

THE BUNYORO AGREEMENT 1933

AN AGREEMENT made this twenty-third day of October, 1933, between His Excellency 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, Governor and Commander-in-Chief of the Uganda Protectorate (hereinafter called the Governor) for and on behalf of the Government of the said Protectorate of the one part and Tito Gafabusa Winyi II, Mukama of Bunyoro (hereinafter called the Mukama) by and with the advice and consent of the Rukurato for himself and his successors in office for and on behalf of the native inhabitants (hereinafter called the people) of the district of Bunyoro in the Uganda Protectorate of the other part -

WHEREAS it is expedient to define the rights and privileges of the Mukama and the relations which shall exist between the Governor and the Mukama and the people, during the currency of this Agreement.

NOW THEREFORE, it is agreed as follows:

1. The Agreement shall remain in force until it is annulled or amended by agreement between the Governor and the Mukama (by and 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 Mukama or his people, and during the currency of this Agreement the Mukama shall be recognised as the native ruler of the Obukama bwa Bunyoro-Kitara.
2. The Agreement shall be operative in the Obukama bwa 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 without the consent of the Mukama. Until otherwise agreed upon by the Governor and the Mukama the Obukama bwa Bunyoro-Kitara shall be divided into the six counties or sazas at present existing, viz, the Saza of Bugahya, Buhaguzi, Bujenje, Buruli, Kibanda and Kihukya.
3. The Mukama and his people agree loyally to co-operate with the Governor and to follow his advice in all matters relating to the administration of the Obukama bwa Bunyoro-Kitara and the welfare of its inhabitants.
4. Such advice shall normally be communicated through the officer in charge of the Bunyoro District (Hereinafter called the District Commissioner). The Mukama shall have the right, should he desire to do so, to make representations, through the District Commissioner, to the Provincial Commissioner of the Province in which the Bunyoro District is situated and should he 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 Mukama enjoys in common with the other inhabitants of 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 Mukama (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 Obukama bwa Bunyoro-Kitara.

5. All legislation of the Protectorate shall be applicable to the Obukama bwa Bunyoro-Kitara except in so far as any such legislation shall specifically enact otherwise.

6. The Mukama shall be entitled to the designation of Rukirabasaija Agutamba Mukama. This title is accorded by tradition to the position and dignity of the Mukama of Bunyoro who shall be so addressed on official occasions.

7. The Mukama and his successors in office shall have the right to nominate a successor to the position and dignity of Rukirabasaija Agutamba Mukama. Such nomination shall be communicated to the Governor and shall not be disclosed until after the death of the Mukama. If a deceased Mukama 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 Mukama.

8. In the nomination of a successor the Mukama or the Rukurato as aforeprovided, shall select in order from the following classes:-

- a) the Mukama's sons;
- b) the Mukama's sons' sons;
- c) the Mukama's sons' sons' sons
- d) the Mukama's brother
- e) the Mukama's brothers' sons;
- f) the Mukama's brothers' sons' sons
- g) other direct male descendants of the Mukama Kabarega;
- h) such male persons as the Rukurato may select.

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

Should the present custom which forbids the marriage of Babitokati, that is, women of the Royal Clan, be abandoned, Mukama by and with the consent of the Rukurato, shall have the right to insert the sons and descendants of Babitokati, being recognised Babito, in such place in the above list as may be approved by the Governor.

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

9. In order to maintain the traditions and dignity of the Obukama bwa Bunyoro Kitara the Mukama shall be entitled to recognise or appoint the following household officials, viz.

Nyina Omukama or Mother of the Mukama Kalyota, or official sister of the Mukama. 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 as may be approved from time to time by the Bunyoro Agreement, Governor having regard to the finances of the Native Government of the Obukama bwa Bunyoro- Kitara, shall be met from the revenues of that Government.

