Federo Question of Buganda in Uganda

connotes a fusion of federalism and monarchism’ whose aim is to attain a federal status as well as the restoration of the Kabaka ... as well as the return of the 9,000 square miles’ – Crown land – which was confiscated by the Uganda central government. Thus, the concept is therefore narrow and highly specific and one pertaining to the Buganda kingdom and the associated privileged status and position which she used to enjoy during the colonial period. The definition is closely corroborated by Lule,43 who includes among other things the right for Buganda—and one enshrined in the constitution—to levy taxes, as well as to conduct cultural values and traditions which are cherished by the Baganda people in Buganda.

One would tend to assume that the kind of federo the Mengo establishment would like to have is the one which preceded the 1966 crisis. However, in their proposal to the Uganda Constitutional Review Commission (the Ssempebwa Commission), the Buganda government clearly stated that the kind of federalism they now envisage is not the 1962 federal system, as the times have changed, hence the need for some amendments and modifications—though those amendments and modifications are not specified as they have not been made public:

Does Buganda want to return to the 1962 federal system? No. There are several federal systems that operate in the world. Each of these based upon the peculiar, social and economic circumstances pertaining to the particular country. The times and development of the societies also make a difference. For example, a federal system that was suitable in 1962 certainly needs modifications to make it work in the year 2003. This is because every federal system has to be adjusted to meet the demands of the times. Other countries do this by amending

the constitution, but such amendment has to be agreed upon by all the affected parties.\textsuperscript{44}

According to their memorandum to the central government in 2006, the Mengo establishment, however, conceives federo as a particular system of governance, its institutions and their public assets, all of which are peculiar to the historical evolution and development of the Buganda Kingdom. In its memorandum, the Buganda government defines the concept along the following terms, namely, as one which:

Encapsulates the principles of the system of governance of Buganda which the Baganda have known and still indeed cherish, since Buganda ceased to be a state and under the 1900 Agreement, became an integral part of what later came to be Uganda. Those principles which included pillars the Baganda regard to be indispensable to the tranquil governance of Buganda with Buganda’s consent include...\textsuperscript{45}

The said pillars include: The Kabaka, who is head of the political and administrative structure and organisation of the Buganda kingdom; the Katikkiro, who discharges the cultural and political functions of the Kabaka; the restoration to the Buganda kingdom of the 9,000 square miles (the Mailo Akenda) which were confiscated by the central government in 1966; the restoration of independent sources of revenue to the Buganda government so as to ensure that the provision of critical services such as health and education are maintained and that they are not subjected to the vagaries of the whims of the central government in power; and lastly, the reconstitution of the territorial boundaries of the Buganda kingdom as they used to be before their abrogation in 1966.

While the restoration of the kabakaship in 1993 was of considerable significance for the Baganda, it constitutes only

\textsuperscript{44} Official letter dated 18\textsuperscript{th} April, 2006 from the Buganda Government, Office of the Katikkiro of Buganda to His Excellency, Yoweri Museveni, President of Uganda (hereafter Buganda Government Official letter).

\textsuperscript{45} Ibid.
an element of the collective term ‘ebyaffe’, The term is a Luganda concept which describes and encapsulates all that is of great significance to the inner working of the Buganda kingdom. And yet, for the Baganda, the Kabaka is not simply a personality but rather an institution whose attributes are both cultural and political and the duality of his personality regarded as inviolable. According to the Mengo government, ‘the Kabaka’s leadership and functions cannot be split into two separate areas with independent existence.’ It is the attempt by the central government of Uganda to separate these functions of the Kabaka – the cultural from the political – which has been the source of an acrimonious relationship with the Buganda government. Similarly, the cultural and political functions of the Katikkiro are derived from the Kabaka. Traditionally, the electoral processes of the Lukiiko and the Katikkiro presented no problem as the electoral commission was composed of Baganda whose knowledge of the Baganda traditions, customs and culture could not be faulted. However, the Uganda government has always wanted an elected Katikkiro – a wish which, to date, has not been actualised by the Buganda government.

Probably another area which has generated a lot of tension and friction between the central government and the Mengo government concerns land and the associated issue of decentralisation. As alluded to earlier on, the Mailo Akenda, which was confiscated by the central government in 1966, is now being claimed by the Buganda government. Hand in hand with the land question is the issue of the territorial boundaries of the Buganda kingdom which, as a result of the decentralisation programme of the central government, have changed considerably as the traditional districts of the kingdom fragmented.
What has emerged in the process is that what originally appeared to be a simple debate between federalism and centralisation has increasingly assumed a different dimension and scope. As Mutibwa has clearly stated, it has been the question between decentralisation and federo. In other words, the debate has assumed ‘the character of a duel between Buganda and the rest of Uganda.’

**On Federalism**

Federalism has been conceived differently by different scholars depending on one’s philosophical viewpoint. According to the Free Encyclopaedia, federalism is a concept which has come to refer to a system of government in which ‘sovereignty is constitutionally divided between the central government and constituent political units (like states or provinces).’

Essentially, in general terms, federalism refers to a political system whereby two governments (central and regional) with judicial responsibilities are clearly prescribed in a constitution. It is a system which permits one constituent government to undertake independent action for purposes of realising specific economic and political objectives as well as addressing potential conflicts and tensions (religious, ethnic, etc.) within its area of jurisdiction and one which makes it answerable to its own electorate. It promotes democracy by allowing popular participation and also helps to preserve the particularities of minority populations by protecting them from potential disintegration. However, Elazar reminds us that federalism cannot be accepted without opposition

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and to this end he cites strong nationalists and central state proponents in this regard.

According to Adar (2008) federalism fulfils three objectives: firstly, to bring together societies which are internally divided along racial, tribal, religious and linguistic lines; secondly, to promote economic development in a country; and thirdly, to check the powers of the central government, to enhance administrative and political efficiency as well as to promote democratic rights.49 This view is reinforced by Sunstein (1993) who argues that depending on the federal structures which have been formulated in a constitution, federalism can promote democratic processes, contain racial and ethnic tensions and promote economic prosperity in a country. These three roles of federalism are echoed by Robert Inman and Daniel Rubinfeld (1997) noting that ‘it encourages an efficient allocation of resources; it fosters political participation and a sense of the democratic community; and helps to protect basic liberties and freedoms.’50

Kimenyi (1998) argues that in Africa where unitary states are a colonial legacy in which boundaries were drawn that arbitrarily linked heterogeneous groups in one country or ‘separated otherwise homogeneous or closely related populations; where concentration of power is in the executive arm of the state; and where internal strife, military coups and civil wars are the order of the day, and where there is lack of responsiveness to the needs of the people, federalism would be one best option for Africans. Given the high degree of ethnic heterogeneity coupled with the fact that ethnic groups

are associated with a particular territory, a federal form of government would be most appropriate for the African continent.”

