

THE BUNYORO AGREEMENT, 1955

AN AGREEMENT made this 3rd day of September, 1955, between Sir Andrew Benjamin Cohen, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor and Commander in Chief of the Uganda Protectorate (hereinafter referred to as the Governor) on behalf of Her Majesty's Government in the United Kingdom and of Her Majesty's Government of the Uganda Protectorate OF THE ONE PART and Sir Tito Gafabusa Winyi IV, Knight, Commander of the Most Excellent Order of the British Empire, Rukirabasaija Agutamba Omukama of the Kingdom of Bunyoro-Kitara (hereinafter referred to as the Omukama) by and with the advice and consent of the Rukurato for himself and his successors in office for and on behalf of the Rukurato and the People of the Kingdom of Bunyoro-Kitara in the Uganda Protectorate OF THE OTHER PART:

WHEREAS on the twenty-third day of October, 1933, Sir Bernard Henry Bourdillon, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, at that time Governor and Commander in Chief of the Uganda Protectorate OF THE ONE PART and the Omukama OF THE OTHER PART entered into an agreement known as the Bunyoro Agreement, 1933, wherein the rights and privileges of the Omukama were defined and the relations that at present exist between the Governor of the Uganda Protectorate and the Omukama and the people of the Kingdom of Bunyoro-Kitara were set out:

AND WHEREAS it has been agreed by the Governor and the Omukama with the advice and consent of the Rukurato that the rights and privileges of the Omukama should be redefined and that there should be a revision of the relationship between the Governor and Her Majesty's Government in the Protectorate of Uganda and the Omukama, the Rukurato and the People of the Kingdom of Bunyoro-Kitara:

AND WHEREAS it is considered desirable to replace the Bunyoro Agreement, 1933:

Now, THEREFORE, it is agreed as follows:—

1. This Agreement shall remain in force until it is annulled or amended by agreement between the Governor and the Omukama with the advice and consent of the Rukurato unless it shall be previously suspended or annulled by the Governor on account of the breach of any of the conditions thereof by the Omukama or his People, and during the currency of this Agreement the Omukama shall be recognised as the ruler of the Kingdom of Bunyoro–Kitara.

2. The Agreement shall be operative in the Kingdom of Bunyoro–Kitara which shall comprise the District of Bunyoro as delimited from time to time by the Governor by proclamation, provided that there shall be no contraction of the existing boundaries.

3. The Omukama, the Rukurato and the People of Bunyoro–Kitara agree loyally to co-operate with the Governor and to follow his advice in all matters relating to the administration of the Kingdom of Bunyoro–Kitara and the welfare of its inhabitants.

4. The advice of the Governor given under article 3 shall normally be communicated through the officer in charge of the Bunyoro District (hereinafter called the District Commissioner).

5. The Omukama and the Rukurato shall have the right, should they desire to do so, to make representations, through the District Commissioner, to the Provincial Commissioner and should they further desire to do so, through the Provincial Commissioner to the Governor. Nothing in this Agreement shall be held to take away the right which the Omukama and the Rukurato enjoy in common with other persons in the Protectorate to make representations to the Secretary of State for the Colonies through the recognised channels. The District Commissioner shall, provided time and circumstances permit, bring to the notice of the Omukama (in order that he may comment thereon if he so desires) any new measure of general legislation which it may be proposed to introduce and which may affect the interests of the people of the Kingdom of Bunyoro–Kitara.

6. All legislation of the Protectorate shall be applicable to the Kingdom of Bunyoro–Kitara except in so far as any such legislation shall specifically enact otherwise.

7. The Omukama, as Ruler of the Kingdom of Bunyoro–Kitara, shall be entitled to the designation of Rukirabasaija Agutamba Omukama. This title is accorded by tradition to the position and dignity of the Omukama of Bunyoro who shall be so addressed on official occasions.

