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# **The Complete Works of Isaac Christopher Lubogo (Abridged)**

**A true "Animis optimum legalis  
who thrives under animis  
opibusque parati." in a**

***Sui generis***

**GENERATION**





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**The Complete Works of**  
**Isaac Christopher Lubogo**  
**(Abridged)**

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# The Complete Works of Isaac Christopher Lubogo

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## AUTHOR FOREWORD

### Dear Reader,

It's a pleasure to have you purchase or have come to own, borrow and read this magazine of my complete works. There is an unpopular saying; "If you want to hide something from an African, hide it in a book." But this can not and should not be said of the current generation.

Literacy in African countries is estimated at roughly 70%, lagging behind world averages of 90%. However, the literacy rate on the African continent is higher now than it has ever been in years and promises to steadily grow with the advancement of technology and urbanisation. We therefore all have to play the part of a scholar in equipping this and the coming generations with the tools for a better tomorrow.

For those of us who author, let us continue to pen; for those who read, let us pass on the knowledge we acquire and for the hesitant, know that there is no greater investment than updating our minds with new knowledge.

Thank you once again for choosing to pick up this magazine and I look forward to you visiting my website: [www.lubogo.org](http://www.lubogo.org)

Isaac Christopher Lubogo  
AUTHOR □





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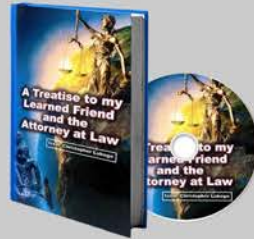
In Creating the **Sui Generis Law Application**, I set out to generating Interest, Enthusiasm, and Opportunity for Law Scholar and Non-Law scholar to have the tools and resources to cultivate a legal mind.



**Sui Generis At Law APP Creator:**  
Isaac Christopher Lubogo

Whether students lose enthusiasm in law school or do not come to law school with enthusiasm, the lack of law student enthusiasm is a significant concern for legal educators. It diminishes the quality of law students' experience in law school and may be a source of law students' distress in law school which may even extend into the law student's professional life after law school, resulting in a lawyer who lacks enthusiasm for and a commitment to law practice.

One of the priorities of legal education should be to cultivate law students' and public enthusiasm for law study. With this the **Sui Generis Law APP** aims to create a Community and Culture Supportive of Law Scholarship.



**TWO**

**A TREATISE TO MY  
LEARNED FRIEND  
AND THE ATTORNEY AT LAW**

# A TREATISE TO MY LEARNED FRIEND AND THE ATTORNEY AT LAW

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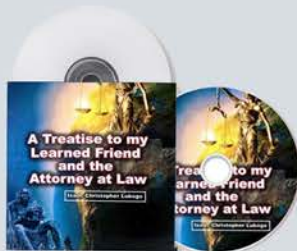


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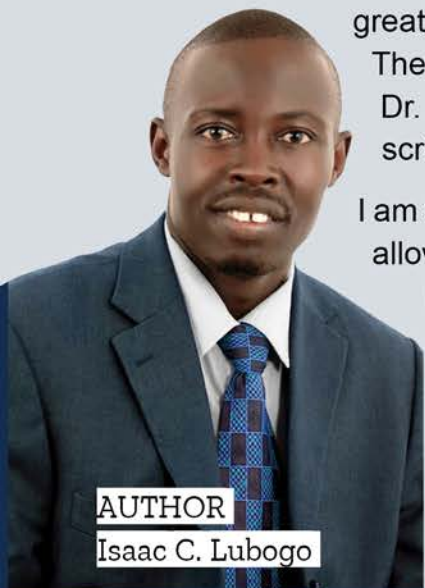
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This publication is a product of an alliance of masterminds; keynote speakers, great men and women whom I have heard speak and whose books I have read. The likes of Rev. Dr. Martin Luther King Jr, Dr. Myles Munroe, Dr. John Tibane, Dr. Victor Mkhize and Albert Collins Kyeyune have contributed to this manuscript in no small way.

I am deeply honoured and exceedingly humbled to be able to jot a few words and allow me say that its indeed you, the reader that deserve the real thank you.

Each one of you in your various capacities have indeed been a blessing to so journey with me in this book. And for me to find the right words to express my appreciation almost fails me, But in case I find the right words, you must remember that lawyers are trained to earn their living by the pen and by their tongue.

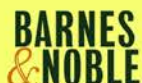
It was you the readers and the well-wishers, that had the lions heart. I had the luck to be called upon to give the roar. I also hope that I have suggested to the lion the right places to use its claws. ♦



AUTHOR

Isaac C. Lubogo

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# A TREATISE TO MY LEARNED FRIEND

## AND THE ATTORNEY AT LAW - Extract



The dilemma we face demands to note that the times have changed and the tides clearly show winds of change blowing to which every good lawyer must adopt. This coupled with an influx of lawyers to the already flooded field. The challenge we have is that our services shall no longer be required irrespective of which university we attended BUT by how good the services we are providing and the application of obuntu bulamu.

**To be or not to be an attorney at law therefore now becomes every barristers concern**, this means we are challenged to mobilize our resources and mobilize all the constructive forces that we can master and make a significant contribution firstly to ourselves as barristers in the making and to the wider Diasporas.

For those who may appear disadvantaged, must remember **Dr. Rev Martin Luther King Jr**, once said **“he who gets behind in a race must forever remain behind or run faster than the man in front”** we must develop and maintain a sense of dignity and self respect for the Noble profession. We must not allow any force to cause us to compromise our professional ethics in bid to corrupt our services. We must believe in our selves that we can make a positive impact to people’s lives and walk the streets of life every day with this sense of noble hood destined for a purpose that only you were designed to accomplish by Almighty God for the greater mankind.

New opportunities will have to open that have not been opened before; the only challenge we have is to be ready to enter these doors when they open. **Ralph Waldo Emerson** in lecture in (1871) said **“if a man can write a better book or preach a better sermon or make a better mouse trap than his neighbour even if he builds his house in the woods, the world will make a beaten**

**path to his door”** This will become increasingly true. I mean we have to work hard, burn the midnight oil, take advantage of new opportunities.

We must set out to let our lives work so well that no body could do it better. We need to do a good job, NOT MERELY being a good lawyer, if you are making up your mind to be merely a good magistrate, or a good Judge, or a good Law teacher, you have already flanked your matriculation exams for entrance into the university of integration.

You should set out to do a good job and do that Job so well, that the dead, the living or the unborn could not do it better, for what ever tusk that lays in your hands do it to the best of your ability.

If it falls to your luck to be a street sweeper, go out and sweep streets like Michelangelo curved marble, sweep streets like Raphael painted pictures, sweep streets like Beethoven composed music and like Shakespeare wrote poetry, do your job so well that all the host of heaven will have to pose and say here lived a great street sweeper who did his job well.

If you cannot be a Pine on top of a hill be a Scrub in the valley but be best little Scrub on the side of the hill. Be a Bush if you can’t be a tree, if you can’t be a High way just be a Trail, if you can’t be the Sun be a Star, for it isn’t by size that you win or you fail. Be the best at what ever you are.

And as we regardlessly strive , we must forever conduct our struggle on the high plane of dignity and discipline, coupled with patience, just like **Nelson Mandela** painfully waited for the independence of South Africa and in Nelson’s own words; **“during my life time i have dedicated myself to this struggle of the African people. I have fought against white**





**domination, and i have fought against black domination. I have cherished the idea of democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which i hope to live for and to achieve. But if needs be, it is an ideal for which i am prepared to die.”**

We must realize that our fate now is tied up with our future destiny and our success is inextricably bound we cannot walk alone and as we walk, we must make a pledge that we shall always march a head, we cannot turn back.

**Bernard Shaw** once said; “**most men see things as they are and ask why? I dream of things that are not and ask why not?**” Let us be dreamers and indie persons.

**Coretta Scott King** the wife of **Rev. Dr. Martin Luther king Jr.** in a bid to explain her husband’s philosophy of non violence quotes her husband from a sermon he preached of the interrelated structure of realty in his homily of “*The man who was a fool,*”

**“All men are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. I can never be what I ought to be until you are what you ought to be, and you can never be what you ought to be until I am what I ought to be.”**

In the Sermon, ‘*love in action*’ **Dr. King** preached that one day we will learn that the heart can never be totally right if the head is totally wrong. Only through the bringing together, - intelligence and goodness. Shall man rise to a fulfilment of his true nature.

Who doubts that this toughness of mind is one of man’s greatest needs? Rarely do we find men who willingly engage in hard, solid thinking. There is an almost universal quest for easy answers and half-baked solutions; nothing pains people more than having to think. We need to have a tough mind, characterized by incisive thinking, realistic appraisal, and deci-

sive judgment, the tough mind is sharp, and penetrating, breaking through the crust of legends and myths and sifting the true from the false.


One of the great needs of mankind is to be lifted above the morass of false propaganda, but we must not stop only with the cultivation of a tough mind; we must also have a tender heart. Tough mindedness without tender heartedness is cold and detached. **Adolf Hitler** realized that soft mindedness was so prevalent among his followers that he said “**I use emotion for the many and reserve reason for the few**”.

In *Mein Kampf* he asserted: “**By means of shrewd lies, unremittingly repeated, it is possible to make people believe that heaven is hell - and hell, heaven... the greater the lie, the more readily will it be believed**”.

A tough minded, person always examines the facts before they reach conclusions, (they post judge). We are called to be people of conviction, not conformity, of moral nobility, not social respectability. We are commanded to live differently and according to a higher loyalty.

We are not makers of history: we are made by history. **Long Fellow** said “**in this world a man must either be anvil or a hammer**” meaning that he is either a molder of society, or molded by society.

Who doubts that today most men are anvils and are shaped by the patterns of the majority or to change the figure, most people, are thermometers that record or register the temperature of majority opinion, not thermostats that transform and regulate the society, Most people fear nothing more terribly than to take a position which could make them stand out sharply and clearly from the prevailing opinion

**Thomas Jefferson** wrote “**I have sworn upon the altar of God eternal hostility against any form of tyranny over the** 



**mind of man**". A person who blindly accepts the opinions of the majority and in fear and timidity follows a path of expediency and social approval is a mental slave. We need to be exemplary in life, always a flashing light to plague the dozing conscience of mankind.

Nothing in the entire world is more dangerous than sincere ignorance and conscientious stupidity. **Shakespeare** Said, **"for sweetest things turn sourest by their deeds; lilies that fester smell far worse than weeds."** The things we do, we should do in Altruism – i.e. **"regard for and devotion to the interest of others"**

What it means to be fully human is to strive to live by ideas and ideals and not to measure your life by what you attained in terms of your desires, but these small moments of *INTEGRITY, COMPASSION, RATIONALITY* even *SELF SACRIFICE*, because in the end, the only way we can measure the significance of own lives is by valuing the lives of others and what ever faith, one belief should bind us all, and the measure of our character should be the willingness to give up our selves for others and our country.

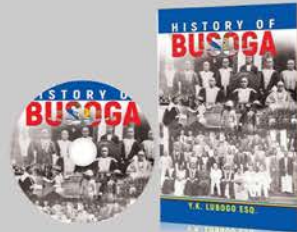
Seek the truth. **William Cullen Bryant** affirmed, **"Truth crushed to earth will rise again"** **Thomas Carlyle** wrote, **"No lie you can speak or act but it will come, after longer or shorter circulation, like a bill, drawn on nature's reality and be presented there for payment - with the answer No, effects."** And **"a lie will travel half across the world before the truth puts on its shoes but the truth will always arrive there many days before the lie."**

Over 200 years ago **Dr. Joseph Warren** *President of the Massachusetts Congress* once said to his fellow Americans; **"on you depend the fortunes of America, you are to decide the important question on which rests the happiness and liberty of millions yet unborn."** and he added, **"Act worthy of yourselves."**

Several years later, its moot-able whether lawyers today can meet **Dr. Warren's** challenge, whether our magnificence in the legal profession has indeed acted worthy of their calling. The Noble profession and rightly so demands high standards, indeed this high standard makes us remember the central question of public service. **'Why are we here?'** We are here to see that we are trained to serve. **President JF Kennedy** once said; **"Ask not what your country can do for you, ask what you can do for your country."** We are here to serve our nation and not the other way a round. We are here to lift the weak and build peace, we are here to not only to make justice be seen but most importantly to show justice. And as **Dr. Warren** said we are here to **"act today for the happiness and liberty of millions yet unborn."** We are here to cease the future so that every citizen of this nation can dream heroic dreams and have faith in the legal profession. *We must correct this old age saying that; 'lawyers are lairs!!!. If we do less we betray the memory of those who have given so much, the legal profession belongs to you and your becoming a barrister is now your right and responsibility. You have been given a temporally custody of this Noble Profession and that's why the world will always refer to you as - My Learned Friend. ♠*

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# THREE

## HISTORY OF BUSOGA

Co-Author: Y.K LUBOGO



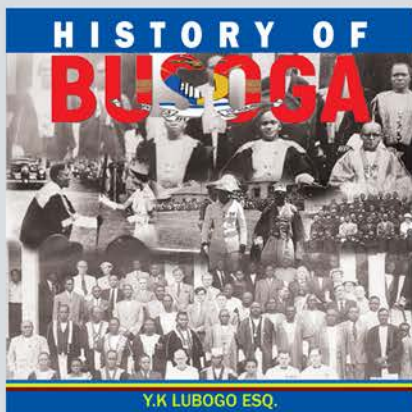


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# HISTORY OF BUSOGA

Y.K Lubogo

Written almost 100 years ago, the History of Busoga reveals the genesis & creation of the Busoga people & kingdom.