In a paper by Olweny and Okullo (2011), federalism is defined as the ceding of power to the local government by the central authority with a view to ensuring checks and balances which are normally absent whenever the institution of the state and the associated abuse of power arise. The two authors argue that in the conditions prevailing in Africa today – where ‘fear of domestic insecurity, land claims and feuds, uncertain economic conditions and investment climate, poor and declining international credibility and lack of protection for property’ are the order of the day – it is obvious and legitimate that people would be forced to look for alternative forms of governance that would be more accommodative. The federal system of government is one such alternative. In their opinion, and in light of what has been happening in Uganda since the attainment of political independence – namely, the abolition of traditional leadership which served as a check and balance to classical colonialism, and the associated vacuum arising out of the abolition; and the amassing of political power in the hands of one person and the attendant abuses that followed in its train – the authors declare that the only solution to Uganda’s problems is the establishment of federalism in the country. The unitary form of government, they contend, has been one fundamental source of all the problems that have befallen Uganda.

On the other hand, it has been claimed from certain quarters that federalism is not a panacea for all the ills besetting the African continent as some people tend to think. While federalism is a genus of power distribution with a wide variety of models and species, it in and by itself cannot solve every problem. Rather, it can be a formula for multiculturally-based problems, for example, to accommodate political differences and competing claims through ‘a structured context with which they may be confronted.’ Federalism does not provide solutions; rather, it provides means or mechanisms.

Sunstein warns that in a country such as South Africa where the majority of people have been living under conditions of apartheid, and where constitutional reform is to develop people’s capacity and life prospects, the millions of South Africans who are in dire need of education, medical care and other forms of government assistance cannot be aided by federalism. His contention is that federalism is simply one of the complex measures which may be available in a given a society, and one which therefore may not be able to address important social problems prevailing in a particular society. Citing the case of South Africa, Sustein argues that federalism can cause the following difficulties: it may place minorities at special risk of oppression and discrimination as the well-organised majority may deprive people of their basic opportunities, economic well-being and civil rights and liberties; it can be an obstacle to equitable distribution of resources and opportunities; and lastly, it can be the source of lack of coordination and uniformity in regulation.  

How Other Communities in Uganda View Federalism

Like the quest for federo by the Buganda government, the quest for federalism is likewise viewed differently in Uganda. For those communities which claim to have suffered the yoke of ‘Buganda sub-colonialism’, federalism is viewed negatively. This is particularly the case with the Baruuli and Banyala. While they demand autonomy, they reject a return to the rule under Buganda. It is for precisely this reason that they have gone to the extent of planning for the installation of their cultural leader, Isaabaruuli Isaabarongo Mwogezi Butamanya Omubwijwa. In their memorandum, they argue for the current unitary form of governance and decentralisation system as the most suitable for them. Their experience has shown that decentralisation has enhanced participatory planning as well as grassroots decision-making, thereby creating a sense of ownership. Furthermore, they contend that although democracy has been strengthened as people have participated in elections, devolution of power has not been accompanied by financial deflections which are commensurate with the tasks of the local governments. Such, they argue, are areas which need to be addressed.

It was noted that the concept of federo is different from federalism. While federo was associated with the Buganda monarchy – a position which is hereditary – federalism is a form of governance involving power-sharing and resources. While federo means a return to the old days and privilege of the Buganda kingdom, federalism would mean greater autonomy at the regional government level in the rest of the

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55 Baruuli/Banyala Cultural Trust report, p. 95. The report was submitted to the mission by one of the respondents, during the time of the mission in Kampala, Uganda between 1st and 4th August, 2011.

56 Ibid.
country relative to the Uganda central government and not one confined to Buganda alone as manifested in the concept of federo. In other words, federalism would mean people having a say in the management of their affairs.

**Comparing **Federo** and Federalism: The Malaysian Experience**

In many parts of the world with a multi-ethnic population, federalism has been used as a mechanism for accommodating the demands of ethnic groups and hence mitigating ethnic conflicts, tensions and wars that might appear. In Africa, however, despite the presence of the large ethnic diversity, federalism does not appear to have inspired African rulers to use it as a mechanism for resolving ethnic tensions. Instead, national building strategies aimed at weakening ethnic diversities have not been successful as ethnic conflicts and tensions have been on the increase. It is from this perspective that we need to look at the Malaysian experience and learn how both national identity and ethnic diversity of populations can be maintained in unity.

Malaysia has been characterised as a multicultural, multiracial and multi-religious country, like many others today. There are three main ethnic groups in Malaysia: the indigenous Malays are located mainly in the rural countryside and are the majority; the Indians and Chinese are immigrants from India and China whose occupations are essentially commercial and labour-related, respectively. The social set which came to characterise the Malaysian society was such that it gave rise to social differentiation that was highly polarised. Racial differentiation is closely related to religion in the sense that the Malays are Muslims and the Chinese are Buddhists while Indians are mainly Hindus. Interestingly
enough, all these races are not identified by the 14 states which are parties to the Malaysian federation, formed in 1957.

The purpose of examining the Malaysian experience is to learn the preconditions that facilitated the formation of the federal form of government and the extent to which the federal form was able to meet the specific demands of such a multicultural, multiracial and multi-religious society. The Malaysian experience may therefore provide some insights into how Ugandans can understand the preconditions, and especially the social and constitutional conditions, necessary for federalism and hence the creation of a more democratic form of society.

It has been observed by some commentators\footnote{Musa, Nurhafilah, ‘Federalism, constitutionalism and democratic society in multi-cultural societies – A case study of Malaysia’, IFF Summer University 2008, accessed at http://www.federalism.ch/files/Download/887/Musa_Malaysia.pdf.} that in Malaysia the original purpose of establishing federalism in 1895 by the British was not to resolve ethnic problems. It was meant as a device for enhancing administrative, legal and financial efficiency. However, in 1957 the Malaysian constitution was changed and one of its pillars was to safeguard the interests and rights of communities representing the Malay, Chinese and Indians. The constitution thus dealt with two types of problems: one was the vexing problem of citizenship and language, as well as the special position of the Malay who were not only the indigenous people but also the most populous. The second addressed the issue of the structure and function of the federal form of government and especially the division of powers and resources. To this end, a Westminster type of parliamentary democracy was adopted with a constitutional monarchy and an independent judiciary.
Since the Malay were the most populous, their language was adopted as a national language and Islam was named the religion of the federation. In accordance with the constitution, every non-Malay was accorded the right of citizenship.

It has been noted that the novelty of the Malaysian constitution compared to other federal constitutions, lies in one aspect: not only does it recognise and respect, it incorporates the seemingly indigenous but ‘obnoxious’ issues such as the special position of Islam, the special privilege accorded to the Malay language as the language of the federal system, and lastly, the recognition of the monarchy. However, these privileges do not deny the right of people to profess and practise their own religions and languages – a right that is also enshrined in the federal constitution. The most profound feature of the Malaysian constitution is that it also entrenches into it the privileges of even the most marginalised and disadvantaged ethnic entities: their protection, well-being and advancement are recognised.