8. The Omukama and his successors in office shall have the right to nominate a successor to the position and dignity of Rukirabasaija Agutamba Omukama. Such nomination shall be communicated to

the Governor and shall not be disclosed until after the death of the Omukama. If a deceased Omukama has failed to nominate a successor acceptable to the Governor the right of nomination shall, as soon as possible after his death, be exercised by the Rukurato. The successor nominated as aforesaid must be approved by the Governor without whose approval no person shall be recognised as Omukama.

9. In the nomination of a successor the Omukama, or the Rukurato as aforesaid provided, shall select in order from the following classes:—

- (a) The Omukama's sons;
- (b) the Omukama's sons' sons;
- (c) the Omukama's sons' sons' sons;
- (d) the Omukama's brothers;
- (e) the Omukama's brothers' sons;
- (f) the Omukama's brothers' sons' sons;
- (g) other direct male descendants of the Omukama Kabarega.

The selection shall not be made from any of the above classes (b) to (g) until it has been ascertained that no preceding class contains any person whose nomination would be acceptable to the Governor.

When any resolution regarding the succession to the Omukamaship is voted upon by the Rukurato no person sitting as a deputy or proxy shall be entitled to record a vote.

10. In the event of the infancy or incapacity of the Omukama, the Rukurato shall elect Regents; in the event of the absence or sickness of the Omukama, the Omukama shall appoint Regents.

11. In order to maintain the traditions and dignity of the Kingdom of Bunyoro–Kitara the Omukama shall be entitled to recognise or appoint the following household officials, viz.—

Nyina Omukama, or Mother of the Omukama.

Kalyota, or official sister of the Omukama.

Okwiri or Head of the Babito, that is, men of the Royal Clan.

Mugema, or Keeper of the Royal Tombs.

Twelve recognised Heads of the Bikwato, or hereditary Keepers of the Regalia.

The salaries of these officials, upon such scale as may be approved from time to time by the Rukurato having regard to the finances of the Native Government of the Kingdom of Bunyoro–Kitara, shall be met from the revenues of that Government.

12. The Abajwarakondo is recognised as an old-established Order of distinction in the Kingdom of Bunyoro–Kitara. It is a preroga-

tive of the Omukama to bestow the distinction of membership of this Order upon any native of the Protectorate who has rendered service of outstanding merit to the Kingdom of Bunyoro–Kitara.

13. The traditional right of the Omukama to call upon all his able-bodied male subjects to render military service in defence of their country is recognised. Such right shall not be exercised without the approval of the Governor and subject to such conditions as the Governor shall prescribe. The Omukama shall, if so called upon by the Governor, exercise this right wholly or to such extent and in such manner as the Governor may direct.

14. (1) The Omukama shall maintain a council to be known as the Rukurato, which shall be comprised of the following members—

(a) The Katikiro and such other Ministers and Executive Officers as may be appointed in accordance with this Agreement.

(b) The County Chiefs or their representatives who shall not be of a lower rank than that of Sub-County Chiefs.

(c) The Okwiri and the Mugema.

(d) Twelve persons appointed by the Omukama on the advice of the Rukurato.

(e) Two Babito who shall be selected by the Babito and approved by the Omukama.

(f) Fifty-two persons elected in such manner as may be agreed from time to time by the Rukurato with the consent of the Omukama and the Governor.

(2) The composition of the Rukurato may be changed from time to time by the Omukama on the advice of the Rukurato and with the consent of the Governor.

15. (1) The Rukurato shall, for and on behalf of the Omukama, carry on the government of the Kingdom of Bunyoro–Kitara and in particular the Rukurato shall—

(a) carry out its traditional duties;

(b) carry out any other duties it is required or permitted to carry out by the laws of the Protectorate or by this Agreement; and

(c) deliberate on any matter lawfully and properly referred to it by the Governor, the Omukama, or any council established in the Kingdom of Bunyoro–Kitara.

(2) All public acts of the Rukurato shall be done in the name of the Omukama.

