

Uganda Martyrs University

Nkozi

FACULTY OF LAW

DURATION

3Hrs 30 Mins

PAPER

CONSTITUTIONAL HISTORY

LEVEL

DEGREE

SUBMISSION DATE

22ND JULY 2022

STUDY SESSION

LLB I SEM I

INSTRUCTIONS:

1. Hiring of Machineries and Consultation with practitioners or any other personnel is illegal and will lead to automatic disqualification of the Candidate.
2. This is a **TOTALLY CLOSED MOUTH AND PARTIALLY OPEN BOOK** Examination restricted to a clean unedited copy of the Reading List, Personal Handwritten Notes, Original Peer Reviewed Textbooks and Statutes.
3. Read the **QUESTIONS** carefully and the **INSTRUCTIONS** on the **ASSESSMENT SCRIPT** before attempting to answer any question.
4. Candidates should answer **FOUR (4) QUESTIONS IN TOTAL** and always start answering each question on a fresh page.
5. Candidates must use only one booklet.
6. Your work **MUST** be **WELL & PROPERLY** referenced and with all references e.g. cases, textbooks in bold, capitalized and underlined).
7. Ensure that you start each number on a fresh page.
8. Your index Number should clearly be highlighted on all pages of your work
9. Uganda Martyrs University Nkozi examinations are conducted in accordance with the *Uganda Martyrs University Senate General Rules & Regulations and any other Applicable University Policies and National Laws Relating to Conduct of Examinations.* Breach of the above instructions, irregularity, or any other

contravention of the examination regulations will lead to disqualification and/or subsequent disciplinary action by Senate.

QUESTION ONE

"The Buganda Agreement of 1900 has had a lasting implication on Uganda's Constitutional and Political development," as per Butungulu Bubisi, a first-year law student at UMU 2022.

Examine the above assertion in relation to Uganda's political and constitutional history from 1900 to date. (25 Marks)

QUESTION TWO

There was nothing humane about the period known as the "human face of colonialism." It was instead a period of the British recognising the inevitable but also an African wave towards independence.

Discuss the veracity of the above statement in light of the events that took place between 1940 and independence. (25 Marks)

QUESTION THREE

"After the onset of independence, Uganda as a newly independent state witnessed a time of tension and pressure arising not only from a failed constitutional process but also from a clash of Egos of the leaders at the moment and this amounted to a ticking bomb that would explode anytime into a fatal crisis."

Examine the causes and the implications of the 1966 Kabaka Crisis on the political and constitutional history of Uganda. (25 Marks)

QUESTION FOUR

".... In the arena of constitutional law and governance the ghost appears in the form of Political Question Doctrine, a concept most associated with the 1966 High Court decision, ***Uganda vs. Commissioner of Prisons, ex parte Matovu***. But as with all spiritual beings – such as the Roman God, Janus – there are two sides to the case. In other words, there are not just one but (at least) two ghosts of ex parte Matovu... ***Excerpt from Ghosts and the Law, An***

inaugural Lecture by Professor J. Oloka Onyagngo on 12th November 2015.

Explain to what extent the above excerpt is possible in light of the 1995 Constitution. (25 Marks)

QUESTION FIVE

"I am not a politician, but a professional soldier. I am, therefore a man of a few words and I shall, as a result, be brief ...Matters now prevailing in Uganda force me to accept task that has been given me by men of the Uganda Armed Forces. I will, however, accept this task on the understanding that mine will be purely caretaker administration pending an early return to civilian rule. Free and fair General elections will soon be held in the country, given a stable security situation. **As per His Excellency President for Life, Field Marshal Alhaji Dr. Idi Amin Dada, VC, DSO, MC, CBE on January 25, 1971.** Uganda Government, The First 366 Days: 4-5 cited in O. Otunnu, Crisis of Legitimacy and Political Violence in Uganda, 1890 to 1979 Page 237.

Examine the above statement in light of Constitutional developments during the period of 1971-1979. (25 Marks)

QUESTION SIX

When the NRM Government came in power in 1986, their objective was to bring about fundamental change. In fact, during Uganda's jubilee celebrations, President Y.K.T Museveni asserted to the significant constitutional developments which have been brought about by the government.

Examining the period of 1986 to date, to what extent has the NRM Government achieved the said objective. (25 Marks)

QUESTION SEVEN

"The repugnancy clause is an obsolete and archaic law with no relevance to the administration of justice today," per Ssensukusa Guyana an LL. B I student at UMU.

Comment on the above assertion in light of the provisions of the 1995 Constitution of Uganda (as amended). (25 Marks)

WISHING YOU LUCK!!!!!!