10. The Abajwara Kondo is recognised as an old established Order of distinction in the obukama bwa Bunyoro-Kitara. It is a prerogative of the Mukama to bestow the distinction of membership of this Order upon any native of the Protectorate who has rendered service of outstanding merit to the Obukama bwa Bunyoro-Kitara.

11. The traditional right of the Mukama 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 Mukama 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.

12. To assist the Mukama in the Native Government of the Obukama bwa Bunyoro-Kitara he may establish and maintain such posts of Ministers, Chiefs and other persons as may be approved by the Governor. The salaries and pensions attached to such posts shall be at such rates and subject to such conditions as may be approved from time to time by the Governor and shall be paid from the revenues of the Native Government.

13. The following grades of Ministers and Chiefs of the Native Government are at present recognised, viz.:

Katikiro or Prime Minister
Saza Chiefs,
Muketo or Treasurer,
Gombolola Chiefs,
Muluka Chiefs
Bukungu ,

and may be added to, altered or abolished with the approval of the Governor.

14. Ministers, saza and Gombolola Chiefs shall be appointed and dismissed by the Mukama subject to the approval of the Governor whose decision shall be final. The Mukama may consult the Rukurato in regard to the appointment or dismissal of such Ministers and Chiefs and shall discuss his proposals with the District Commissioner, who will forward them with his comments to the Provincial Commissioner, who will in turn submit them for the final decision of the Governor. Provided that the Governor may delegate his powers of approval in the case of Gombolola Chiefs to the Provincial Commissioner.

15. Muluka Chiefs and Bakungu shall be appointed and dismissed by the Mukama. Such appointments and dismissals may be discussed with the Rokurato but shall not be subject to the approval of the Governor.

16. Notwithstanding the provisions of the last two preceding articles of this Agreement a

recommendation for dismissals of any Minister, Chief or Mukungu may be initiated by the District Commissioner and shall thereupon be dealt with by the Mukama as provided in Articles 14 and 15.

17. In order further to assist the Mukama in the Native Government of the Obukama bwa Bunyoro-Kitara he shall maintain a native council to be known as the Rukurato, which shall be comprised of the following members:

- (a) The Katikiro, who shall be president of the Rukurato, and such other ministers as may be appointed by the Mukama with the approval of the Governor.
- (b) The Saza Chiefs or their representatives who shall not be of a lower rank than that of Gombolola Chiefs.
- (c) The Gombolola Chiefs or their representatives who shall not be of a lower rank than that of Muluka Chiefs.
- (d) The Okwiri
- (e) Two other Babito who shall be selected by the Babito and approved by the Mukama.
- (f) Representatives of the Muluka Chiefs, Bakungu and Bakopi of each county to such number and appointed in such manner as the Mukama with the consent the Governor may from time to time determine.

18. The duties of the Rukurato shall be to deliberate upon such matters as may be referred to them by the Mukama amid advise the Mukama thereon; to recommend to the Mukama by resolution the alteration of native law and the fixing of penalties for breaches of native law; and to perform as such other duties as the Mukama, with the consent of the Governor, may assign to them. Provided that no resolution or recommendation of the Rukurato shall be put into effect without the approval of the Governor or such Officer as he may depute for the purpose of signifying his approval. The Mukama shall be consulted before the Governor's decision upon any such resolution or recommendation of the Rukurato is signified.

The procedure of the Rukurato shall be governed by such standing orders as the Mukama with the consent of the Governor, shall from time to time approve.

19. At the request of the Mukama the Governor may establish native courts for the administration of justice between native and native; all courts established under this Article shall conform to such rules as may be made by, or with the approval of, the Governor.

20. The people of the Obukama 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 Obukama bwa Bunyoro-Kitara shall be imposed without the consent of the Mukama. Provided that time and circumstances permit the Mukama shall be consulted beforehand in regard to any new measure of general taxation, applicable to the people of the Obukama bwa Bunyoro- Kitara equally with the inhabitants of the rest of the Protectorate, which it may be proposed to introduce.