It is interesting to note that in the division of power between the three arms of the state – legislature, executive and the judiciary – the federal constitution has accorded more power to the central government on the grounds that it bears ‘the greater responsibility in governing, developing and defending the country.’

In the Malaysian federal system, each ethnic community is allowed to practise its own culture and both the federal and state government recognise the contribution of the Malay, Indian and Chinese communities’ cultures and customs as the cultural heritage of Malaysia. Thus, given the history of social polarisation and the associated ethnic diversity in the Malaysian society, the establishment of the federal form of governance does not do away with ethnicity; rather, it co-exists and sometimes competes for priority as ‘an ordering frame for society.’
It has been observed that, in the recent past, some of the conflicts which have characterised the Malaysian society today, particularly at the household level, have been religious in nature. After the amendment of the federal constitution that provides for the settlement of marriage issue in sharia courts, conflicts have been on the rise, especially between civil courts and sharia courts. To address this problem, dialogue and discussion have been the mode of resolving this tension.

What we can learn from the Malaysian experience is that federalism is essentially a democratic process whereby consenting partners from constituent states are assured of the right to articulate their interests and problems. To facilitate and effect this goal, the federal state must be under a genuinely democratic system of governance. In Africa – Uganda in particular – popular democratic forms of governance are the only guarantee of a functioning federalism.

**Federo versus Decentralisation**

**On Decentralisation**

Decentralisation is the process of transferring political power and administrative as well as fiscal responsibilities from the central government to the regional government.\(^{58}\) The main goal of decentralisation is to strengthen the local governments for purposes of realising fiscal, political and administrative assignments. In Africa, while there are many factors which have encouraged the processes of decentralisation, the often quoted factor, however, has been the collapse of the central system and the need to transfer power to the region where the majority live. However, the common theoretical motives for decentralisation have been basically two – namely, economic

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and non-economic. While under the former, efficiency in resource allocation as well as in productivity have been singled out as the most outstanding reasons, under the latter, political imperatives necessitated by the need for democratisation coupled with the need for democratic and participatory processes have been spelt out as the driving forces.

Decentralisation may take various forms. Most literature has identified four different types of decentralisation: de-concentration, delegation, devolution and de-regulation. While devolution is the most cogent as it is where the central government transfers substantial authority for decision-making, finances and management to the semi-independent local government, the other three types are ephemeral in the sense that the central government does not allow full discretion for decision-making and management. Under this type, the local government has clear and legally recognised geographical boundaries over which it exercises authority and management.59

In Uganda, the decentralisation processes and the associated regional tier arrangement as proposed and implemented by the central government can be traced to the time when the bush war was still raging on in the Luwero triangle. As part of the political strategy to win the war, and proceeding from the assumption and realisation that the war would be a long and arduous one, the military command then established resistance committees and councils in the rural areas as a means of establishing a link between the NRA and the civilian population. Such political structures were easily established and operated, largely because such structures were already in operation in the Kiganda administrative system, namely, the

mutongole (village), muluka (parish), gombolola (sub-county) and ssaza (county) levels. While in Buganda the hierarchical system allowed only a one-way chain of command from the Kabaka through the Katikkiro all the way to the mutongole, one important innovation which was introduced by the NRM/NRA was the Resistance Committees (RCs), which were characterised by popular or participatory democracy. Contrary to the old Kiganda political system of administration where people had little opportunity to participate in the management of the political affairs, it was through these structures that people could criticise anything of which they disapproved.

Decentralisation is, by definition, devolution of powers from the central government to the lower-level system of governance, such as the region and the district. Therefore, it does not necessarily mean federalism. One can further argue that it does not differ much from the old colonial system of indirect rule which was characterised by native courts, native administration and a native treasury. From the Mengo establishment point of view, decentralisation is also not equivalent to federo. As already alluded to earlier on, according to the Baganda government, federo is neither federalism nor decentralisation – rather, it is constitutive of five pillars and it is principally for this reason that the regional tier arrangement is viewed as optional and not binding on Mengo cultural institutions until they are satisfied in the long term and they are free to opt out until their demands are met whatever time it may come about.

It is also the fear of losing some of the Buganda districts to fall under the regional administration and not under the Kabaka government that is one factor which has led the Mengo

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61 Buganda government official letter, p. 10.
establishment to refuse the decentralisation programme as fostered by the central government. In principle, the Mengo establishment has categorically stated that it is not against decentralisation, per se, as a principle of power distribution. For one thing, for ages well before the advent of the colonialists, Buganda had a decentralised administration in both political and cultural institutions. In the political sphere, decentralisation was principally based on, and reflected, the cultural makeup of the principal groups in those areas particularly at gombolola and ssaza levels.62

Mengo’s fears that the decentralisation programme is meant to undermine the federo has been echoed by Mutibwa63 who has noted that when the Constitutional Assembly (CA) started to deliberate on the regional tier system in 2003, several district resistance councils in Buganda openly came out with resolutions which preferred decentralisation to federalism. Under the regional tier system, the dismemberment of the districts traditionally belonging to the Kabaka kingdom and their placement under the jurisdiction of the central government and not under the Buganda government ‘makes a mockery of the concept of regional unity and leaves Buganda decapitated and lifeless. The Baganda see no purpose in adopting the present constitutionalised regional tier structure whose only effect is to put Buganda in a perpetual state of suspended animation.’64 In other words, for the Buganda government, federo entails the five pillars and as far as it is concerned, a regional government can only be accepted if it is based on the said pillars.

62 Ibid., p. 8.
64 Buganda government official letter, op.cit., p.8.
Chapter Three

Mission Findings

The Meaning of Federo

*Federo* means different things to different people. The following is a spectrum of views which was presented to the mission. In this section, respondents’ views on the meaning of *federo* and what the concept entails in practice are captured.

**Federo: Perspectives from Buganda**

It is refreshing to note that with varying degrees of sophistication and analysis, all respondents, both Baganda and non-Baganda, who took part in the discussion of the concept of federo did so from a historical point of view: Buganda was seen as a colonial creation whose privileged status compared to other kingdoms and communities was essentially meant to serve the British imperial project. As one respondent stated, the colonial project started from the Kingdom of Buganda as it was the most centrally organised system. It was therefore not accidental that the 1900 Agreement and the subsequent ones left Buganda autonomous and privileged in relation to the other kingdoms. Thus, the delineation, elucidation and conception of the federo notion were made by most respondents within this socio-historical context in which Buganda was embedded.

To the best of the mission’s knowledge, no Muganda was able to provide a clear definition of the concept of federo. To quite a good number of respondents, federo is a Buganda
The Federo Question of Buganda in Uganda

concept which connotes different things: it could mean a fusion of monarchism and federalism; decentralisation; a return to the past; federalism as per the 1962 constitution; the quest for sharing the national resources and democratic form of governance. In other words, it is difficult to single out any one particular meaning. The concept constitutes one of the collective terms that are very convenient to the Baganda: *ebyaffe* (‘our things’). However, a good number of meanings featured prominently during the discussions with respondents.