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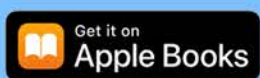
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# HISTORY OF **BUSOGA**

## Y.K Lubogo



**Y**ekoniya Kaira Lubogo ESQ. was born to Kaira Mukunya Yekoniya and Esther Tawomerawo in Kabwikwa, Buyuge, in Kaliro district. A Mulamogi by tribe, Y.K Lubogo was among the pioneer students of King's College Budo, alongside children of other chiefs and kings of Uganda such as Gafabusa, who later became HRH the King of Bunyoro, and Ezekiel Wako, who later became HRH the King of Busoga.

British-trained, Y.K Lubogo served in several areas under the British Protectorate and fought gallantly in the First and Second World Wars as an Officer of the British King's Rifles Battalion. During peaceful times, he served in various capacities, as a Gombolola Chief of Mafubira, a Ssaza Chief of Bugabula and then Bulamogi, and later, the Zibondo [Paramount Chief] of Bulamogi.

He also served as a court interpreter at the Jinja District Commissioner's office and the first Black mayor of Jinja. In honour of his excellent services, Lubogo Road in the heart of Jinja City was named after him. Y.K Lubogo was knighted by the Queen of England and given the highest award title 'CBE' [Commander of the most excellent order of the British Empire].

**W**hat **Y.K** writes is living history stretching back to over one hundred years old narrated by a man who lived and saw the evolution of incredible Busoga. Due to the high demand for this rare book, his grandson **Isaac Christopher Lubogo** (Photo besides) a lawyer by training has enabled it to come back into publicity as a gift from **Y.K Lubogo** to the people of Busoga and the greater world.



# FOREWORD

This "History of Busoga" is a translation of the original work of Mr. Y.K. Lubogo which was written in Luganda between 1921 and 1938. While considerable effort has been made to produce a readable English version, the objective of the translation is to preserve the content and style of the original work rather than produce a literary work. The facts and figures given were set forth by Mr. Y.K. Lubogo and they have not been checked by the Literature Committee.

It is a pity that such a long delay has occurred between the completion of the manuscript and the publication of the book. Nevertheless, it is fortunate that this newly constituted Literature Committee has been able to produce for distribution the result of so many years hard work by the author. Since there has been a lapse in time between the writing of the original work and the production of this edition, "The History of Busoga" is far from up-to-date and readers have to remember that when the author refers to "present day conditions", he naturally means at the time he was writing; some time prior to 1939.

A.P.S. SHERIDAN

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Secretary

EASTERN PROVINCE (BANTU LANGUAGE) LITERATURE COMMITTEE, JINJA - UGANDA.

# BASOGA *Fine Pencils in God's Hand: Lessons for Posterity*

## ENDORSEMENT

The Basoga '*Fine Pencils in God's Hand: Lessons for Posterity*' as narrated in "*The History of Busoga*" was meticulously written by the Great Y.K Lubogo (*Esq- Commander of the British Empire-CBE*) approximately one hundred years ago. Y.K Lubogo is unofficially believed to have been born in 1869: some people allege that at the time he died, he had reached a very ripe age of one hundred and twenty years. Others on the other hand claim that he died at the age of 95 years. Be as it may, what is written by Y.K transcends time. It is indeed a credible and delightful guide to the history of the incredible people of Busoga from a time long ago and is full of important information for those who want to enjoy companionship with the people of Busoga.

"*Fine Pencils in God's Hands,*" certain and truly portrays Y.K. as a very authoritative figure both in the public and cultural domains. He was highly learned considering the times and was hence very instrumental in the forging and forming of the Busoga kingdom as we know it today. Therefore what Y.K writes is living history stretching back to over one hundred years old narrated by a man who lived and saw the evolution of incredible Busoga. For starters, among the non-kingdom Bantu, the Basoga are surrounded by water bodies with River Nile to the west, Lake Victoria to the south, River Mpologoma to the east and Lake Kyoga to the north.

The Basoga lived as farmers under circumstances akin to those of the Baganda neighbours to the west. Although Busoga had no central authority at the advent of British rule, she had developed small principalities, each with its own hereditary ruler. Later she consolidated her central authority; acquired a king ruler, the "*ISEBANTU KYABAZINGA*" and imitated other kingdoms in matters of government. Busoga became part of Uganda. In 1894 Berkeley's was granted authority from England to add Toro, Ankole, Bunyoro and Busoga to the Protectorate of Uganda which originally comprised of Buganda only. In the non-monarchical society, such as the pre-colonial Basoga principalities, a council of elders wielded the powers of the supreme chief in chiefly societies mainly because they had equal recognition for the place and function of authority in society and recognised central authority.

Grace Ibingira, in his book, "*The forging of an African Nation,*" argues that "indirect rule" (call it decentralisation) provided a comparatively attractive method of governing indigenous tribes, and thus could not be open to serious challenge. The traditional rulers and chiefs secured from their people obedience to orders of the protectorate authorities, which the chiefs were committed to administering.

The smooth working of its machinery as told by Y.K in this book is testimony enough. It was on this foundation that the legal system, the local government and legislative councils based on kingship or chieftaincy or elders of the family, and recognition of authority were inherent in their midst. "*Whether this society is a monarchy of a gerontocracy; one common denominator is the constant aspiration towards the initiation of Isebantu as cultural leader of the Busoga was just the starting point in the people's programmes to protect and strengthen their cultural values living to the true creed of Basoga; Fine Pencils in God's Hands*"

ENJOY THE RENDEZVOUS WITH THE FINE PEOPLE OF BUSOGA.

**ISAAC CHRISTOPHER LUBOGO**

Grandson of Y.K Lubogo, A Proud Musoga.

# HISTORY OF BUSOGA

By Y.K Lubogo

## INTRODUCTION

Ever since Busoga came into existence, none of its history has been written down although it can be proved that most of this history is true. This history was known to every Musoga, having been handed down to successive generations until the coming of Europeans such as Speke, the first white man to see the source of the Nile in 1862. This discovery attracted more and more Europeans, whose coming effected the disappearance of the old order.

Our history was handed down the generations through a continuous chain-like process. It could just not be forgotten since, though all the ages, men and women would talk together about the various historical events in the hearing of the young generation. Further, narrating these historical events would be done during communal activities such as beer parties, games, during ceremonies held in honour of the gods or during all sorts of social functions.

No problem would be solved, nor any dispute settled, without reference to the past events to justify the solution or settlement. On such occasions, when the reference was made to past events, children had the opportunity to hear and learn these things. Needless to say, the elders also had the opportunity to remind themselves of these things. There were no special historians among these people; everyone amongst them was a historian and whatever facts he remembered, would be either agreed to by his colleagues or debated. After much dispute and explanation, they would all agree to one thing.

We believe that the history of this country was preserved in this way and, as historians, we must rely on this verbal history whenever we wish to write about any particular event. There are two types of clans in Busoga. The first type is the ruling clans which established themselves in their present locations at the time when Busoga was just coming into existence. Such clans were independent and each was a small kingdom in itself. Although some of them had areas of only 10 - 20 square miles, each of them jealously guarded their independence. Each clan had a ruling family, with its sons and daughters regarded as princes and princesses, just like any other ruling family in a big kingdom. This is why we say that these families were like real Kabakas (kings), as you will see later in this book.

The second type of clans was that with no power over any part of the country. These clans lived under the rule of the ruling clans, from whom they got their land on which they settled. Later on, this land became theirs permanently. The clans provided servants, fighters, courtiers, wives and labourers of all types. When these married any member of the first type of clan, the children were not regarded as princes or princesses.

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# HISTORY OF BUSOGA

By Y.K Lubogo

## CHAPTER 1

### THE TRIBE OF BUSOGA

Busoga has been a complete tribe for many generations now with firmly established boundaries. Certain boundaries were altered and parts of Busoga were joined to other districts in Uganda by the British Government. When these boundaries were altered and parts of Busoga cut away, it was without the consent of the people of Busoga. The Government would merely inform the people that such and such parts of the country had been joined to other districts. For example, certain islands in lake Victoria which had formed part of Busoga were transferred to the Buganda Kingdom in 1900 – 1906. Three Samia counties were taken from Busoga and joined to Budama district in 1918 and no account was given for them. The three counties were: — Ofala's Ssaza, Igaga's and Ngango's counties. Certain Bunyali counties which were within the jurisdiction of Wakoli, were also transferred to Budama district.



**Y.K. Lubogo ESQ.**

***The first African Mayor of Jinja (1961-1962)***

The following parts were also transferred from Busoga to Bugwere in 1896 - 1900: Budama, Busetta, Palisa, Gogonyo, etc. Previously, they belonged to Zibondo's kingdom. These alterations reduced the boundaries of Busoga to the big rivers and lakes which surround the country, with exception of part of Bukoli at Bulugui.

The people of Busoga belong to that stock of people who came into Uganda from Abyssinia about 600 years ago. The Basoga secured this part of the world for themselves forever. They speak a Bantu language which is related to the languages spoken by the people of Buganda, Bugwere, Budama, Bugishu, Ankole, Ruanda, Toro, and Bunyoro. Lusoga is very much like Luganda, which is steadily displacing the former. Luganda is today used in homes, especially by women and children.



***The Busoga Kingdom Flag***

# HISTORY OF BUSOGA

By Y.K Lubogo

## CHAPTER 2

### THE COUNTIES WHICH WERE FOUND INDEPENDENT BY THE BRITISH



Busoga became united after the British had founded their headquarters at Bukaleba in 1893.

1. Gabula, Budioppe or Bugabula.
2. Ngobi, Buzimba (now known as Kigulu).
3. Zibondo, Bulamogi.
4. Nkono, Bukono (now a gombolola) Busiro
5. Kisiginyi, Busiginyi (now known as Busiki).
6. Menya, Bugweri.
7. Wakoli, Bukoli.
8. Kireri, Naigombwa (now a gombolola in Bugweri).
9. Kalange, Bulange (now a gombolola in Busiki).
10. Kalende, Bukyemanto (now a gombolola in Bukoli).
11. Mbabani, Buyende (now a muluka in Bugweri).
12. Igulu, Bugulu (now a muluka in Bugweri).
13. Kayanga, Igombe (now a gombolola in Bunya).
14. Kasaja, Buyodi (now a muluka in Bunya).
15. Kyebambe-Kaima, Buima (now a gombolola in Butembe).
16. Kaluba, Buluba (now a mutala in Butembe).
17. Insaiga, Bukasa (now a mutala in Luuka).
18. Serwanga, Buserwanga (now a mutala in Luuka).
19. Musumba Bauba, Busumba or Bugaya. (now a gombolola in Luuka).
20. Mukwanga, Bukwanga (now a muluka in Luuka).
21. Idondo, Budondo (now a muluka in Butembe).
22. Kamanya, Bumanya (now a muluka in Luuka).
23. Kisule, Kasoga (now a mutala in Luuka).
24. Kitinda, Tikalu (now a mutala in Luuka).
25. Luba, Bunya (now a muluka in Bunya).
26. Kajaya, Busakira (now a muluka in Bunya).
27. Nanyumba, Bunyuli (now a gombolola in Bunya).
28. Lukalangao, Bunyuli (now a muluka in Bunya).
29. Kisambira, Busambira (now a gombolola in Kigulu).
30. Nyago, Buyala (now a gombolola in Kigulu).
31. Dugo, Nsango (now a gombolola in Bukoli).
32. Kate-Kalusi, Bugabula (now a muluka in Kigulu).
33. Sobobi, Busobobi (now a muluka in Kigulu).
34. Nakabugo, Bukona (now a muluka in Kigulu).

