

ICS 110

Constitutional problems in Buganda: Court proceedings in the case of Mukwaba and others v. Mukunbira and others, in the Uganda High Court

SUMMARY GUIDE

Repository	GB 101 Institute of Commonwealth Studies
Reference code	ICS 110
Dates of creation of material	1954
Level of description	Collection
Extent	2 volumes
Name of creator	High Court of Uganda

Administrative history

In November 1953, the Protectorate Government of Uganda withdrew recognition of Mutesa II as native ruler of the Province of Buganda. This status had been held by the Kabaka under the Buganda Agreement of 1900, following the establishment of a British Protectorate in 1894. The Agreement also provided for the withdrawal of recognition, as occurred in 1953, should the Kabaka no longer remain faithful to the protecting authority. Following the withdrawal of recognition of the Kabaka, he was deported to Britain. The court case, heard in 1954, tested various constitutional questions arising from this and subsequent actions, and found in favour of the Protectorate Government.

Because of the constitutional difficulties arising at this time, the Protectorate Government set up a Conference to consider the situation further. This took place in 1954 also, and was headed by Sir Keith Hancock (then Director of the Institute of Commonwealth Studies in London). The Conference made various recommendations regarding the future Constitution of Buganda. The implementation of the agreed recommendations of the Conference, and the outcome of the court case, ultimately led to the return of Mutesa II two years later as a constitutional monarch.

Archival history

The material was donated to ICS by the legal adviser to the Colonial Office in 1956.

Scope and content

Proceedings, evidence, documents and judgement in the case, which was brought to test the legality of the withdrawal by the Protectorate Government of recognition of the Kabaka Mutesa II as native ruler of the Province of Buganda was illegal, and actions by the Government affecting the Constitution. Judgement was in favour of the Protectorate Government.

System of arrangement	The original arrangement has been retained
Access	Open
Copyright/copying conditions	Usual conditions
Language	English
Finding aids	A descriptive list is available in ICS Library

Existence and location of originals

The original copies of the judgement should be available in the archives of the High Court of Uganda.

Related units of description at ICS

Papers relating to the Hancock Commission into Buganda constitutional issues are in ICS 29/1.

Associated material elsewhere

The PRO holds several Colonial Office and other files concerning the Kabaka and Buganda at this period, mostly in CO 822.

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DESCRIPTIVE LIST

ICS 110/1	Mukwaba and others v. Mukubira and others: Proceedings and Evidence 1 volume	1954
ICS 110/2	Mukwaba and others v. Mukubira and others: Documents and Judgment 1 volume	1954