Federo was defined as a way of life of the Baganda. Baganda nationalism is rooted in the three separate but interrelated pillars of the Baganda social organisation: the clan, spiritual systems and form of governance. It was noted that after the abolition of the kingdom, it is only the clan and the spiritual systems which have remained intact. However, the system works in a truncated manner since the third pillar, the form of governance, is absent – hence the quest for the restoration of the missing parts, so as to complete the system.

It was from the aforementioned stand point that one respondent, for example, viewed the concept at two levels. At the cultural level, the concept refers to the need on the part of the Baganda to preserve their clan and spiritual systems, which constitute the main pillars of Baganda nationalism. It was noted, for example, that Buganda as a nation has been a monarchy for ages and has continued to be so even after British colonial rule. It was asserted that the Baganda have traditionally been a people who admire, cherish and preserve their culture, language, customs and, above all, their Kabaka. It was emphasised that Buganda does not seek sovereignty, but only full realisation of its culture, which has been suppressed since 1966. It is precisely because of this fact that peace and tranquility are a far cry from Buganda today.
At another level, *federo* was conceived as a form of governance. According to most respondents, for many years Buganda enjoyed federal status until it was abolished in 1967; had its own system of administration from the village level to the Kabaka; grew its own food; had its own schools, police, courts and system of justice. Today, the prime concern of the Baganda is how they are governed. They want some measure of autonomy in which they can control and discipline their own leaders. In the words of one respondent:

The Baganda want some measure of autonomy; they want their own leaders whom they can control and discipline. Today, the Ugandan leaders are fascist and irresponsible to their people who continue to be poor.

The concept of federo was also defined in terms of power relations: it revolves around the central and complex issue of sharing the national resources and power. During the discussions, it was claimed that the clamour for federo is the quest on the part of the Baganda to handle their own internal affairs, including the administrative, political and cultural systems which have been operating for more than a thousand years. It is in view of this that one respondent, for example, defined federo as a ‘repeat of the traditional ways’ whereby the Kabaka assumes the political and the cultural functions as well as an arrangement in which they ‘want to share power with the central government by way of handling the cultural issues, education, health and the environment.’ Some of the supporters of federo went to the extent of castigating those who claim that the Baganda are subverting democracy by advocating the appointment of the Katikkiro by the Kabaka. What federo entails, therefore, is that since the Katikkiro is concerned with the Baganda culture, governance and social development in Buganda, and since he is the key person who must work closely with the Kabaka, and one who has the
requisite cultural qualifications, then his election must not be subjected to universal suffrage. The Katikkiro must, therefore, be appointed by the Kabaka.

Despite the different views about what federo is, a Mengo representative stated that there is no confusion in Mengo about its meaning and that there is a document which clearly defines what it means. In the written submissions from the Mengo establishment, the word federo ‘encapsulates the principles of the system of governance of Buganda which the Baganda have known and still indeed cherish.’ And these principles which are indispensable to the peace and tranquility of Buganda include: the Kabaka, as the head of the political and administrative structure of Buganda; the Katikkiro, who discharges the cultural and political functions of the Kabaka; the land, including the Mailo Akenda; the traditional 18 districts belonging to the Buganda kingdom as they used to be under the 1962 constitution; and lastly, Buganda’s autonomy to manage its own internal affairs.

From the Baganda point of view, therefore, the mission team can summarise by stating that the concept of federo entails going back to the situation as it obtained in the 1962 constitution: the role of the Kabaka as the ruler; the Lukiiko to elect its own Katikkiro and not to be subjected to universal suffrage; properties of the kingdom, particularly land which were confiscated and transferred to the central government to be returned to Mengo and vested in the Kabaka as a patron; and the Mengo cabinet to be the in overall charge of running the administrative functions of the kingdom. Every federo supporter – with varying modifications and nuances—views the 1962 constitution as the essence of the concept of federo and hence a solution.
Federo: Perspectives of Other Communities in Uganda

To the Baruuli and Banyala, on the other hand, the concept evokes sad memories of domination and subjugation, as it is a gateway to the ‘slavery and colonialism’ they endured under imperial rule. To them, therefore, federo is an anathema. One of the respondents argued that the concept of federo expressed Buganda’s desire to continue with its privileged and special status, which it had during the entire period of British colonial rule in Uganda. According to one respondent, federo does not necessarily mean federalism; rather it expresses the arrogant, selfish and condescending nature of the Baganda who have enjoyed the privileged status in Uganda since the British colonial period. Altogether, they emphasised, for example, the issue of the seven lost counties which were part and parcel of the Bunyoro-Kitara kingdom and which were donated to Buganda in 1900 as a reward for assisting the British invasion of Bunyoro-Kitara in the 1890–1899 war. This was viewed as a vivid expression of the Anglo-Ganda colonialism. Since then, the absentee Baganda landlords have been occupying these territories at the expense of the Banyoro. They noted with concern that to date, the Baganda’s demand for federo is essentially a camouflage for an in-built desire to continue to cling to their former colonial role of ‘colonising fellow Africans.’

As one respondent puts it:

Instead of feeling sorry and apologising for their crime against humanity like their counterparts in Europe, Baganda are merely proud of that sorry history.

One respondent narrated that in their push for assimilation, the Baganda rulers are known to have declared Luganda as the official language in all the lost counties – in churches, schools and other social interactions; indigenous names were
frowned upon and discouraged, and instead Kiganda names were encouraged; even in church when the Banyoro took their children to be baptised, the priests forced them to take Kiganda names. Such are some of the manifestations of what the respondent termed ‘injustices’ meted out by ‘Buganda’s intimidatory colonialism’ on the indigenous people in the lost counties. Therefore, according to this respondent, federo is simply a return on the part of the Buganda to its former privileged position within the present Republic of Uganda. In the eyes of some non-Baganda respondents, today Buganda’s quest for federo is tantamount to a clamour for the same privileged position it used to enjoy in the 1962 constitution in Uganda. This is the source of resentment from other parts of Uganda. The non-Baganda think that the quest for federo is not a fair demand and they have even gone to the extent of criticising the central government for advancing the interests of Buganda by giving so much exclusive space to the federo issue in Buganda. However, this assertion was contested during the validation workshop to discuss the mission report. It was observed that the fear of Buganda domination is an illusion created as a result of politics of distortion. The federal system of government, it was argued, would help to avoid ethnic politics by affording equal opportunities to all persons.

In the course of discussions during the mission, one respondent questioned the wisdom of the mission in choosing federo as a problematic issue. To the respondent, this was indirectly equivalent to advancing the Buganda interests at the expense of the rest of Ugandans. It was stated categorically that federo does not mean federalism, since the Baganda have packaged federo at the expense of the rest of Ugandans. The respondent also found Buganda’s claim to the 9,000 Mailo Akenda puzzling since it is well-known that out of the 9,000
square miles, 3,000 were already transferred to Bunyoro. This was noted as unacceptable as it is an expression of the Buganda package which seeks to resort to the old times when the Kabaka was the most powerful and absolute ruler.

