



## **“The Life and Contribution of the Late Benedicto K. M. Kiwanuka to the Political History of Uganda”**

**By Paul K. Ssemogerere, Former Deputy Prime Minister & Retired President of the Democratic Party**

### **A Lecture in Memory of Benedicto Kiwanuka**

**Organized by the Foundation for African Development and the Konrad-Adenauer-Stiftung on 13<sup>th</sup> October 2015, Hotel Africana**

#### **1. Introduction**

I believe I am speaking for all present, when I express sincere appreciation to the leadership of the Foundation for African Development (FAD), who, in collaboration with the Konrad-Adenauer-Stiftung (KAS) of Germany, instituted this series of Annual Memorial Lectures/Dialogues in happy memory of someone who lived and worked under great difficulties but, guided by noble principles, and propelled by sustained personal endeavor to lead in order to serve, rose to great heights, and eventually leaving his star shining brightly for all of us long after his awful extra-judicial execution – an execution orchestrated by fellow-men held captive by envy and personal insecurity.

I welcome today's main presentation for the Dialogue on *“What needs to be done to avert the risk of election violence before, during and after the 2016 General Elections in Uganda”*, for three main reasons:

- First, because anxiety about the likelihood of violence breaking out with disastrous consequences is well founded; there are simply too many things wrong about the forthcoming election while, at the same time, there is, so far, an apparent lack of genuine interest to address them seriously and objectively by those in position to do so;

- Second, because the statesman, in whose memory today's dialogue is being held, took all necessary trouble to help lay a solid political, constitutional and institutional foundation for a just and peaceful society, regardless of the cost to him including unfair loss of political office and, ultimately, physical liquidation;
- Third, I am very pleased that Professor Ssempebwa is the main presenter for today's dialogue; for, not only is well-informed about the issues at hand, but he is at the same time playing a lead role in an effort to promote an organized and peaceful electoral contest for the 2016 General Election.

I will now make a short two-part statement about my principal mentor and close personal friend with whom we shared so much together for twelve years (1960 – 72), including life in Luzira maximum security prison, for 13 months (December 1969 – January 1971). The first part is a short biographical note about his life; and in the second part, I dwell briefly on his public life, focusing only on a few critical challenges that characterized his leadership.

## **2. Biographical Note (1922 – 72)**

### **(a) Year of Birth and Parentage**

Benedicto Kagimu Mugumba Kiwanuka (popularly called by friends "*Ben*" or "*Big Ben*") was born in 1922 to Fulgensio ("*Fuluzansi*") Musoke, Parish Chief of Kisaabwa, in present-day Bukomansimbi District, which, until recently, was part of Buddu county in Masaka District.

### **(b) Early Education, Military Service and Library Attendant at Uganda High Court**

Kiwanuka had his Primary education in Masaka; and, thereafter, he moved to Kampala where he joined St. Peters Secondary School, Nsambya. He was recruited into the military and ended up in Palestine, as a Sergeant in the British East African "*Kings African Regiment (KAR)*" during World War II.

At the end of the war, he secured employment in the Uganda High Court, where he served as a Library Attendant, a post which was to bring the opportunity for him to be encouraged to resume studies and do law.

The opportunity came when leaders of the *"Bataka-Bu"* movement (1947 - 49), who were arrested and charged for organizing a wave of violent acts in protest against Colonial rule, secured a defence lawyer from the US who, when carrying out his research in the case, found young Kiwanuka to be very helpful in the Library. Seeing much promise in him, the defence counsel urged Kiwanuka to consider seriously resuming his studies and going to Law School.

### **(c) Study for Matriculation in Southern Africa**

Following the good advice from the newly found American friend, Kiwanuka organized himself for a professional career in Law; and he ended up enrolling at the Pope Pius X College, Maseru, Basutoland (now Lesotho), where he eventually qualified for matriculation into Law School in the UK.