35. Ntembe, Kiranga (now a muluka in Kigulu).
36. Mpindi, Buumba (now a gombolola in Kigulu).
37. Mudambada, Buweira (now a gombolola in Kigulu).
38. Wambuzi, Naigobya (now a muluka in Luuka).
39. Tabingwa, Luuka (now the saza (county) of Luuka).
40. Kisoma, Kauki (now a mutala in Bunya)
41. Mutulu, Makalanga (now a mutala in Bunya).
42. Mutyoli, Ngulumo (now a mutala in Bunya).
43. Nalugoda, Ikoba, Bukoba (now a mutala in Bunya).
44. Naiwebe, Busamo (now a muluka in Bunya)
45. Naiwano, Bwembe (now a mutala in Bunya).
46. Mbanji, Kalyenzi, Bukalenzi (now a mutala in Bunya)
47. Muzaya, Buzaya (now a muluka in Bugabula).

In addition to all those, there were several clans that were under the protection of some of the ruling clans. Such clans had their hereditary rulers. The following were the rulers in that category: Nantamu, Izinga, Bulamogi. Nankola, Buinda, Bulamogi. Nantamu, Izinga, Bukono. Lubale, Wairaka, Wairaka Butembe. Waguma, Mafubira, Butembe. Kyema, Bukyema, Bunya. Mulemu, Busamo, Bugabula.

Many other small hereditary chiefs ruled over very small areas under the protection of some big kings.



*Map of Busoga Kingdom*

**CHORUS:** Tulibankkabi inho yenga twesimwe inho Olwa inlay iffe ono Busoga Kibubmba yeyatuwa Olwe'ekiabo ekyo ekikolowo tweyim-benga Busoga atebenkerenga ense nense.

**STANZA 1** [ Abantu mwena mwena mu Busoga mwidhe twisanhienga Tukulemberwe Isebantu nga n'omutwe gwaife Tufune omwoyo omwamufu tugonzaganienga En-hinha ya Uganda etebenkere ]

**STANZA 2** [ Ensozi ne Bibira nkani nemivule Nobukombe bwa Busoga obutagyawo Mwidhe twekembe tube oti nseete Tulwanise anga end-waire obwavu nobutamanha ]

**STANZA 3** [ Yenga twesimye ni inhaiffee Busoga Ne itaala Iya Uganda era ensulo ya Uganda Bwoidha mu Uganda notatukaku mu Idhindha Enkuni ya Uganda oba ogisubibwa. ]

*Busoga Kingdom Anthem*

# HISTORY OF BUSOGA

By Y.K Lubogo

## CHAPTER 6

### THE HISTORY OF ZIBONDO (BULAMOJI)

**N**gambani was the son of Mukama, the king of Bunyoro. On his arrival in Busoga, Mukama had with him the following children: — Okali of Bukoli, Ibanda of Kigulu, Ngambani of Bulamogi and Unyi of Bukono. Zibondo Ngambani and Unyi were both left in Bukono after they had crossed River Mpo1ogoma into Busoga with their father, Mukama. They later roamed about the country hunting wild animals. Ngambani and Unyi were then young, strong men who enjoyed hunting as a sport. They hunted elephants and killed so many animals that their men never starved for lack of food. Besides hunting, these two young men were skilled craftsmen; they knew pottery, carpentry and many other forms of handwork.

Soon their reputation spread over the land which is now Bulamogi, across a now non-existent lake Ntakwe which then separated Bukono from Bulamogi. The people of that land heard of the wonderful things which were being done by the people who had come from Elgon. They sent some envoys to Bukono to see what these wonderful things were, Nantamu and Musosa were the envoys to Bukono and they were greatly impressed by the respect which people paid to the two young men. The outcome was to invite one of these young men to cross over into Bulamogi.

Unyi encouraged his brother Ngambani to accept the invitation and followed the envoys to Bulamogi. He took with him as his counsellors: -1. Muwoya, who looked after his cattle; 2. Twoli, Katikiro ('minister') to whom he gave the land of Isalo and also permitted him to possess royal drums and drummers in his mbuga; 3. Nyoro, whom he gave the area of Gadumire, part of which was later named Panyoro ('of Bunyoro').

The name had become Panyoro owing to the fact that 'the initial 'B' had been reduced to 'P'. Panyoro still exists up to the present day. Nyoro was Ngambani's chief drummer. Ngambani's other counsellor was Nankola, who was given Buinda. Ngambani and Nankola were relatives, and their children never inter-married for fear of incestuousness. But Nankola changed his clan at a later date and his new totem was ngabi ('antelope').

When Ngambani first, arrived in Bulamogi, he settled at Izinga, Nantamu's area, but he later moved his mbuga to Buyuge. He made Nantamu one of his principal chiefs. Nantamu's authority prevailed over a small island at Izinga about 2 square Miles. When Nantainu died he was buried on this island, in his home of Kyabakaire. While in Bulamogi, Ngambani married a girl named Bangibasa. She gave birth to a son whom Ngambani named Nyabongo, after Ngambani's mother, Nanyango. Then Ngambani began the task of widening his kingdom; this was a period of expansion and all chiefs without exception were busy at it. It is said that Mukama made Ngambani the paramount chief in the whole of Busoga, for other chiefs, like Wakoli and Ngobi, used to offer sacrifices to Zibondo, such



as a young girl, a spear and shield, both of Kikedi make. In return for these offerings, these chiefs received good blessings from Zibondo. This was practised for many generations until Mukunya I's days. At that time the people of Bulamogi were known as Banyama or Banyamatoko.

Ngambani died a very old man. At the time of his death Bulamogi was still sparsely populated. He was buried in his mbuga of Buyuge, and was succeeded by his son, Nyabongo, a man entirely dedicated to cultivation. Nyabongo would wake up very early in the morning and go to work in his banana shamba. He would work all day long and his midday meal would be served in the shamba. Whoever wished to see him on any matter had to go to the shamba where he worked and, when he arrived there, Nyabongo made him work for him. Eventually the whole of Bulamogi became interested in the work and the country was consequently extensively cultivated. More people were attracted into Bulamogi from Bunyoro and Bukedi, but he had trouble with people from Bukedi, who used to kidnap his people and certain things from his country. He overcame this trouble by open battle.

Nyabongo wedded a girl who was reputed for both beauty and kindness. The name of this beautiful wife was Wamwoyo-mweru, interpreted as 'kind hearted'. She gave birth to a son who was named Isoba, meaning 'one who moves with stealthy but sure steps'. Isoba was born in Buyuge mbuga where Nyabongo died at a very old age. Isoba was the successor.

After his succession to the throne, Isoba lived in his father's mbuga of Buyuge. He had much trouble with the neighbouring chiefs because he was a very ambitious chief. He fought many battles in order to expand, and the most outstanding battle was fought between him and Nkono Ntumba. Ntumba had crossed River Mpologoma and had encroached upon Isoba's land as far as River Kasokwe near Kaliro.

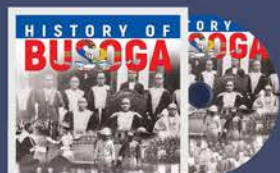
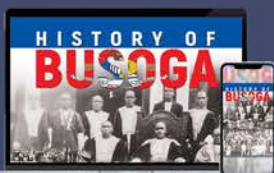
The battle which resulted took place at Kasokwe and when the sun set that day, Isoba was the victor. Isoba fought many other battles and he is said to have come to grips with Gabula at Kagulu. As a result of the many battles, he grew old and exhausted very soon. Fortunately he had some children, one of whom, Bwoye, whose mother came from Panyoro, succeeded Isoba at his death.

Bwoye transferred his mbuga from Buyuge to Lwamboga among some rocky hills. He built another mbuga on Lubulo hill for the sole purpose of stopping Bukedi from entering his country.

◆ Read more in **History of Busoga** by: Y.K Lubogo

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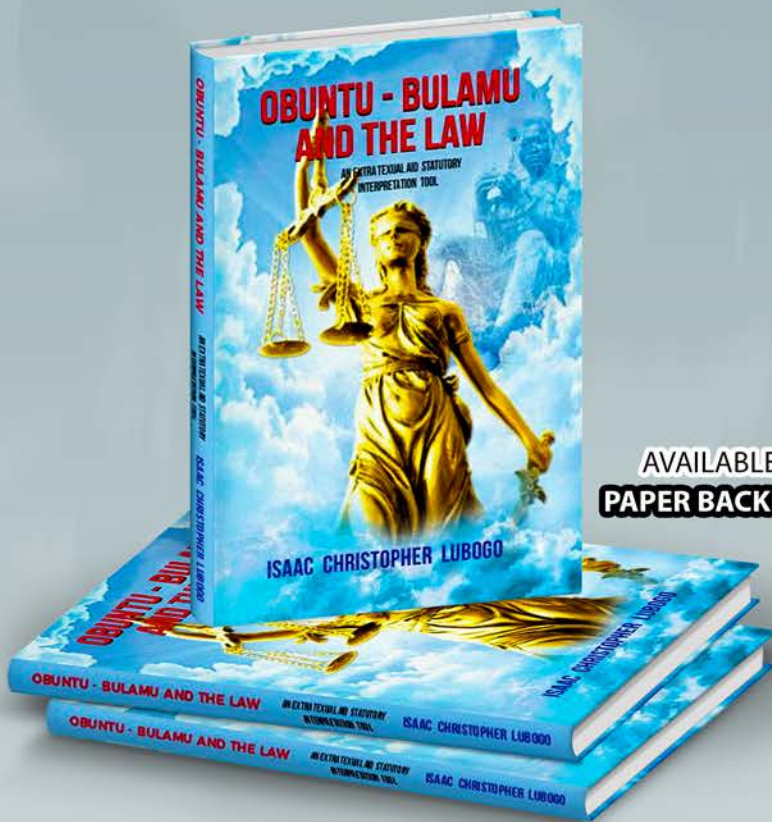
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## **ABOUT THE BOOK**

This is the first comprehensive book to address the relationship of Obuntu-bulamu to the law in Uganda. It also provides the most relevant critical information on the

use of Obuntu-bulamu, by the judiciary in Uganda. Although Obuntu-bulamu is an ideal or value rooted in Africa, its purchase as a performative ethic of the human goes beyond its roots in African languages. Indeed, this book helps break through some of the stale antinomies in the discussions of cultures and rights, since both the courts and the critical essays discuss Obuntu-bulamu as not only an indigenous or even African ideal but one that in its own right calls for universal justification. The efforts of Courts to take seriously competing ideals of law and justice has led to original constitutionalism and law more generally.

Obuntu-bulamu, then, as it is addressed as an activist ethic of virtue and then translated into law, helps to expand the thinking of a modern legal system's commitment to universality by deepening discussions of what inclusion and equality actually mean in a postcolonial country. Since Obuntu-bulamu claims to have a universal purchase, its importance as a way of thinking about the law and justice should not be limited to a few which has have greatly incorporated the same. It, therefore, becomes important in any human rights discourse that is not limitedly rooted in Western European ideals. Thus, this book will be a crucial resource for anyone who is seriously grappling with human rights, postcolonial constitutionalism, and competing visions of the relations between law and justice.

This book will (attempt to) demonstrate the irony that the absence of the values of Obuntu-bulamu in a society is what people often lament about and attribute to the existence of the Constitution with its demands for respect for human rights when crime becomes rife are the very same values that the Constitution in general and the Bill of Rights in particular aim to inculcate in our society. Furthermore, the new call for an African renaissance that has now become topical globally, I would like to demonstrate the potential that traditional African values of Obuntu-bulamu have for influencing the development of a new Ugandan law and jurisprudence. I would like you to view this presentation as a contribution to the early debates on the revival of African jurisprudence as part of the total or broader process of the African renaissance.

## ABSTRACT

There is a patriotic obligation on all of us not to allow our Constitution and the idea of respect for human rights and dignity to slide into such disrepute.

The debate over whether or not *Obuntu-bulamu* can be translated into a justiciable principle turns not only on the definition one gives to *Obuntu-bulamu*, but also on how and why *Obuntu-bulamu* can be considered an 'African' value. *Obuntu-bulamu*, or something very close to it, appears in most African languages what remains therefore is the complex ethno-philosophical questions of whether or not *Obuntu-bulamu* actually represents a key ethical principle or ideal in African philosophy generally. In doing so one should be able to realise, at the very least, that the question of 'what is' and 'what can' constitute an 'African' legal philosophy lies at the very heart of this discussion. A related question therefore becomes what role should this African philosophy, including African political and ethical philosophy; play in the development of a constitutional jurisprudence for Uganda.