21. The Mukama and his sons shall be exempt from payment of poll tax; the Katikiro and such other ministers (if any) as the Mukama, with the consent of the Governor, shall appoint the Saza Chiefs and the Muketo shall be exempt from payment of poll tax whilst holding office.

- 22.** The revenue of the Native Government shall consist of such tribute, of such payments in commutation or Luharo and of such rebate of poll tax and of such other taxes, fees, payments or reimbursements as may be approved by the Governor.
- 23.** 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 Mukama to the District Commissioner. These estimates shall be subject to the approval of the Governor and expenditure which is not provided for in the current annual estimates shall not be incurred without the consent of the Governor or such officers as he shall authorise to give such consent. The accounts of the Native Government shall be subject to such audit as the Governor may direct.
- 24.** Chiefs who are authorised to collect revenue on behalf of the Governor are directly responsible to the District Commissioner in matters connected with the collection and custody of such revenue.
- 25.** The territories comprised within the boundaries of the Obukama bwa Bunyoro-Kitara are held by the Governor for the occupation and use of the natives of the Obukama bwa Bunyoro- Kitara but subject to reservations set out in Article 26 and subject also to rights already recognised by the Governor. The administration of such land for the occupation and use of the natives shall be entrusted to the Mukama and the Native Government, subject always to any instructions, general or specific, which the Governor may issue in this regard.
- 26.** 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 Obukama bwa 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 aided 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 Mukama and give full consideration to his wishes.
- 27.** Any adult native of the Obukama bwa 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.
- 28.** The control of all existing forests and all areas hereinafter declared to be forests shall vest in the Governor subject to the right of the natives to take forest produce in accordance with the procedure laid down from time to time by Protectorate laws. If, however, the Native Government desire to exploit any forest, which is not being developed or exploited by direction of the Governor, and exploitation or development of which does not form part of any general plan approved of by the Governor, then their wishes will receive the sympathetic consideration of the Government.
- 29.** The property in all minerals and all mining rights in the Obukama bwa Bunyoro are vested in the Governor on behalf of His Majesty's Government. The Governor may grant to

the Mukama or to the people the right to work the salt deposits at Kigorobyia and any other mineral deposits which are required to meet the normal domestic or agricultural needs of the people on the terms and conditions as may be agreed upon.

30. In the event of any considerable mineral development taking place the Governor will consider what share, if any, of the royalties collected shall be paid to the Native Government.

31. 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.

32. No Game Reserve shall be proclaimed in the Obukama bwa Bunyoro-Kitara, nor shall any alteration be made in the boundaries of the existing Game Reserve unless the Governor shall first have consulted the Mukama and given full consideration to his 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 Mukama shall be granted annually a free licence for two elephants.

33. This Agreement may be cited as the Bunyoro Agreement, 1933. It has been done in English and Lunyoro and in the construction thereof the English, version shall prevail.

As witness the hands of the parties the day and year first above written.

Signed by the above-named
BERNARD HENRY BOURDILLON B.H. BOURDILLON

In the presence of:

B. ASHATON WARNER,
Provincial Commissioner,
Northern Province.

E. DAUNCEY TONGUE
District Commissioner,
Bunyoro District.

Signed by the above-named
TITO GAFABUSA WINYI II) TITO G. WINYI II

In the presence of:

P. BIKUNYA,
Katikiro wa Bunyoro-Kitara

ZAKAYO JAWA,

Mukwenda, Owisaza wa Bugahya

PETER B. DWAKAIKARA
Pokion, Owisaza wa Buhanguzi.

KOSIYA K. LABWONI,
Kaigo, Owisaza Wa Bujenje.

H.K. KARUBANGA,
Kimbugwe, Owisaza wa Buruli.

DAUDI MBABI,
Sekibobo, Owisaza wa Kihukya.

S.B. BIARUFU
Kangaho, Owisaza wa Kibanda

H. BOWERS.
R.D., Bunyoro.

A.WILLIAMS
Gen Sec. C.M.S and N.A.C.