During his studies in Basutoland, an enclave of South Africa, Kiwanuka made friends with a number of African students from Southern Africa, notably host country Basutoland, Southern Rhodesia (Zimbabwe) and Bechuanaland (Botswana), who narrated to him painful stories of social injustice under white supremacy rule in their countries. Kiwanuka's life experience in Southern Africa made some significant contribution to his political formation; in particular to his commitment to the cause of social justice for all people everywhere.

### **(d) Kiwanuka at Law School and a Prominent Student Leader**

Kiwanuka finally made it to Law School when he was admitted to Grey's Inn, where he quickly established an impressive reputation for academic performance. In addition to his studies, Kiwanuka's leadership qualities impressed his fellow students in the Uganda community, who elected him Secretary of the *Uganda Students Association of UK and Northern Ireland*.

Given both roles, of Law student and political leader in the Uganda community, Kiwanuka's name gained much currency in Uganda. Kiwanuka attracted even more

attention due to the critical role he played when the Kabaka of Buganda, Sir Edward Muteesa II, was deposed and deported to the UK, in November 1953, by the Governor of Uganda, Sir Andrew Benjamin Cohen, in collaboration with the British Colonial Secretary, Sir Oliver Littleton. It was during this period when I first learned about him.

Kiwanuka soon became one of the closest personal aides to the Kabaka; and, with his advanced legal training and networking, he proved a valuable unpaid legal advisor to the Buganda Lukiiko Delegation which went to London to challenge the Kabaka's deposition and deportation. Interestingly, the Lukiiko Delegation was led by the Buganda Chief Justice (*Omulamuzi*), Matayo Mugwanya who, following his successful mission which involved challenging the deposition and deportation of the Kabaka, in the Uganda High Court, eventually went into active national politics and was elected President of the Democratic Party in 1958.

Upon completion of his studies, Kiwanuka returned to Uganda in 1956 and began law practice in earnest, under the registration of *Kiwanuka & Co Advocates*. As if to invite him to consider leading the Democratic Party and Uganda, the then DP leader, Matayo Mugwanya, and his colleagues staged a welcoming function for Kiwanuka, when Mugwanya declared, "*Ensi eno tugikulaamidde*" (We entrust this country to you) which threw Kiwanuka into instant meditation. I attended this function, which was at St. Mary's Old Boys Club, Lubaga, in my capacity as the DP student leader at Makerere University College.

### **3. Kiwanuka in Private Legal Practice, as DP President General, Prime Minister and Chief Justice of Uganda**

Once settled in private legal practice in 1956, Kiwanuka immediately shot in the limelight; he became the defender in the Courts of Law, of victims of injustice and those denied due process of law; and he proved a formidable defense lawyer in the most serious criminal cases.

But soon, two years later, in 1958, Matayo Mugwanya's wishes were fulfilled; Kiwanuka was overwhelmingly elected DP President General, at the Party's Delegates Conference in Tororo, Eastern Uganda. He was to lead the Party until 1969 when it was banned, and several of its key leaders, including Kiwanuka himself, were arbitrarily arrested and imprisoned, at Luzira maximum-security prison, under the *Public Order and Security Act (1967)*.<sup>1</sup>

Under Kiwanuka's leadership, the DP played a lead role in advocating for and introducing progressive policies in various fields, notably:

- In Education where the DP Government introduced a 300 crash scholarship scheme<sup>2</sup> and Teachers' wages were raised to be at par with those of the traditional Civil Servants;
- In Africanisation, where qualified African civil servants benefitted from a programme of accelerated promotion to become heads of Ministries and Para-statal bodies;<sup>3</sup>
- In Agriculture, where, for instance, the DP Government terminated the monopoly of European and Asian businessmen over the lucrative export trade of Arabica coffee;
- In the labour industry, where the DP Government introduced a minimum wage policy to apply to all public workers throughout the country (including Karamoja, which was treated as a second class district).