In this book, I construct an ethical principle that not only grows out of indigenous understandings of *Obuntu-bulamu*, but is fairly precise and clearly accounts for the importance of individual liberty, and is readily applicable to addressing present-day Uganda as well as other societies. To flesh out these claims, I explain how the *Obuntu-bulamu*-based moral theory I spell out how it serves as a promising foundation for human rights. Although the word *Obuntu-bulamu* does not feature explicitly in most Constitutions that were ultimately adopted in some countries, my claim is that a philosophical interpretation of values commonly associated with *Obuntu-bulamu* can entail and plausibly explain this book construal of human rights. In short, I aim to make good on the assertion made by sound Constitutional jurisprudence that *Obuntu-bulamu* is the 'underlying motive of the Bills of Rights.

Note that this is a work of jurisprudence, and specifically of normative philosophy, and hence that I do not engage in related but distinct projects that some readers might expect. For one, I am not out to describe the way of life of any particular people. Of course, to make the label *Obuntu-bulamu* appropriate for the moral theory I construct, it should be informed by pre-colonial African beliefs and practices (since reference to them is part of the sense of the word as used by people in my and the reader's linguistic community). However, aiming to *create* an applicable ideal that has an African pedigree and grounds human rights, my ultimate goal in this book is distinct from the empirical

project of trying to accurately *reflect* what a given traditional black people believed about morality something an anthropologist would do. For another, I do not therefore engage in legal analysis, even though I do address some texts prominent in African legal discourse. My goal is not to provide an interpretation of caselaw, but rather to provide a moral theory that a jurist could use to interpret caselaw, among other things.

I begin by summarizing the *Obuntu-bulamu*-based moral theory that is developed elsewhere and then articulate its companion conception of human dignity. Next, I invoke this concept of human dignity to account for the nature and value of human rights of the sort characteristic required as a sound Ugandan constitution.

I apply the moral theory to some human rights controversies presently facing Uganda (and other countries as well), specifically those regarding suitable approaches to dealing with compensation for claims, and sound policies governing the use of deadly force by the government. My aim is not to present conclusive ways to resolve these contentious disputes, but rather to illustrate how the main objections to grounding a public morality on *Obuntu-bulamu*, regarding vagueness, collectivism and anachronism, have been rebutted, something I highlight in the conclusion.

As with any other system, the *Obuntu-bulamu* philosophy and the African socio-cultural framework present some challenges. Most of the challenges that are reviewed are based on my experience and my own observation as part of the African community. The findings of others who have researched this and related questions are also referred to accordingly.

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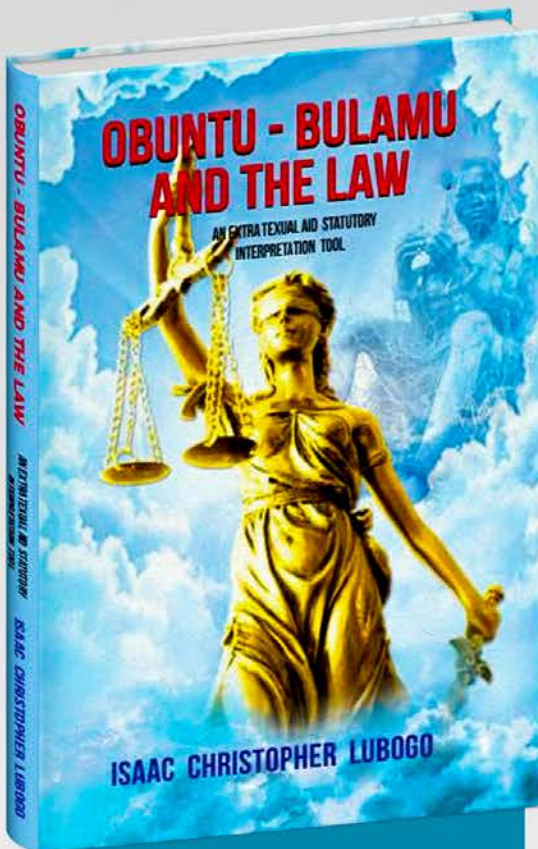
## LAMENTATION

*“I have travelled across the length and breadth of Africa and I have not seen one person who is a beggar, who is a thief such wealth I have seen in his country, such high moral values, people of such caliber, that I do not think we would ever conquer this country, unless we break the very backbone of this nation which is her spiritual and cultural heritage and therefore , I propose that we replace her old and ancient education system, her cultural, for if the Africans think that is foreign and English is good and greater than their own, they will lose their self-esteem, their native culture and they will become what we want them, a truly dominated nation.”*

**Lord Macaulay’s  
Address to the British Parliament on 2nd Feb 1835**



First Deputy Prime Minister and Former Speaker of Parliament Rebecca Alitwala Kadaga reads a copy of **Ubuntu Bulamu and Law: An Extra Textual Aid Statutory Interpretation Tool**



Miss. Zion Margaret Lubogo a scholar at Makerere University holds a Collection of publications by Isaac Christopher Lubogo

**Professor Ben Kiromba Twinomugisha**  
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"Am extremely impressed and happy with this Mr Isaac's book store. It is very rich in knowledge and I call upon scholars mainly those in the legal field to consequently use items displayed on his platforms since they have a lot of benefit and value attached."

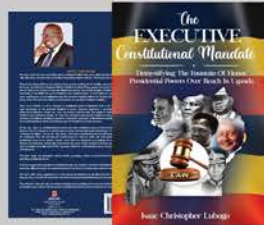
**Professor Mbazira**  
Principal at Makerere University law school

"This is a very enriched collection, I highly recommend everyone to use these books and read them to the last page as they portray a vital concept of society and the legal framework as well. I humbly applause Mr Lubogo for this great achievement and additional value to society."

**Hon. Rebecca Alitwala Kadaga**  
First Deputy Prime Minister & Former Speaker of Uganda's Parliament

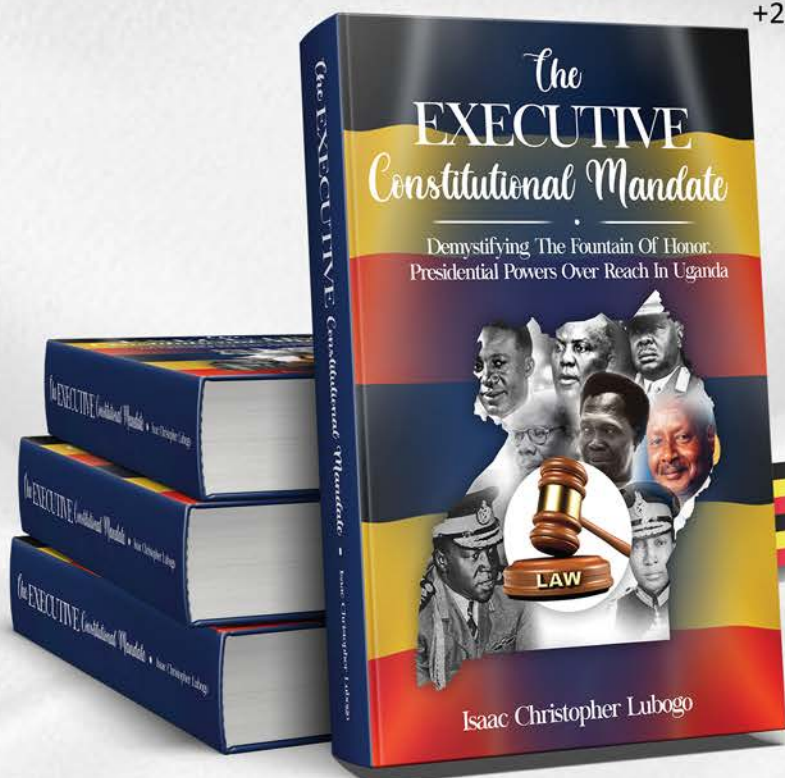
As a lawyer and head of Parliament, I find much pride in these books. I feel the ideas and jurisprudence in these books not only make it almost compulsory for all of us to read them but to apply the great knowledge in them. Ubuntu bulamu should be embraced more in Uganda .

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## ABOUT THE BOOK

The story goes that Marcus Aurelius hired an assistant to follow him as he walked through the Roman towns square. The assistant's only role was that, whenever Marcus Aurelius would be praised for the assistant to whisper in his ear, "You're just a man. You're just a man."

They say two things define us. Our patience when we have nothing and our humility when we have everything. The first thing I would like to ask my readers is to imagine a different President in office. If they support the current President and believe those who oppose him are doing so for partisan or otherwise illegitimate reasons, they should visualize a President whom they completely distrust. Conversely, if they dislike the current President, they should conceive of the President in power as someone they support and that those opposing him are acting illegitimately. This exercise is helpful, I believe, for focusing attention on the underlying constitutional issues rather than upon the wisdom, or lack thereof, of a particular President's policies.

Views as to whether or not an exercise of presidential power is legitimate tend to be based less upon legal abstractions than upon perceptions of the particular President in power. Someone supporting a particular President, for example, is likely to believe that parliament should not have the power to interfere with the President's unilateral decision to send troops into armed conflict or that parliament should not have the authority to demand the President to extend or remove his term limits. Conversely, someone who believes a President's agenda is improperly motivated or ill-advised is more likely to support constitutional principles that provide significant checks and balances upon the President's exercise of power.



In this way, views on presidential power tend to be more variable than views on other constitutional issues because they intuitively relate to who is in power in a way that views on other controversial constitutional issues – such as freedom of speech and assembly, or freedom of religion – do not.

For this reason, this book on presidential power is well-timed. Because the question of who will hold the Presidency after the next election should always be much in doubt. This is the perfect opportunity to examine the nature of presidential power as an abstract matter, rather than as a criticism or as an apologia of a specific President's actions. This is what I intend to do in this book. Specifically, I contend that the power of the Presidency has been expanding since the founding and that we need to consider the implications of this expansion within the constitutional structure of separation of powers. No matter which party controls power. This book makes the descriptive case by briefly canvassing a series of factors that have had, and continue to have, the effect of expanding presidential power. It further suggests this expansion in presidential power has created a constitutional imbalance between the executive and legislative branches, calling into doubt the continued efficacy of the structure of separation of powers set forth by the Framers.

The book offers some suggestions as to how this power imbalance can be alleviated, but it does not present a silver bullet solution. Because many, if not all, the factors that have led to increased presidential power are the products of greed and selfish needs.

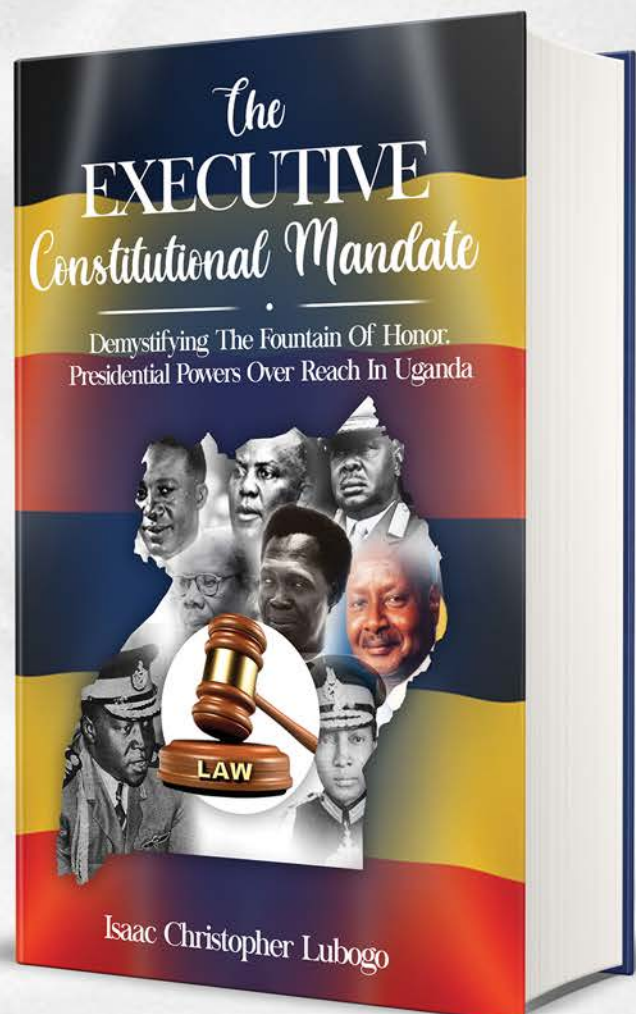
Thus, this book ends with only the modest conclusion that regardless of who wins the Presidency at any time, it is critical that those on both sides of the aisle work to assure that the growth in presidential power is at least checked, if not reversed. ◆