Similarly, the same respondent regarded the clamour for the lost counties as unthinkable, as the Banyoro can hardly agree to be under the tutelage of the Baganda as it used to be in the olden times. It was in view of the above that the respondent was of the opinion that in the present world, Buganda’s federo is unimplementable. He argued that more than half of the people living in Buganda are non-Baganda and do not accept the Baganda version of federo where the Kabaka is the absolute ruler.

A minority view of the concept of federo proceeded from the proposition that federo is a Kiganda term that has a historical specificity – that, though it is part of the collective term ‘ebyaffe’, its origin dates as far back as 1900 and gained prominence in 1966 when the 1962 Ugandan constitution was disbanded. It was advanced that the removal of the Kabaka generated the quest for federo as a means to acquire a disproportionate share of the resources. In the eyes of the non-Baganda, it entails more privileges for the Buganda kingdom at the expense of other communities in Uganda. And it is this fear that has generated a lot of resentment. Accordingly, if such a privileged status is granted to Buganda in its extreme form, then peace and tranquility in Uganda would be at jeopardy: it would mean the imposition of a Baganda culture and system of governance, deemed superior to the rest of the non-Baganda. One participant at the validation workshop stated that Mengo is not the spokesperson of all of Buganda, and further noted that in Kayunga district, which is part of Buganda, people want decentralisation not federalism.
One respondent from the central government viewed federo as a hoax and argued that the anti-federo stance on the part of the central government emanates from the fact that while the central government wants to democratise the government structures by way of devolution of power to the people (peasants, women and youth) through the decentralisation and the regional tier systems, the Mengo establishment is bent on frustrating the effort by concentrating power unto itself. This respondent thus argued that federo, in reality, means ‘power to the few feudal oligarchy’ and as such, a return to the 1962 constitution as implied in the concept, which can hardly be entertained.

Another respondent was of the view that as far as the Buganda question is concerned, the return to the 1962 constitution was the only solution. However, when asked to comment on the necessary checks and balances that would ensure accountability to the people on the part of the Mengo establishment, including the properties under its trust, no substantive response was made.

Hinging his view on the fact that other parts of the country, such as Lango, Teso and Acholi, are not well-endowed with natural resources and therefore prefer the regional tier system of governance to federalism, a respondent opined that in these areas where land is not a good and profitable tax base, the people’s preference is to depend on the central government. In contrast, it was contended that parts of the country other than Buganda equally possessed rich resources including agricultural and minerals, but also favoured federalism.

**Federo versus Federalism**

In emphasising the distinction between federo and federalism, one respondent stated:
Let the Bugisu practise their circumcision, also let them have a say in the use of their natural resources ... although it is a Ugandan natural resource, the Banyoro have the right to have a share in the use of it – they demand a special share in their gold, timber, fish etc. And this is what most Ugandans want – but not the packaged Buganda version.

Narrating the historical context of federalism in Uganda, one respondent traced the historical origin of the concept of federalism as far back as 1953–55 when the Kabaka of Buganda was deported and the subsequent abolition of the Buganda monarchy and its federal status in 1967. On the other hand, it was also revealed that federalism cannot be a panacea for the problems currently prevailing in Uganda as there are many nations which have done well without federalism. And yet, given the peculiarity of Ugandan society, the federal arrangement, especially in hybrid form like the one in Malaysia, may be the most appropriate one as it recognises unity in diversity: it accommodates a rich mosaic of languages, traditions and customs, which is a common and dominant feature in the Ugandan social fabric.

However, the current form of the decentralisation system was equally dismissed as follows:

The periodic germination of districts in Uganda cannot solve the problems of the people. You cannot deliver the services by continuously levying more taxes to the people. The Toro region today cannot develop under the present regime. Recently the World Bank stated that Uganda spends a lot of money for the military and creation of bureaucracy.

Examining the quest for federalism in Uganda, one view was that present-day Uganda is a colonial creation whose establishment in 1962 was a result of negotiations amongst different actors, the most powerful one among them being the Baganda. Thus, when Uganda was formed in 1962, Buganda enjoyed the federal status with the associated power relations
and privileges which were enshrined in the 1962 constitution. When Obote abolished the constitution in 1967, this became the fundamental source of grievances for Buganda and since then the Baganda have clamoured for the return of the 1962 position. In the meantime, however, there are other areas such as Bunyoro and the northern part of Uganda where peoples’ interests have been suppressed, giving to agitations for a Bunyoro republic and a Nile republic, respectively. Accordingly, such demands can only be understood within the overall context of economic demands for an equitable distribution of the natural resources. To this end, it was advised that an arrangement should be made to ensure that resources such as oil do benefit the local people of areas where the said resource is being extracted, and this renders relevant the quest for a federal arrangement.

It was further noted that the quest for federo is inevitably the quest for sharing power whereby Buganda is left to manage its own internal affairs like education, security (police), health and environment. The historical origin of this form of governance was traced to the colonial past and the urge for secession started to germinate after the central government of Obote abolished the 1962 constitution. Specifically, while the traditional systems of administration in the other parts of the country were disbanded, Buganda enjoyed federal status whereby the Lukiiko and the traditional local administration systems such as the village, sub-county and county were left intact as autonomous entities.

**Federo versus Decentralisation**

While some respondents perceived federo as entailing the return to the 1962 constitution under which the Buganda kingdom enjoyed the federal status in Uganda, others viewed it as the type of autonomy that is desired by Buganda as
opposed to the decentralisation programme which has been introduced by the central government. The current decentralisation programme was criticised for not devolving power to the people, as everything is under the control of the president to the extent that even the ministers are powerless. According to a proponent of federo, the Baganda want ‘their own leaders, whom they can control and whom they can discipline.’ Expressing similar sentiments as the adherents of this viewpoint, another respondent had this to say:

Today there is decentralisation – the way it has been introduced shows there is no cohesion: everyone who wants anything must go to the central government. The so-called ministers are functionless as they can’t do anything unless the president agrees.

Echoing similar sentiments, another view was that decentralisation is a hoax, as it is the president who governs the districts and regions. An example of the subterfuge of decentralisation cited was the formation of Lyantonde and Kayunga districts in the Buganda kingdom, which were interpreted as a deliberate and insidious design and attempt on the part of the central government to dismember the kingdom and hence engender rebellion against the Kabaka.

**Federo versus Regional Tier System**

To the majority of respondents, federo ‘exhibits the feelings of Baganda as related to the federalism issue’. It implies autonomy which, in turn, connotes the demand for the democratisation of the institutions of the Ugandan state, which is deemed to be autocratic and hence impervious to the interests of the Baganda. Some have gone to the extent of rejecting the recently introduced regional tier system, which one respondent equated to an attempt to ‘fragment and
balkanise the Baganda – to change even the demography of Buganda so as to weaken the demand for federalism’.