Even with an overall majority in the Legislature, the Uganda Legislative Council (LegCo), Kiwanuka had to surmount considerable difficulties in complementary

---

<sup>1</sup> DP leaders detained together with Kiwanuka were, Stanly Luwandagga Bemba (National Treasurer); Sebastian Bukenya Kibuuka (Regional Leader, Buganda), Alen Keera, Secretary Manager Masaka District Growers Cooperative Union, Joseph Walakira Ssonko, Masaka District DP Chairman, and Paul Kawanga Ssemogerere (DP Publicity Secretary). Leaders of other organizations who were similarly detained included: Cuthbert J. Obwangor, Joseph W. Kiwanuka, Dr. Fenekansi Ssembeguya, Dan W. Nabudere, Raiti Omongin, Swaibu Nsubuga, etc.

<sup>2</sup> The beneficiaries included Joseph N. Mulenga (later a Supreme Court Justice); Henry B. Kayondo (later a Senior Counsel and President of the Law Society); and Theresa Nanziri (later Warden Mary Stuart Hall, Makerere University).

<sup>3</sup> The African public servants who benefitted from this accelerated programme included: Henry Barlow, Aloysius Ssentongo, Alfred Mubanda, E. K. K. Ntende, Joseph R. Mukasa etc.

negotiations with the Colonial Government, often without the support of the Opposition, to get the necessary clearance for implementation. The Colonial Government, for instance, generally felt duty bound to protect and defend the interests of the British expatriate community in the Civil Service whose terms of service had secured many of them for long service, even after independence.

For well-known reasons, some of which have been well documented elsewhere e.g., in *A Short History of the Democratic Party* by Prof. Samuel Luyingo; and *Religion and Politics in Uganda* by Rev. F. B. Welbourn, Kiwanuka faced even more serious challenges in his political career; some of which threatened the very survival of the Party he led, the national cause and principles he strived to achieve, and the loss of lives of many innocent loved ones.

At the peak of his political struggle for Uganda's national independence when he was soon to be elevated to the high office of the country's first Prime Minister, a scheme was crafted, with the full blessing of the Colonial Office and the Archbishop of Canterbury, to pull down Kiwanuka and the DP by the formation of a political alliance albeit of grossly unlike partners, the UPC/KY alliance, and cutting down the term of office of the elected government. It is to Kiwanuka's permanent credit that he, nevertheless, obliged, however painfully; and peacefully handed over power to those who schemed against him. Once the Lancaster Conference adopted this scheme, virtually by imposition, in September 1961, as part of the independence process, Kiwanuka was no revisionist to disrupt it, even when, a few months later, he assumed additional political clout as Prime Minister.

Kiwanuka was subjected to political harassment and humiliation by the State when he was arrested and detained twice before trial, ostensibly for unlawful assemblies at Katwe in Kampala (1963), and at Kwapa in Tororo (1964); these charges were successfully challenged in the Courts.

In another instance: Kiwanuka was arrested and prosecuted for "criminal libel" when he criticized President Obote for castigating the Prime Minister of Northern

Rhodesia, Ian Smith, for arbitrary arrests and detention in his country, when five of Obote's former Cabinet Ministers and many other people were also subjected to similar treatment. Once again here, the State eventually lost its case in Court.

Even more trying at a personal level, was Kiwanuka's challenge in the judicial matter of an application for habeas corpus by a British expatriate, a one Stuart, who was held in Makindye military barracks, most probably doomed to be killed there. All the senior judges with the competence to hear the application, most of them of British nationality, declined to do so out of personal fear to earn the wrath of President and General Idi Amin together with his henchmen in the military.

In full knowledge of what might follow, in the event he presided over the application and granted the application, Chief Justice Kiwanuka boldly shouldered his responsibility; he sat in the judgment seat and set free Mr. Stuart.

The anticipated vengeful reaction followed from President Idi Amin through direct and indirect telephone calls to the Chief Justice, making it clear that the end had come; and Kiwanuka got the message.

The following day he invited me to his Chambers. I found him clearing his desk. He narrated to me his telephone encounter with the President. He entrusted to me his land titles for safe custody. This was the last time I visited him in his Chambers.