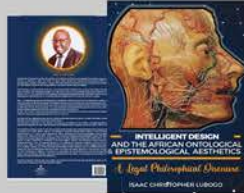
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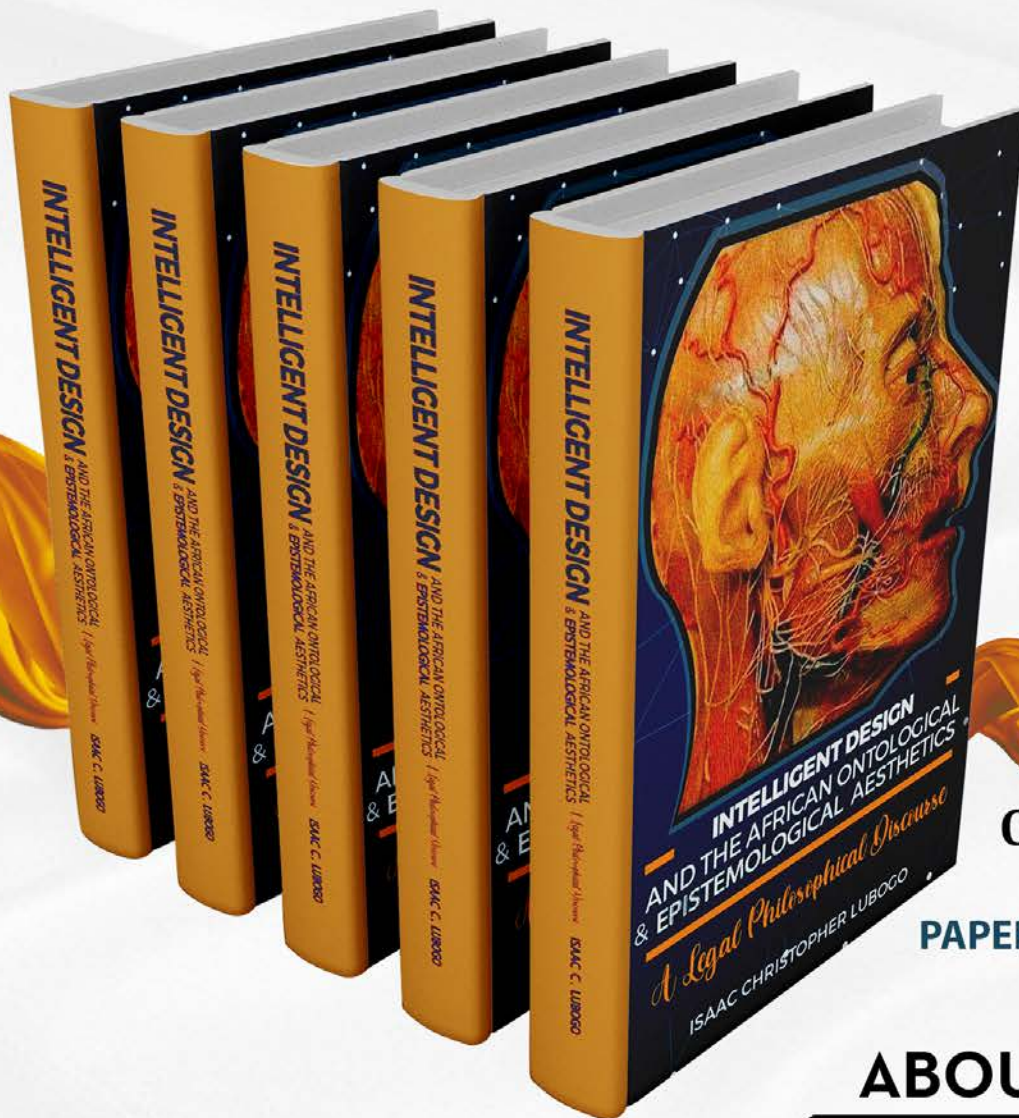
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# SIX

## INTELLIGENT DESIGN AND THE AFRICAN ONTOLOGICAL & EPISTEMOLOGICAL AESTHETICS *A Legal Philosophical Discourse*



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## ABOUT THE BOOK

This book intends to affirm the existence of an African God (if there is such a thing as that), God the maker of a dynamic universe, in this book I analyze the myths of various African peoples who relate that after setting the world in motion the Supreme Being withdrew and remains "remote" from the concerns of human life or better perhaps set his paradigms in which (we call mankind) could reach him through different metaphors, call them different religions.

The elementary concepts of British justice are a part of the essentials of civilization that we bring to Africa along with vaccinations, drains, literacy and GOD (Emphasis added) per Julius Lewis; "Native Courts and British Justice in Africa" (1944) 14 Afr.: J Int'l Afr. Institute 448 at 4

This book focuses on how the idea of God(s) permeated the legal ideology of Africa's nascent states. During the colonial period, it debated the best way to instil the principles of English justice in "savage" and "barbarous" peoples.

Africa the Gold-land compressed within itself the land of childhood, which lying beyond the day of self-conscious history, is enveloped in the dark mantle of Night per Georg Hegel, The Philosophy of History trans. By J. Sebree (New York: Pmmeteus Books, 1991)

The pain of all of us human beings is always trying to fill the spiritual man and death exacerbates the problem, for none in our lifetime has returned of those that left us. As such, we are all on a quest

to receive revelations differently; therefore all that we may call leads to GOD become vehicles and metaphors that only help us understand and relate to our One God.

So then who is God or what is God? To the Hindu it's a cow, to the Christian it's Christ, to the Moslem it's Mohammed, to the Chinese it's Confucius, all are simply metaphors that lead us to a true God.

Karl Marx said that "religion is for those who have already satisfied their human basic need." Who knew that Indians would throw away their gods for not saving them in times of the covid-19 outbreak.

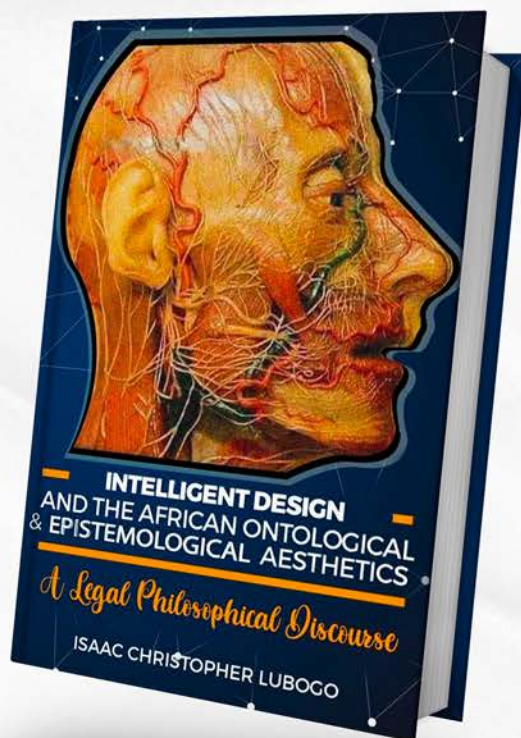
"Your greatness is measured by your kindness, your education and intellect by your modesty: your ignorance is betrayed by your suspicions and prejudices, and your calibre is measured by the considerations and tolerance you have for others" William J.H Boetcker,

In my book *Ubuntu Bulamu and the law: An Extra Textual Aid Statutory Interpretation Tool* (Isaac Lubogo 2020) I make an argument that Ubuntu(Humanness) is an ancient African worldview characterized by community cohesion, group solidarity, mutual existence, and other associated values. It is a value of great importance in African communities and espouses some religious, cultural, and philosophical importance for Africans (Kroeze, 2012). Ubuntu is thus a fundamental ontological and epistemological category in the African thought including the Bantu-speaking people and indeed lies at the root of African philosophy (Ramose, 1999; Pieterse, 2007). The value of the concept to African communities is manifested by the moral, religious, cultural, and philosophical norms it espouses in African communities (Kroeze, 2012). Not surprising, therefore, it is considered the foundation of African law (M'Baye, 1974:141; Ramose, 2002:81; Keevy, 2009: 22).

African law, variously known as—Bantu law, African customary law, African indigenous law, living customary law, or unofficial customary law, is often contrasted with the codified version of African law known as codified customary law or official customary law (Mutwa, 1998; Bhengu, 2006; Keevy, 2009). Extant literature regards African law as the unwritten and uncoded living law, that is, living African indigenous or customary law representing the oral tradition (M'Baye, 1974:141; Ojwang, 1995:45; Keevy, 2009:22). As an unwritten law, therefore, African law represents African oral culture—a scrupulously preserved tradition that was highly guarded and passed on from generation to generation.

The African saying goes "**when the gods want to kill you, they first make you mad**" but this time these gods have given you an opportunity to know them as metaphors of the most Intelligent Designer.

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## ABOUT THE BOOK

"If the legal system or a particular law is wrong or not good enough, and should be changed: if that is against the law, then the law is an ass – an idiot... said of a law that one thinks is unnecessary or ridiculous." The phrase comes from Charles Dickens Novel, "Oliver Twist." This opinion was expressed by Mr Bumble, when he leant from Mr Brownlow that, under Victorian law, he was responsible for actions carried out by his wife.

His words and action vividly convey the extent of his indignation when he apprised of this legal fact, "If that's the eye of the law, the law is a bachelor; and the worst I wish the law is, that his eye may be opened by experience. (Resonate with changing society)

This is the very purpose of this book, the law should be seen to resonate with changing society, not a dogma. For if we fail to do so, then to use Shakespeare's exact line by the famous plotter of treachery, "the first thing we do, let's kill all the lawyers" this was stated by Dick the Butcher in Henry

VI part II, Act IV, Scene II, LINE 73. Dick the Butcher was a follower of the rebel Jack Cade, who thought that if he disturbed law order, he could become king. Shakespeare meant it as a compliment to attorneys and judges who instil justice in society. It is among Shakespeare's most famous lines, as well as one of his most controversial. Shakespeare may be making a joke when the character "Dick the Butcher" suggests one of the ways the band of pretenders to the throne can improve the country is to kill all the lawyers. Dick is a rough character, a killer as evil as his name implies like the other henchmen and this is his rough solution to his perceived societal problem.

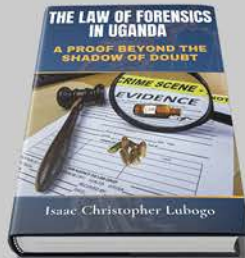
The line has been interpreted in different ways: criticism of how lawyers maintain the privilege of the wealthy and powerful; implicit praise of how lawyers(law) stand in the way of violent mobs; and criticism of bureaucracy and perversions of the rule of law under THE NAME OF DOGMA.