It was, however, observed in another view that since Buganda’s federo is a hybrid of monarchism and federalism, there is need to ‘de-Bugandanise federalism’ and to ‘Ugandanise federalism.’ This, it was argued, would dismantle the ‘centralised, dictatorial and exploitative system of government’ inherited on the eve of political independence in 1962. To this respondent, this type of federalism would restore power to the people in order to prevent the continued looting of the country resources. Drawing on experiences of countries like New Zealand and Canada, such federalism would be based on regions and not districts which, in turn, would be scaled down to 15 districts only.

**The Need for Buganda to be Democratised**

One respondent acknowledged that federo is a very sensitive issue both in Uganda and in East Africa. It was noted with concern that every federo supporter views the 1962 Ugandan constitution as the solution to the Buganda kingdom. According to this respondent however, the 1962 constitution was a temporary solution which was burdened with immense contradictions. It allowed the Buganda cultural leader – the Kabaka – to go into partisan politics which created a big problem as the Kabaka became president of Uganda. The respondent went on to interrogate the democratic credentials of the cultural leaders by posing the following questions: ‘Who checks the traditional leaders? To whom are they accountable?’ Linking this to Buganda, the respondent argued that the Kabaka is not ‘accountable to anyone except himself’ and yet he wants the Mailo land and other properties to be vested in him without being answerable to anyone. The
respondent deduced that in the long run, the question of democratic rule and other related issues of good governance in Buganda are likely to create misunderstandings and hence divisions amongst supporters of federo, even within Buganda itself.

The multiplicity of views regarding democratising Buganda was applauded as a healthy debate that should not be a hindrance to Buganda’s quest for federo. Another participant affirmed that democracy is good and that, in fact the institution of the Katikiiro has always been democratic, as the Katikiiro is elected by an electoral college. It was however noted that while the idea of having an elected Katikiiro is impressive, it should be rejected solely on the grounds that it is being imposed on the Baganda by the central government.

**Threats and Opportunities to Federo**

**Threats at national level**
One of the most widely acknowledged threats to federo is the misinformation and misinterpretation of what federo entails. A number of respondents who addressed this issue were of the view that politicians from all walks of life were responsible for distorting the concept of federo and what it entails in Buganda in particular and Uganda in general. One respondent intimated that as a result of this misinformation, a strong feeling had developed amongst Ugandans that federalism for Buganda would mean that other communities would be denied the opportunity to establish federations in their own areas. Another respondent stated that other Ugandans think that federalism for Baganda would mean mass expulsion of the non-Baganda from Buganda.

The second threat that was voiced was that of cessation, which would be legitimate if the Buganda kingdom is denied
federal status, as the move would constitute legitimate grounds. In the words of the respondent:

If there is a fair referendum, people will vote freely! Buganda won't chase away anybody if federalism is established in Buganda as there will be no acrimony at all – though today acrimony is being created by the central government.

The authoritarian nature of the Museveni administration was also mentioned as the most dominant threat to federalism in Buganda and Uganda in general. To substantiate this claim, a respondent had this to say:

The president is the ruler; he settles all sets of disputes; the boda boda and every person runs to the State House to see the president for solutions. Remember, Buganda constitutes a third of Uganda. I can understand the fears from outside. Every national institution – hospital, airport etc. – is in Buganda. Now a president may not be comfortable – these are the threats.

The other imminent threat to federalism is the use of military force by the Ugandan state in solving some of the seemingly civilian problems in Uganda. Cited here is the use of force by Obote during the 1966 crisis as well as by General Amin in 1971 when he toppled government. A recent example cited in this regard was the refusal by the central government of the Kabaka to visit Kayunga in 2009 – a move that sparked serious riots in Buganda in which several people were arrested and several lives lost.

It was also argued that the problem of Africa is dictatorship whereby autocratic leaders are not willing to cede their ostensibly undemocratic powers under a federal arrangement. The discussion on federalism therefore threatens these unfettered powers and explains why federalism has met a lot of resistance from the incumbent leadership.
Opportunities at National Level

Despite the above-mentioned threats, there are a number of opportunities available at the national level that can be creatively employed towards creating a federal form of government in Uganda. One such opportunity voiced is the existence of a large diversity of languages, cultures, religions, socioeconomic activities and governance traditions in Uganda. While on one hand, traditionally the existence of a mosaic of traditions and cultures has always been interpreted by mainstream political scientists and commentators as a major problem besetting the African continent, on the other, such is deemed an opportunity. A few respondents cited the Malaysian model as a classic case of federalism which can be emulated by Uganda in which case the federal form of government can accommodate the ethnic diversity of the Ugandan population, hence unity in diversity.

The second opportunity lies in the fact that the Ugandan constitution recognises the existence of cultural/traditional leaders and institutions as a legal entity. Hence, any cultural institution can opt for a federal form of governance. During the discussions, it came to light that kingdoms other than Buganda, and except the Ankole kingdom, want federalism and that the discovery of oil in Bunyoro, for example, is a factor that has motivated the Banyoro to embrace federalism. This is also true of communities such as the Langi, Acholi, Batoro, Bakonjo – all in unison have expressed the need for a federal form of government. ‘It is because of corruption and unequal distribution of resources that people are clamouring

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66 This should not be construed to mean that the Ankole Kingdom does not like federalism, rather that the views of the kingdom on this position were not articulated because the kingdom is currently non-functional because the central government has hitherto refused the re-installation of the Omugabe.
for federalism.’ Federalism would provide an opportunity for these communities to have a say in the utilisation and share of resources in their areas.

Freedom of speech is another opportunity. Every Ugandan has the constitutional right to air his/her views as long as such views do not tarnish the image of an individual. Accordingly, the people of Uganda expressed their preference for a federal system of governance during the making of Uganda’s 1995 constitution – the Odoki Report – where 97 percent of the people of Buganda and 68 percent of the rest of the people in Uganda opted for a federal system of government.

Fourth is that federalism based on various cultural entities would reduce tension between the entities and the central government. Some respondents articulated the need for the creation of organic states in Uganda. Such states would be organised and constituted on the basis of common languages, history, customs and values. Fearful of the balkanisation of some states by the more powerful ones, some of the proponents of this view were of the opinion that such states should enter the East African federation as independent states and not as part of the Ugandan state.

**Threats to the Impeding East African Political Federation**

One of the most prominent threats to federalism within the East African set up was the integration of Uganda into the East African Federation without first addressing the internal concerns in Uganda. In voicing this issue, a number of respondents cited the federo issue in Buganda, as well as the quest for a share in the utilisation of natural resources in other parts of Uganda, as critical concerns.

The second threat is lack of knowledge concerning the East African Federation and its associated benefits to the ordinary person in Uganda.
The other threat is that Ugandans do not want to lose their sovereignty, and this was eloquently expressed by one respondent in the following terms:

The people of Uganda will never surrender our sovereignty to Rwanda, Burundi, Tanzania and Kenya. What the people of Uganda want is economic cooperation only; one national airline; one telecommunication system; one harbour system and one educational system. We will never allow ourselves to be slaves of any East African country – we shall continue to fly our own flag.