(3) The Katikiro shall inform himself of the views of the Omukama on all matters of public importance.

16. All resolutions of the Rukarato and the annual estimates shall be submitted to the Omukama, who shall be entitled, if he so wishes, to communicate his views on them to the Governor.

17. (1) The Ministers and Executive Officers of the Rukurato shall be the Katikiro and the Omuketo.

(2) With the prior consent of the Governor the Omukama shall, on the request of the Rukurato, make arrangements for the appointment of other Ministers and Executive Officers.

18. The Katikiro shall be elected by the Rukurato and shall be appointed by the Omukama, subject to the approval of the Governor.

19. The other Ministers, Executive Officers, county and sub-county chiefs shall be appointed by the Omukama in conformity with the advice of the Appointments Committee, whose advice shall be subject to the approval of the Governor or in the case of county and sub-county chiefs the Provincial Commissioner.

20. Muluka chiefs shall be appointed by the Omukama in conformity with the advice of an appointments committee of the county council of the county in which a vacancy exists. Bakungu shall be elected by the people of the muluka in which a vacancy exists, and shall likewise be appointed by the Omukama.

21. Subject to the provisions of the Staff Regulations made by the Rukurato, all other officers and employees of the Native Government shall be appointed by the Appointments Committee, or any person to whom it may delegate its powers, for and on behalf of the Omukama.

22. (1) Officers and chiefs appointed by the Omukama shall be subject to dismissal and disciplinary action by the Omukama in conformity with the advice of the Appointments Committee. Officers and employees appointed by the Appointments Committee or any other person shall be subject to dismissal and disciplinary action by the Appointments Committee or the person by whom they were appointed.

(2) All dismissals and disciplinary action shall be in conformity with the Staff Regulations or any special regulations made by the Governor in Council, whichever is applicable.

23. The Rukurato shall appoint such committees of the Rukurato as are required by law, and may appoint such other committees as may be deemed desirable for any general or special purpose.

24. The Rukurato shall make Staff Regulations which shall be subject to the approval of the Provincial Commissioner.

25. (1) Subject to the provisions of the Native Courts Ordinance the Omukama shall establish courts in the Kingdom of Bunyoro–Kitara for the administration of justice.

(2) The Chief Judge and other judges shall be appointed by the Omukama subject to the approval of the Governor.

26. The people of the Kingdom of Bunyoro–Kitara shall be subject to the same laws and regulations in respect of taxation as may be applied to the Protectorate generally, provided that no taxation peculiar to the people of the Kingdom of Bunyoro–Kitara shall be imposed without the consent of the Omukama and the Rukurato.

27. The Omukama and his children shall be exempted from payment of poll tax and Native Government rates and taxes; the Katikiro, the Muketo, any other ministers or executive officers and the county chiefs shall be exempted from payment of poll tax while holding office. Recognised Regalia-men (abebikwato) shall be exempted from Bunyoro Native Government tax.

28. The revenue of the Native Government shall consist of such rates and taxes as may be imposed by the Rukurato and such other taxes, fees, royalties, payments and reimbursements as may be approved by the Governor.

29. Prior to the commencement of every financial year estimates of the revenue and expenditure of the Native Government for that year shall be submitted by the Rukurato to the District Commissioner. These estimates shall be subject to the approval of the Provincial Commissioner and expenditure which is not provided for in the current annual estimates shall not be incurred without the consent of the Provincial Commissioner or such officer as he shall authorise to give such consent. The accounts of the Native Government shall be subject to such audit as the Provincial Commissioner may direct.

30. In matters concerning the collection and custody of Protectorate Government revenue chiefs and collectors who are authorised to collect such revenue are directly responsible to the District Commissioner. In matters concerning the collection and custody of Native Government revenue chiefs and collectors are responsible to the Rukurato.