### SCHOLARY REMARKS

**"In future decades and centuries,  
the law, rather than religion, will  
ensure humanity survives"**

Mitchell Landrigan,  
Faculty of Law, University of Technology  
Sydney, *Alternative Law Journal*

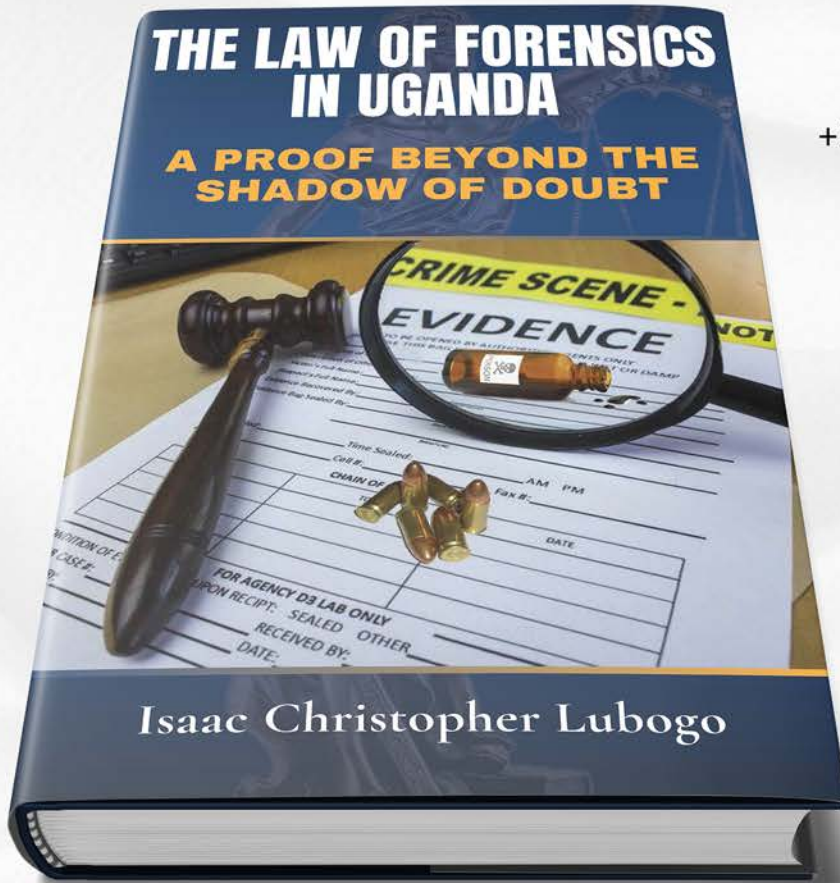




**EIGHT**

**THE LAW OF FORENSICS  
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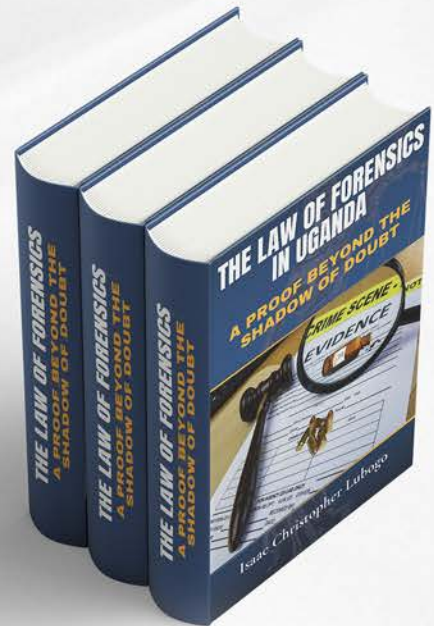
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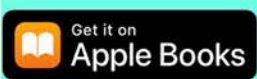
**“E**verything is a self-portrait. A diary. Your whole drug history’s in a strand of your hair. Your fingernails. The forensic details. The lining of your stomach is a document. The calluses on your hand tell all your secrets. Your teeth give you away. Your accent. The wrinkles around your mouth and eyes. Everything you do shows your hand.” (Chuck Palahniuk)

This book gives an understanding of the application of forensic sciences to the law. It covers the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Points out the identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair fibers, firearms evidence and questioned documents, It considers biological evidence, including DNA, and tries to analyze the scientific unimpeachability of DNA, blood spatter and other fluids, forensic anthropology and odontology. Finally, the book engages fire investigation and forensic accounting.

It is designed to provide a foundation in the field of criminalistics who are interested in the use of science and law to solve crime, and considers the impact of television and other media on the field of Forensic Science and the courtroom.

**“...if the glove doesn’t fit the hand then you must acquit...”** Jonny I. Cochran in the Trail of the century the O.J. Simpsons Case

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**NINE**

**DEMYSIFYING**

**“THE ORDER FROM ABOVE”**

Uganda Verses The Attorney General

When the Forces exceed their

Constitutional Mandate,

# DEMYSTIFYING "THE ORDER FROM ABOVE"

## UGANDA VS THE ATTORNEY GENERAL

*When The Forces Exceed Their Constitutional Mandate*

The book in principle analyses the time before an arrest is carried out; the time and manner of the arrest; and the events that follow the arrest. The book discusses the Miranda rule that guarantees that persons detained by police will not be interrogated in a way that places them at a disadvantage. The book also explores the aspect of searches on people's property; how and when these searches should be conducted in accordance with the law.

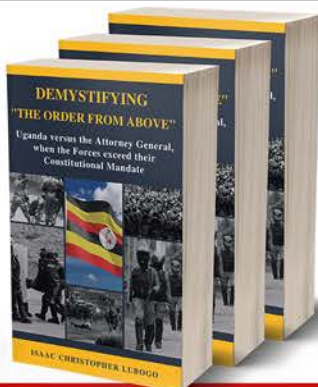
The book demystifies the highly volatile discussion of use of reasonable force while carrying out arrests. It lays out the threshold of what amounts to reasonable force and envisages circumstances where force is necessary to effect an arrest. The book also sheds light on the fundamental presumption of innocence and how this presumption should ordinarily be treated. Consequently, the book highlights the abuses that have and can be occasioned following the disregard or misunderstanding of this notion. The book reviews the principle of preventive arrest in light of human rights and its use as a tool of oppression.

The book also labours to demystify the difference between the different armed groups in the country. It majorly indicates the difference between the police and the army and how their roles are different. It postulates the instances where this thin line of difference has been overstepped by either group and how catastrophic this action has proven to be overtime. It elaborates on the Posse Comitatus principle

that argues against any military intrusion into civilian affairs. The book also tries to put into perspective the different groups being formed and revived in the country in the guise of maintaining law, peace and order. These groups include the Local Defence Units, Crime preventers and the like. The book attempts to place them under the different laws promulgated for the governance of the people of Uganda, and instances when these "forces" allege to do when they over step their mandates in the the name of "**order from above**"

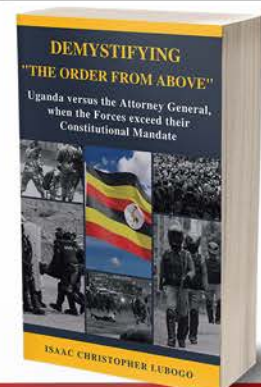
The book also concerns itself with the aspect of obtaining confessions and admissions from arrested persons for purposes of presenting the same as evidence before courts of law. There have been instances where arrested persons have been coerced into confessions which have led to false imprisonments. The book also discusses aspects of finding no case against arrested people and the notion of nolle prosequere; and the aspect of compensation for the people that have been falsely convicted or wrongfully arrested.

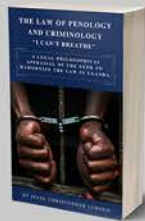
The book discusses the issue of liability for police brutality. It discusses the vicarious liability of the Government in civil proceedings as master and employer of police officers for acts of police officers done within the course of duty. The book also considers personal liability of Police officers for their reckless acts in law enforcement and the possibility of the Police opening up investigations and commencing criminal proceedings against its officers.



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**TEN**

# **THE LAW OF PENOLOGY AND CRIMINOLOGY**

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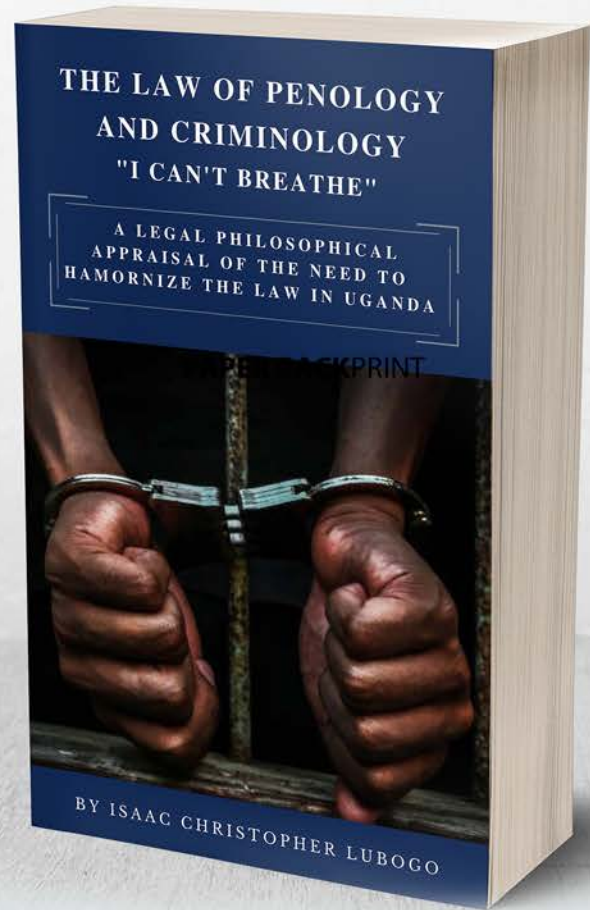
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## **THE LAW OF PENOLOGY AND CRIMINOLOGY "I CAN'T BREATHE"** **A LEGAL PHILOSOPHICAL APPRAISAL OF THE NEED TO HARMONIZE THE LAW IN UGANDA**

*By: Isaac Christopher Lubogo*

### **PREFACE**

**R**ecent developments in the law have occurred against a background of mounting public anxiety about violent street crime. Leading politicians have proclaimed crime a priority rivalling even inflation and defence. As the sense of urgency intensifies, the desperate search for answers quickens. Virtually every day, a politician, editorial writer, or criminal justice professional offers a new prescription for ending crime.

I believe the discussion currently raging over justice issues can best be understood by focusing upon a central question: Must we compromise the most basic values of our democratic society in our desperation to fight crime? I have elsewhere considered the implications of this question for issues of criminal responsibility and for policy choices in the administration of justice. In this book, I will examine the ways in which different answers to this fundamental question can affect the development of legal doctrine, particularly with respect to the constitutional rights of those accused of a crime.

Proficiency in law involves a number of different skills and competencies. It requires knowledge of the rules wherein the elements of criminal offences are to be found. It requires knowledge of the rules of evidence and procedure. It requires an ability to identify the rule(s) applicable to a fact situation and to apply them logically and coherently. Attaining these latter competencies is necessary to discharge effectively the day-to-day tasks of a criminal lawyer – solicitor, advocate or judge. However, true mastery requires something further. It requires also a critical and evaluative attitude.

The law in action is not just a matter of doctrine. Law doctrine has as its purpose the delivery of justice and criminal justice is a contingent outcome in which rule, process and context all play their part. It is not simply a logical description of what happens when rule meets (prohibited) event.

Understanding the law requires, therefore, an appreciation of the day-to-day workings and constitution of the criminal justice system. Moreover, it requires an understanding of the resources of the criminal law to produce substantive justice. If the mechanical application of a given rule to a fact situation acquits a dangerous or wicked person or convicts someone neither dangerous nor blameworthy according to ordinary standards, the law may be considered not only 'an ass' but as confounding its own rationale. Understanding this rationale is also, therefore, a necessary preliminary to understanding the law itself since it will inform a realistic appreciation of what can be argued and what cannot.

At its most basic, knowing what the law is may require an understanding of how to produce cogent and principled arguments for change. This book seeks to examine the rules of the law in an evaluative context. It concerns itself with what makes a crime, both at a general theoretical level and at the level of individual offences. It addresses what the law is and, from the point of view of the ideas, principles and policies informing it, also what it ought to be. We will explore some general matters which will help to inform such an evaluative attitude, the principles and ideas informing decisions to criminalize will be considered. What is it say, that renders incitement to racial hatred a criminal offence, incitement to sexual hatred a matter at most of personal morality and sexual and racial discrimination a subject of redress only under civil law?

This book examines punishment and the theories used to justify it. Although this is the subject matter of its own discrete discipline, namely penology, some understanding is necessary for the student of law. It provides a basis for subjecting the rules of criminal law to effective critical scrutiny. If we have a clear idea of why we punish, we are in a position to determine, for example, what fault elements should separate murder from manslaughter, or indeed whether they should be merged in a single offence. Without such an idea our opinions will, inevitably, issue from our prejudices rather than our understanding.

Individual offences themselves are covered within. The elements of these offences vary but they have certain things in common. In particular, they require proof of some proscribed deed on the part of the offender unaccompanied by any excusing or justifying condition, together with a designated mental attitude, commonly known as guilty mind. Since this model of liability (conduct–consequence–mental attitude–absence of defence) is fairly constant throughout the criminal law these separate elements and the ideas informing them will be explored before we meet the offences themselves, so as to avoid unnecessary duplication.

Finally, we will examine how criminal liability may be incurred without personally executing a substantive offence, whether by participating in an offence perpetrated by another or by inciting, attempting or conspiring to commit a substantive offence.

Before tackling these issues, we will examine some general issues pertinent to understanding the law and its operation, concentrating, in particular, upon the philosophy, workings and constitution of the justice system.



## SCHOLARY REMARKS

### INJUSTA NON EST LEX

"If a law is unjust, a man is not only right to disobey it, he is obligated to do so as a test of legal validity, any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.