There were those who cautioned against the quickened pace at which the East African Federation was being promoted. For the federation to be formed, people must be listened to. There is no point in rushing towards its formation, given the history of the EAC and its collapse in 1977. Instead of joining the federation hastily, such internal problems like the issue of federo, the regional tier system and the lost counties should be resolved first. In addition, the ordinary people should be involved in the entire process; they should be consulted and their informed consent obtained; and the benefits of federation should be delineated. For example, some respondents argued that before the establishment of the political federation, the common market should be strengthened so that the ordinary person can see its benefits.

The acrimonious relations between the central government and sections of the Ugandan population were also identified as a possible threat towards the creation of the East African Federation. For example, Baganda’s unfulfilled demand for federo was cited as an area where a demand for secession could be advanced. Throughout the discussions with respondents, the flouting of the people’s expression of need for federalism in Uganda as articulated by the Odoki Commission was cited as another typical example of the autocratic nature of the
Ugandan state today as it does not augur well with the spirit of East African Federation.

It was further pointed out that unsolved internal problems at the national level have the effect of creating fear for the said federation. The fact that there are national issues which have not been adequately addressed creates apprehension towards a political federation: in other words, how can one talk of federation when people have failed to resolve national issues? Articulating this issue, one respondent had this to say:

Once the internal problems are solved, then the East African Federation can come in. Let it be a phased-out process – by solving the internal problems first.

Another view was that territorial nationalism and the associated federation at the national level courts disaster as it is inward looking. Instead, a larger Federation of African States (FAS) which, in turn, would be able to surmount some of the internal and national problems, was proposed.

Additionally, it was voiced that, as a result of the multiplicity of communities in Uganda, there are also competing national and ethnic identities which, in turn, compete against an East African identity. Hence, this issue needs to be resolved as well before the issue of the East African federation is contemplated. As one respondent argued:

I am not ready to lose my identity at the altar of the East African Federation. Let us first protect this local/ethnic identity.

The other threat to the East African Federation was that ‘Africans do not want to share power.’ And to the question whether or not Buganda was opposed to the East African Federation, the respondent had this to say:

Buganda is not opposed to the East African Federation. What we want is: let us do it properly. Let us see what structures are inbuilt in the East African Federation and see how they can work in terms of how they blend with the structures in the respective country.
Another possible threat to the East African Federation that was voiced was lack of information about it at the local level, as if the beneficiaries of the federation were the central governments. Some respondents viewed the East African Federation as a project of the five presidents and not of the people of East Africa. It was observed, for example, that in Uganda, ‘everything is centred on the president’ and, this being the case, one ‘cannot predict the future of the East African Federation, as it is a presidential affair’,

It is thus concluded that there will always be internal issues within the existing East African states, but what is important is that these issues are resolved rather than thwarting efforts towards an East African Federation. It was also recommended that the federation be governed by a constitution to ensure its success.

**Ambiguous Position of the Kingdom of Ankole**

The Ankole kingdom was one of those accorded a semi-federal status in the 1962 constitution until it was abrogated in 1967. After the bush war and the coming to power of Museveni, the NRA/NRM eventually restored the kingdoms. While Buganda and other kingdoms have been restored, the kingdom of Ankole has not. This has raised a number of questions. A variety of explanations have been advanced to explain this state of affairs, but for the purposes of this mission, we shall restrict ourselves to only two.

The first common explanation has been associated with the role of President Museveni himself. It has been argued, for example, that as a native of the Ankole kingdom, and given the observation that as a Republican he has been at the forefront in discouraging the establishment of monarchies in Uganda, it was prudent on his part to discourage the re-establishment of
the Ankole kingdom by frowning upon all those who aspired to be installed as kings. It is rumoured that one of his generals from the said kingdom had intended to relinquish his military post to become the king of Ankole, an idea for which he was reprimanded by Museveni, marking the end of the general’s adventures.

Another version which is also plausible is more structural in origin than the previous explanation. This version contends that unlike the Baganda who are more flexible and hence plural in character, the Ankole social organisation is claimed to have been characterised by a caste system that was essentially rigid and hierarchical in nature. Under such a system, intermingling and intermarriage between and among the castes was highly prohibited and so was ascension to kingship. In such a scenario, therefore, it became extremely difficult for one who came from a lower caste to become a chief, however well-educated one may have been. In a nutshell, this partly explains the cultural and social factors that might have been responsible for the lack of enthusiasm on the part of candidates who would have liked to vie for chieftainship in the Ankole kingdom.
Chapter Four

Conclusions and Recommendations

It is unquestionable that Uganda is currently faced with a crisis. This crisis, however, can only be solved by Ugandans themselves.

In the course of the mission, one theme that dominated the discussion was the issue of sharing power, irrespective of the system of governance, be it federo, federalism, decentralisation, cessation or the regional tier system. From time to time, for example, the issue of unequal distribution of resources resonated amongst the respondents. However, the issue of federo has been central. In its attempt to address this issue, the central government has initiated a number of programmes such as decentralisation and the regional tier system, both of which have proved futile. It is on the basis of this understanding that the mission has come up with the following conclusions and recommendations.

Conclusions
After an examination of literature, verbal presentations and written submissions, the mission came to a number of conclusions, as follows:

- There is no one common definition of federo: it has different meanings even among those who espouse it.
- Buganda is the richest, most central and largest political entity in Uganda. It has enormous natural resources and the
The Federo Question of Buganda in Uganda

most educated human capital.\textsuperscript{67} It also houses vital national institutions, such as the parliament, and headquarters of government administration.

- During the colonial period, Buganda enjoyed a special status that was not made available to the other communities. For example, in 1900 it negotiated an agreement with the incoming British administration, which gave it a semi-autonomous status within Uganda. This recognised the Baganda traditional system of government, which was widely exported to other parts of Uganda. Even more, the Baganda joined the British to conquer the neighbouring territories, such as Bunyoro, Busoga and Acholi. They were indeed installed as ruling chiefs of the conquered territories. The most prominent of such chiefs was Semei Kakungulu who spearheaded ‘Buganda sub-imperialism’ in Bugisu. Needless to say, this did not endear them to the other communities within Uganda. Consequently, in the 1920s and 1930s there were widespread demands for their removal.

- The Baganda have, over the years, been wary of any attempt to create an East African political entity. This was informed by their desire to protect their special status within Uganda. They opposed the concept of a closer union, which was mooted from the 1920s to 1950s, and the attempt to form a federation in the 1960s, as was then proposed by Milton

\textsuperscript{67} Whether Buganda is defined as central region or Kampala, the Uganda National Household Survey Report 2009/2010 found Kampala and central region to have had the lowest number of people aged 15 years and above, that had not had formal schooling: Kampala at 4.4%; central at 10.3% as compared to 18.3% in the eastern region; 22.8% in northern; and 21.9% in western. The two regions also registered the highest number of people that had attained education above secondary school level: Kampala at 21.7% and central at 9.1% compared to 2.5% in the eastern, 4.4% in northern and 3.7% in the western regions. See Uganda National Household Survey Report 2009/2010 accessed at www.ubos.org/UNHSO910/chapter3_Eductation_Attainment.html
Obote of Uganda, Jomo Kenyatta of Kenya and Julius Nyerere of Tanganyika.