31. The territories comprised within the boundaries of the Kingdom of Bunyoro–Kitara are held by the Governor for the occupation and use of the people of the Kingdom of Bunyoro–Kitara, but subject to reservations set out in Article 32 and subject also to rights already recognised by the Governor. The administration of such land for the occupation and use of the people shall be entrusted to the Omukama and the Native Government, subject always to any instructions, general or specific, which the Governor may issue in this regard.

32. There is reserved to the Governor the right to appropriate and place under his direct control any area which he considers is required for a forest, for a road, for a township or for any other public purpose whatsoever, and the right to grant a valid title to any area within the boundaries of the Kingdom of Bunyoro–Kitara to any person:

Provided that in exercising the right of appropriation or grant as aforesaid and in considering the extent to which native requirements must prevail, the Governor shall be guided by the Protectorate laws for the time being in force and by any general instructions received from the Secretary of State:

Provided further that before the Governor exercises the rights reserved to him by this article he shall in every case consult the Omukama and give full consideration to his wishes.

33. Any adult native of the Kingdom of Bunyoro–Kitara shall be eligible to receive a certificate evidencing his right of occupancy to land upon such conditions and subject to such limitations as the Governor shall approve.

34. The control of all areas gazetted as central forest reserves is vested in the Governor subject to the right of the people of Bunyoro–Kitara to take forest produce in accordance with the procedure laid down from time to time by Protectorate laws. So long as Bunyoro–Kitara has an adequate forest estate, the control of all other forests, including hill forest reserves, is vested in the Native Government of Bunyoro–Kitara.

35. The property in and control over all minerals and all mining rights in the Kingdom of Bunyoro–Kitara are vested in the Governor. In the exercise of such control the Governor shall consult the Omukama and the Rukurato and shall give consideration to their wishes and in particular to the interests of the people of Bunyoro–Kitara. The Governor may grant to the Omukama or to the people the right to work the salt deposits at Kibiro and the graphite deposits at Kigorobya and any other mineral deposits which are required to meet the normal domestic or agricultural needs of the people, on such terms and conditions as may be agreed upon.

36. In the event of any mineral development taking place a substantial part of the mineral royalties and the revenue from mining leases shall be paid to the Native Government of Bunyoro–Kitara.

37. All natives shall have the right of fishing in all public waters subject to the provisions of the Sleeping Sickness Rules and all other Protectorate legislation from time to time in force.

38. No national park, game reserve, or sanctuary shall be proclaimed in the Kingdom of Bunyoro–Kitara, nor shall any alteration be made in the boundaries of any national park, game reserve or sanctuary

unless the Governor shall first have consulted the Omukama and the Rukurato and given full consideration to their wishes. In deciding upon the policy to be adopted in regard to the preservation of game, the Governor shall give full consideration to the agricultural needs of the people. So long as in the opinion of the Governor elephants are not unduly depleted the Omukama shall be granted annually free licences for three elephants.

39. This Agreement may be cited as the Bunyoro Agreement, 1955. It has been done in English and Lunyoro and in the construction thereof the English version shall prevail.

SIGNED this 3rd day of September, 1955, by

For and on behalf of Her Majesty's
Government in the United Kingdom
and of Her Majesty's Government
of the Uganda Protectorate

A. B. COHEN,
Governor.

With the advice and consent of the
Rukurato for himself and his
successors in office for and on behalf
of the Rukurato and the People of
the Kingdom of Bunyoro-Kitara.

T. G. WINYI IV,
Omukama.

WITNESSES :

R. DRESCHFIELD, Attorney General.

L. M. BOYD.

G. E. D. DUNTZE.

K. P. GOWER.

M. D. MARTIN.

LAURENTI MUGANWA.

E. N. KABIANGA.

E. R. MUCHWA.

S. K. KAIJAMURUBI.

K. B. M. YONASANI.

I. K. MAJUGO.

ABERI K. BALYA, Assistant Bishop.

FR. X. LACOURSIERE, Bishop of Mbarara.