*"Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless."*

- Isaiah 10:1

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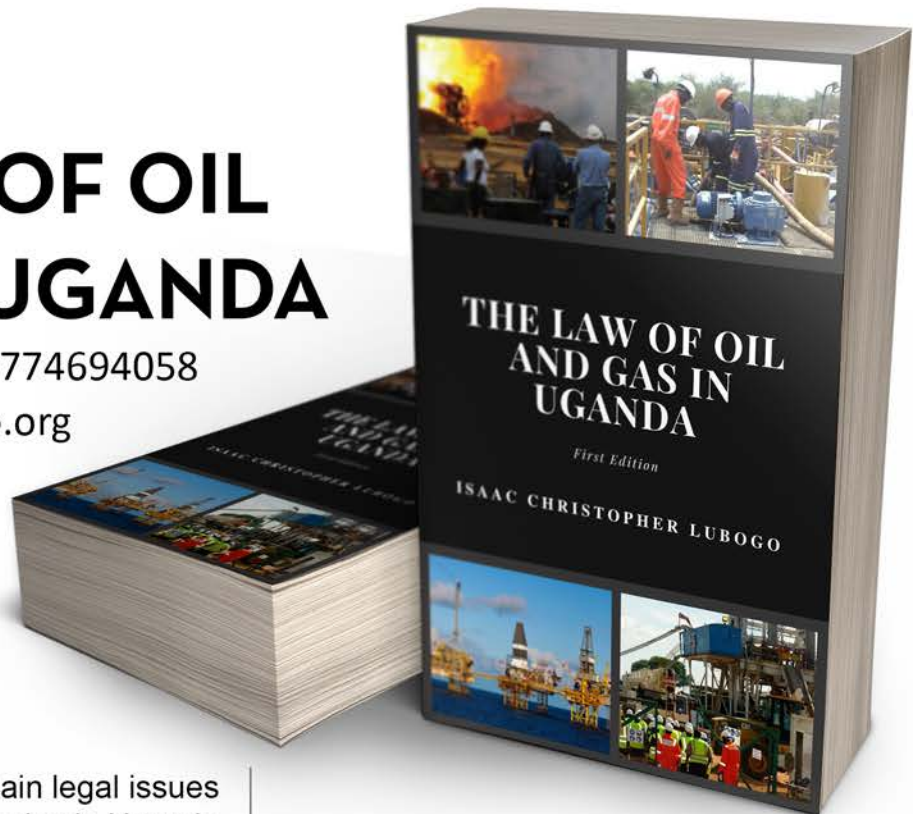


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This book focuses on the main legal issues within the oil and gas industry today in Uganda and beyond. It helps one to understand and the skills to deal with a wide range of oil and gas legal issues. Helps to Develop a sound knowledge of the main legal, regulatory and contractual issues pertinent in the oil and Gas industry in the Uganda, Regional and international level both upstream and downstream operations; it give an understanding of the operation of some key legal principles in the context of non-contractual issues in the oil and Gas industry; and legal jurisprudence in Oil and Gas law in Uganda. The book recognizes the lack of rigorous academic publications in the oil and gas law field in Uganda. It further recognizes that the terms oil and gas have been occasionally intertwined by most writers all over the globe but the writer is awake to the underlying distinctions between them which would warrant that a deeper, more specific legal body be arraigned to capture the natural gas sector per se. by this book, Uganda is honoured to be availed a number of legal and institutional reforms to guide its oil and gas utilization at this infancy stage.

The book to gives a broad and clear insight into relevant legal, political and economic issues related to oil and gas law at national, regional levels; it Critically appraises and discusses the legal structure and regulatory matrix of the oil and gas sector in Uganda it

also Critically appraises contractual frameworks, environmental concerns, dispute resolution mechanisms as used in the oil and gas industry. The book uses legal reasoning, analysis and research by critically analyzing the broad principles and practical implementation of oil and gas law and policy in Uganda and various regions of the world. The intention is to Exhibit full understanding of legal issues covering finite resources and incorporate them into the decision making process. This book focuses on the main legal issues within the oil and gas industry today in Uganda and beyond. It helps one to understand and the skills to deal with a wide range of oil and gas legal issues. Helps to Develop a sound knowledge of the main legal, regulatory and contractual issues pertinent in the oil and Gas industry in the Uganda, Regional and international level both upstream and downstream operations; it give an understanding of the operation of some key legal principles in the context of non-contractual issues in the oil and Gas industry; and legal jurisprudence in Oil and Gas law in Uganda.

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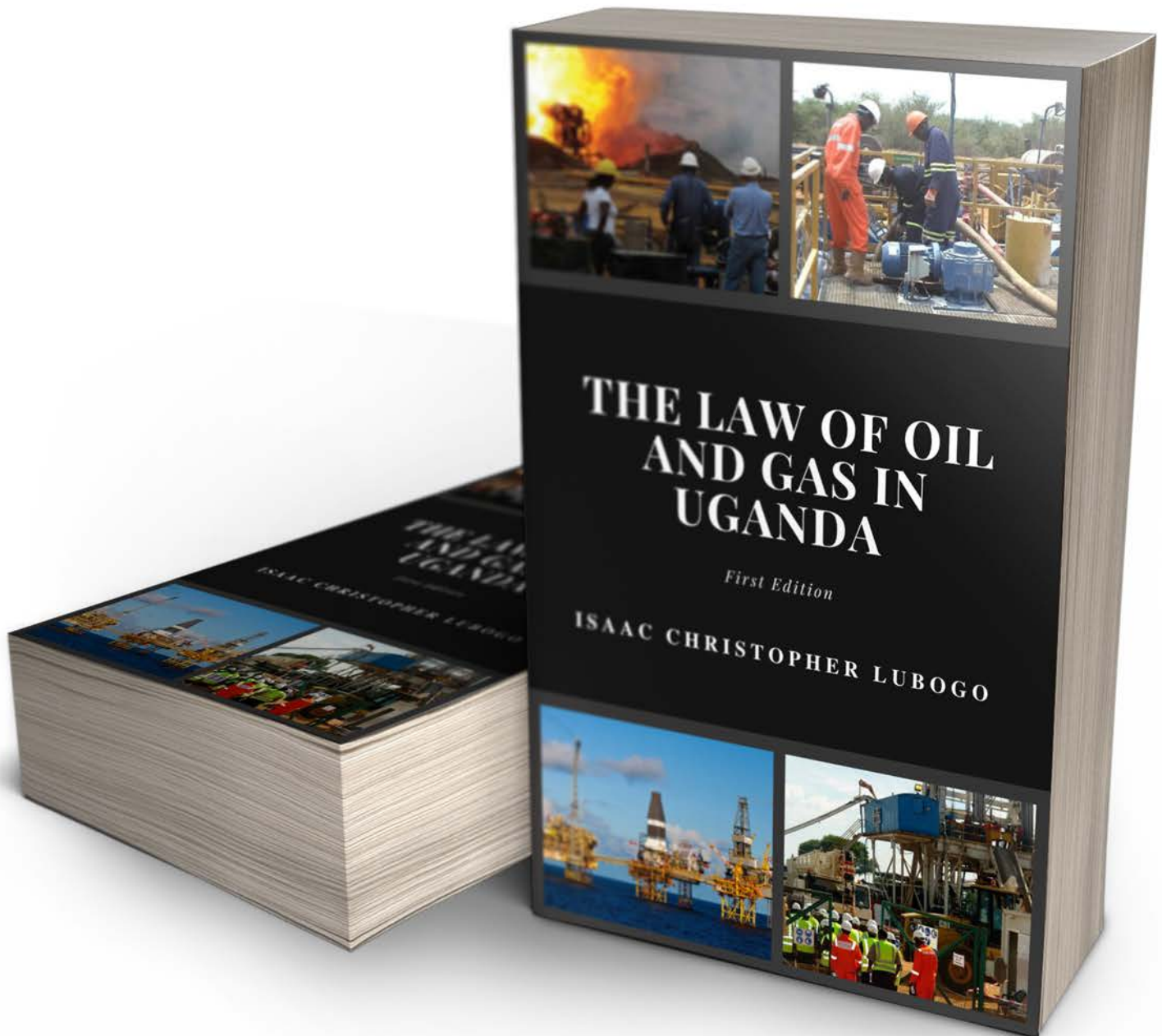


# THE LAW OF OIL & GAS IN UGANDA

*By: Isaac Christopher Lubogo*

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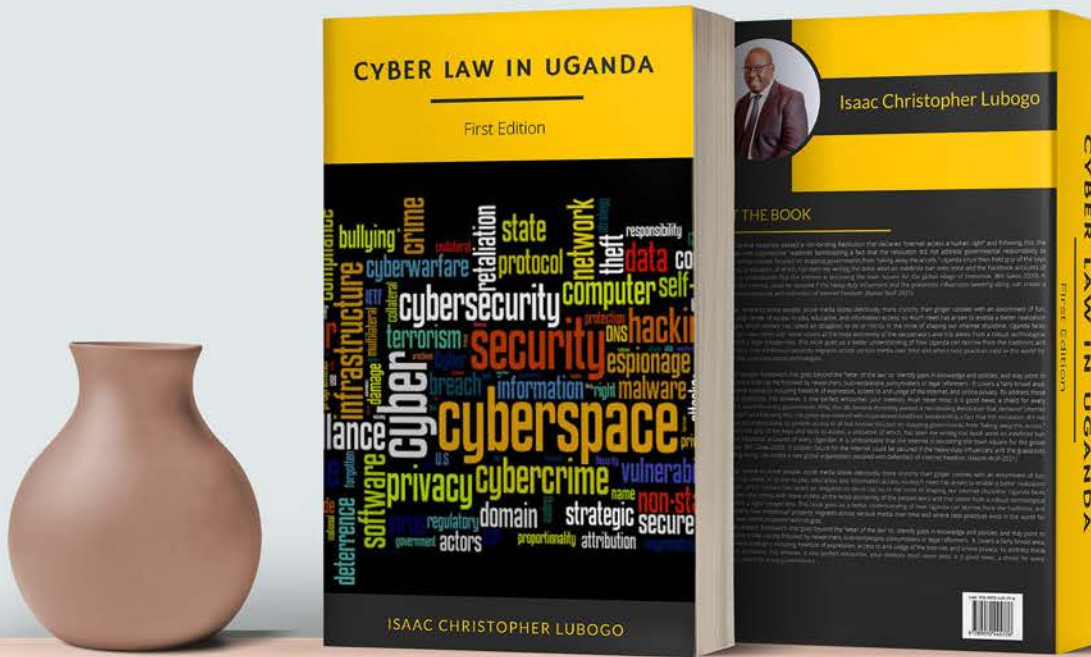




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# CYBER LAW IN UGANDA

By: Isaac Christopher Lubogo



## ABOUT THE BOOK

In 2016, the UN General Assembly passed a non-binding Resolution that declared “Internet access a human right” and following this, the globe was covered with inspirational headlines bamboozling a fact that the resolution did not address governmental responsibility to provide access to all but instead focused on stopping governments from “taking away the access.” Uganda since then held grip of the keys and locks to access, a utilization of which, has seen me writing this book amid an indefinite ban onto mine and the Facebook accounts of every Ugandan.