- At independence, Buganda negotiated for, and was granted, a special status. Indeed, the 1962 Uganda constitution gave Buganda a federal status. This was in stark contrast to the other kingdoms, which attained a semi-federal status, and the non-kingdom districts which were offered local governments. The federal status of Buganda lasted until 1967 when Obote abrogated the kingdoms.
- From 1966 to date, Buganda has systematically called for the restoration of their kingdom with its rights and privileges. This is what constitutes the concept of federo—that is, the right to manage their own affairs and preserve their cultural traditions.
- The demand for federo is specifically confined to Buganda. In other parts of Uganda, however, there are various forms of governance which are being envisaged and which are different from federo.
- Buganda would like to be incorporated into the East African Federation as a state.
- In most of Africa today, including Uganda, the unitary system has largely failed due to corruption, undemocratic practices and ineptitude. In turn, this has led to a deep distrust and acrimony between the rulers and the ruled.
- The federation should be based on consensus and respect for the indigenous systems of government in order to enhance equitable distribution of resources and power sharing.
- From the Buganda point of view, there is no viable alternative system to the federo.
- In creating a federation for East Africa, economic cooperation needs to be enhanced first in order to demonstrate the benefits that would accrue from the common market.
- A resentful Buganda would create governance issues that
would affect a successful political federation if forced to join the East African Federation.

- A successful East African Federation needs to reflect people’s history and culture.
- The East African Federation should be based on organic entities.
- There is a need for an open national debate regarding the question of federalism in Uganda because past negotiations and alliances on federo have often been conducted opportunistically and, therefore, have not resolved the issue.

**Recommendations**

In view of the above-mentioned conclusions, it is abundantly clear that the formation of a stable East African Federation needs to be approached with tact and diplomacy. In this regard, all stakeholders should be widely consulted in order for them to openly voice their views. Consequently, the mission recommends the following:

- Every effort should be made to resolve the conflict between Buganda and the Government of Uganda, preferably through a national conference of the stakeholders – such as political parties, civil society and traditional institutions – leading to a formal constitutional review process.
- There is a great need to define clearly the concept of federo and what it entails, or else its operationalisation may be met with insurmountable problems.
- The role of kingdoms and other cultural institutions in a federal system of governance should be widely discussed.
- There is a dire need to embark on civic education about the proposed East African Federation, both in Uganda and in the rest of East Africa.
- East Africans should consider whether semi-autonomous entities such as Buganda should be admitted into the East
African Federation as states in their own right.

- In order to sell the idea of an East African Federation, economic cooperation should be emphasised.
- There is a need to harmonise the governance system in East Africa, such as the electoral system and the term limits if the East African political federation is to succeed.
- Civil society organisations should be actively involved in the efforts to address the question of federalism within Uganda as well as in the other East African countries.
- There should be a draft constitution to clarify how the East African Federation will be governed and how powers will be distributed among the various states. This is especially important in view of the fact that some states, including Uganda, are potentially federal states.
Persons Interviewed by the Fact-Finding Mission

Mr Godfrey Lule S.C.
Advocate
Former Attorney General of Uganda
Former Minister, Mengo government

Mr Adoko Nekyon
Former Minister Obote I government
Former Member of Parliament (Head Oyima clan of Lango)

Mr Source Opak
Information Minister,
Iteso Cultural Union

Hon. Mayanja Nkangi
Chairman, Uganda Land Commission
Former Minister in the central government &
Former Katikkiro of Buganda

Hon. Ssemujju Nganda
Member of Parliament of Uganda

Hon. Kyanjo Hussein
Member of Parliament of Uganda

Owek. Charles P. Mayiga
Minister for Lukiiko, Cabinet Affairs, Information and
Spokesperson Buganda government

Mr James L. Ojera
Program Director, Uganda Historical Memory & Reconciliation
Council, Gulu
Owek. Eng. J. B. Walusimbi
Prime Minister, Chief Executive and Chairman of Cabinet, Buganda government

Mr Nyakoojo Byaruhanga
Democracy and Human Rights Association, Kampala, Uganda

Hon. Norbert Mao
The President General, Democratic Party (DP)

Mr Henry Ford Miriima
Veteran Journalist & Press Secretary, Omukama of Bunyoro-Kitara

Mr A. D. Lubowa
Former Minister, Buganda government

Mr Joseph Kavuma Kaggwa
Veteran Journalist

Hon. John Ken Lukyamuzi
President Conservative Party & Member of Parliament of Uganda

Mr Matthios Ngobi
Busoga Yaiffe, C/O Diocese of Jinja

Eng. Mbalyohere Charles
Busoga Yaiffe

Owek. Kalundi Serumaga
Member, Buganda Lukiiko
Director, The Serumaga Centre for the Arts
Hon. Wafula Oguttu
Spokesperson, Forum for Democratic Change Party
Member of Parliament of Uganda

Omutaka Eng. Nakirembeka Waliggo
Head Bataka Cultural Committee (Elders Council),
Kingdom of Buganda

Owek. Dan Mulika
Former Kaikkiro, Buganda government

Owek. Balikudembe Joseph
Member, Buganda Lukiiko

Owek. Ssebunya Lule
Former member, Buganda Lukiiko

Mr Kintu Nyago
Deputy Principal Private Secretary to H.E. the President,
Office of the President

Hon. Jaberi Bidandi Ssali
President, Peoples Progressive Party

Mr Ernest KK Sempebwa
Elder, Buganda

Mr David Opii Alira
Secretary General, Peoples Progressive Party

Mr Sadam Gayira
Spokesperson, Peoples Progressive Party

Hon. Betty Kamya
President, Uganda Federal Alliance (UFA),
Former Member of Parliament and presidential aspirant 2010.
Mrs Joyce Mpanga
One of the first women in the Legislative Council (Legco) &
Former Member of Parliament Obote 1 Government

Dr James Rwanyarare,
Member, Uganda People’s Congress (UPC)

Mr George William Katatumba
Chairman, Ankole Cultural Trust

Hon. Kenneth Oketta
Prime Minister,
Acholi Cultural Institution

Owek. Dr. Fred Higiro Semajege
Deputy Speaker, Lukiiko of Buganda

Dr John-Jean Barya
Member, Banyakole Cultural Foundation
Professor, School of Law, Makerere University

Hon. Paul Kawanga Ssemogerere
Former President General of the Democratic Party (DP),
Former Minister & Member of Parliament

His Grace, Dr. Cyprian Kizito Lwanga
Archbishop Roman Catholic Archdiocese of Kampala.

Prof. Frederick Jjuuko,
Professor of Law,
School of Law, Makerere University

Mr Nyondo Magambo
Marcus Garvey Institute,
Mbale, Uganda


Baruuli/Banyala Cultural Trust report (n.d.)


**Legislation Referred to by the Fact-Finding Mission**