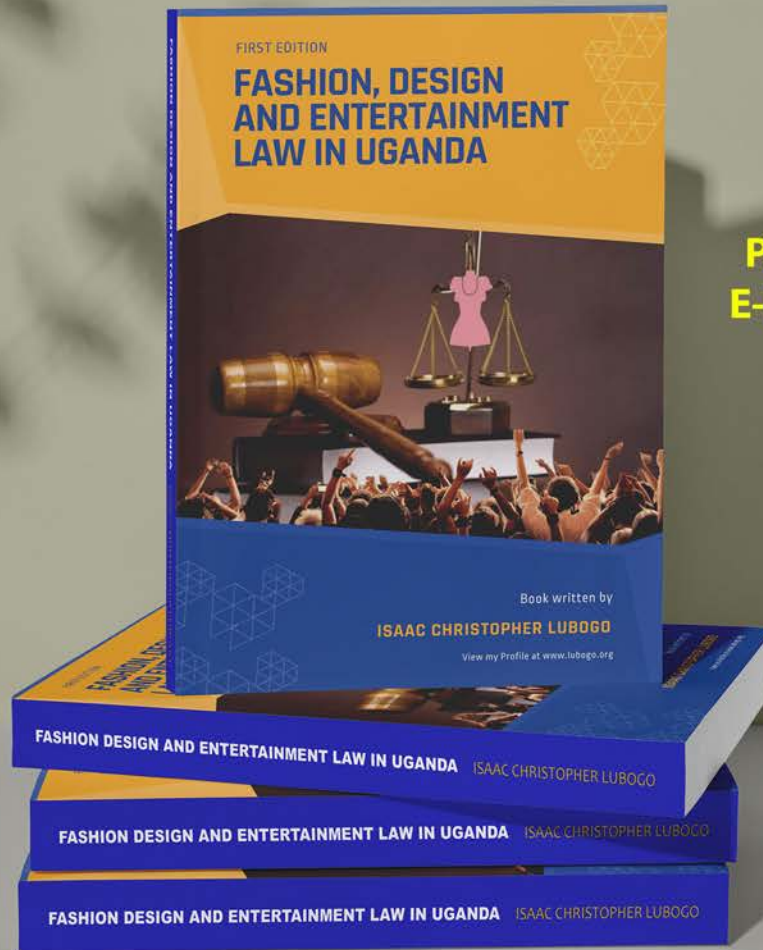
It is undoubted that the Internet is becoming the town square for the global village of tomorrow. (*Bill Gates-2020*). A utopia future for the Internet could be secured if the heavy-duty influencers and the grassroots influencers tweeting along- can create anew global organization peopled with defenders of Internet freedom. (*Naomi Wolf-2021*)

In a Uganda today, where to some people, social media tastes deliciously more crunchy than ginger cookies with an assortment of fun, smiles and a one stop center of access to jobs, education, and information access, so much need has arisen to enable a better realization of the Internet right, which similarly has raised an obligation to do or not to, in the circle of shaping our Internet discipline. Uganda faces new challenges from new crimes with more victims at the most anonymity of the perpetrators and this stems from a robust technological advancement amidst a legal meagerness. This book gives us a better understanding of how Uganda can borrow from the traditions and conventions of others, how intellectual property migrates across various media over time and where best practices exist in the world for the regulation of new communications technologies.





**THIRTEEN**  
**FASHION, DESIGN AND**  
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IN UGANDA



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## **FASHION, DESIGN AND ENTERTAINMENT LAW IN UGANDA**

*By: Isaac Christopher Lubogo*

**T**his book is to address the law on fashion, design and entertainment law in Uganda. It's the first comprehensive book that provides information on fashion both on an international and regional level, background and history of the fashion industry. Challenges facing the fashion industry in Uganda.

The book provides the legal and ethical environment in which local and international contemporary fashion design-oriented and other businesses operate. It is to equip readers with knowledge on the basic business ethics and legal principles pertinent to both international and national business environments in which they live and operate. It emphasizes how these ethical and legal principles apply in corporate decision-making as well as the importance of social corporate responsibility for today's fashion design business.

The book provides readers with knowledge on statutes and legal procedures governing fashion businesses, describing the legal framework pertinent to the international fashion business and the legal and ethical decision making principles and processes in specific fashion business contexts.

The concept of design overlooking how designers can use the law to their advantage through contracts, creation of designs and as to why a person should be vigilant about protecting it, the registrable designs and its benefits and the other different concepts therein that are the principles and elements of design.

The concept of entertainment law is a specialized part of the law in Uganda that deals with facilitating the creation and dissemination of art. Under this concept, the book is to provide

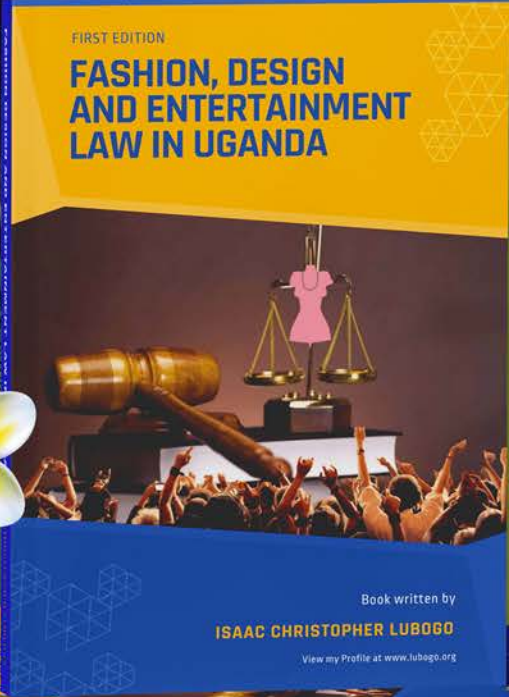
...An overview by providing the foundations of entertainment law and concepts that make up the law on entertainment extending to fashion law, hospitality, events management among others. Highlighting how the entertainment industry contributes to Uganda's gross domestic product and the challenges facing the entertainment industry in Uganda, and their commendations. Also, the concept of intellectual property issues in entertainment law, looking at the copyright and neighbouring rights act 2006 providing for copyrightable works and how they are protected under the act and case law ■



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All businesses, regardless of the industry, must comply with the regulations and laws provided to ensure minimum standards if the industry is to thrive and grow





**FOURTEEN**

**MEDIA LAW AND  
POLICY IN UGANDA**

An Appraisal on Legal and Policy  
Issues in Journalism in Uganda.

# MEDIA LAW AND POLICY IN UGANDA

By Isaac Christopher Lubogo



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## AN APPRAISAL ON LEGAL AND POLICY ISSUES IN JOURNALISM IN UGANDA

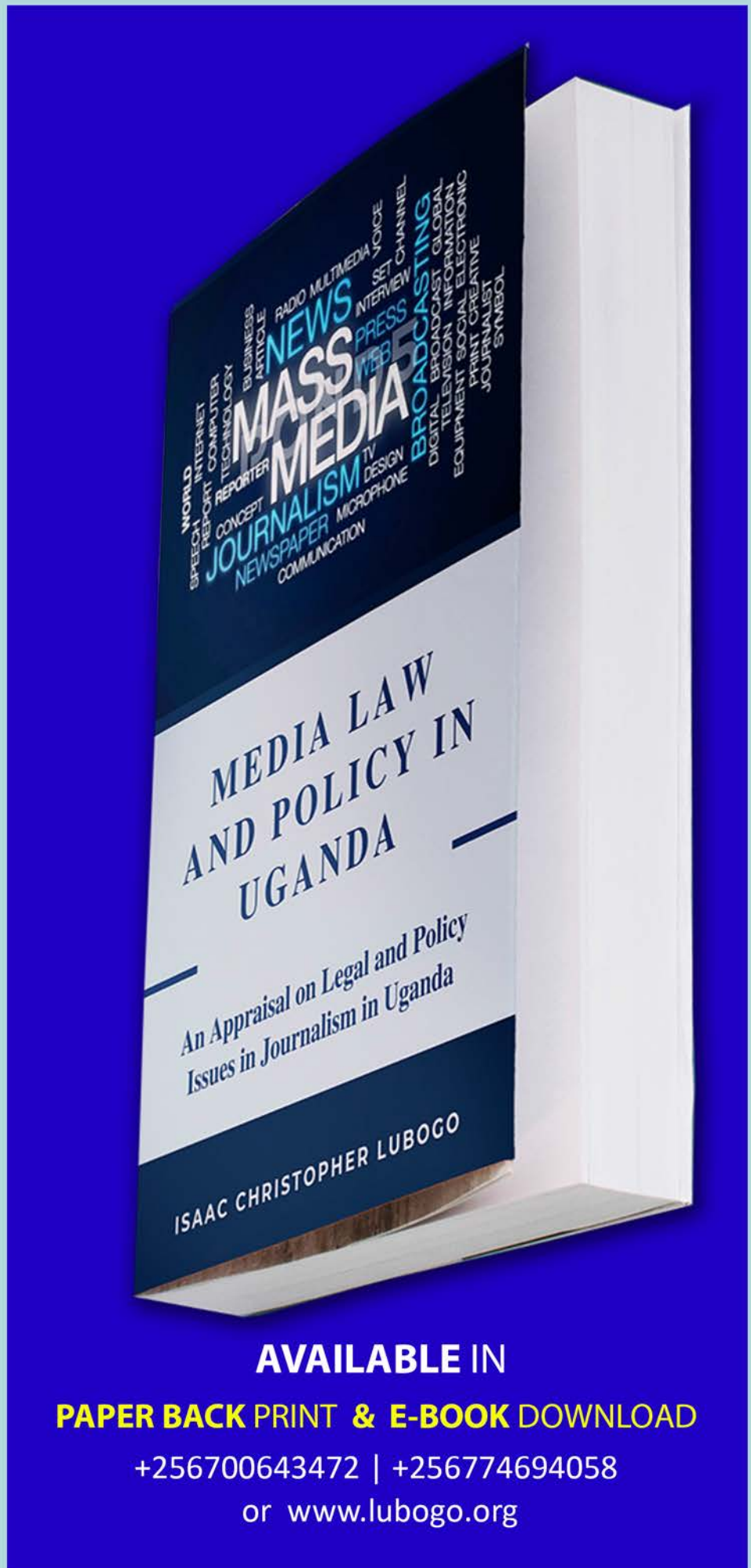
Freedom of opinion and freedom of expression is the foundation for every free and democratic society, a necessary condition to realise the principles of transparency and accountability we need to protect human rights (and) the basis for the full enjoyment of many other human rights. Though free speech was declared by the United Nations in 1948 to be a universal right, that is a hope, not reality.

A nation's media laws and policies are touchstones of its commitment to freedom of opinion and freedom of expression. A nation's openness to reform and willingness to balance competing interests in ways that enhance free speech are a product of its history, cultures, political contexts, and legal system. In most jurisdictions, the process of reform in media law and policy has customarily moved slowly. Advocates on either side of a dispute sift generations of theory, custom, precedent, and practice to propose answers to new questions that arise in free speech. Reform considerations often grow out of major advances in media technology, from moveable type, for example, and on to the camera, radio, and television. In the early 1990s, the Internet arrived in a new user-friendly form known as the WorldWide Web and changed communications forever. With its interactive global platforms, millions of websites, and billions of users, the Internet heavily taxes the capacity of all jurisdictions to devise legal and regulatory responses to questions that began coming into view at light speed.

Still, media law and policy reform has and is taking place, sometimes in a major and liberating way, such as with the UK's Defamation Act of 2013, but more often in patchwork and restrictive ways as courts, legislators and regulators wrestle with grand dilemmas presented by the Internet and for twenty-first-century communications. Fundamental questions are being re-examined: who is a journalist, who is a publisher etc. The questions are so large they seem philosophical, with no possible single answer, but the main purpose of media law and policy is to balance competing interests and uphold free speech.

➤ In essays by some of the world's leading authorities on media law and policy in the Internet age, this book examines the opportunities and perils for media freedom and practice in an era of technology-driven change in Uganda. The essays explore the complications and contradictions of change and the consequences now and in the future for 'traditional publications and journalists, for new online publications, and for people who take to Internet platforms to distribute ideas and opinions, theirs or those of others, to anyone in the world with a computer, smartphone or technology not yet devised, and who sometimes unwittingly subject themselves, potentially, to legal sanctions.

This book is not a catalogue of media law and policy reforms across the world, but instead is an examination of several key reforms to illuminate issues in current and historical, constitutional, and international contexts, with lessons and insights for those involved in different jurisdictions and stages of reform, especially Uganda. Its author also defines the unique elements of the new media landscape and trace the 'very long process of 'gradually protecting more speech through both statute and case law in order to build a conceptual structure for considering the future.



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# Media Law And Policy:

By Isaac Christopher Lubogo



## AN APPRAISAL ON LEGAL AND POLICY ISSUES IN JOURNALISM IN UGANDA

An Extract page 297

### **THERE IS A NEED TO ENCOURAGE SELF-REGULATION BASED ON A CODE OF ETHICS.**

For us to attain diligent and professional service, the concept of “ethics” cannot be done away with. Ethics in journalism is often termed as “ethical journalism”. This refers to standards of good practice applicable to journalists. Though reporters and editors are not megaphones for any particular interests not even in matters relating to human rights – they can contribute to a better society through genuine professionalism. In essence, ethical journalists serve the public’s right to know. They are professional also in the sense that they seek the truth and resist any pressure to convey distortions, be they from media owners, business interests or political forces.

There is a need to encourage a deeper discussion of how to promote ethical journalism, also in relation to social media and other online information. It is positive that the trade unions for journalists have taken up this challenge. However, governments also have a responsibility to play in this as visible in the UK government’s reaction to the *phone-hacking scandal*. They should protect the freedom and pluralism of the media and avoid any regulation which would undermine freedom of expression, including on internet-based media. Any limits should be narrowly and clearly defined and reflected in law.

Ethics and Media Self-regulation demands that journalists have a mastery of concepts such as;

- **Accuracy, fact-based reporting, Privacy & Humanity**  
*To do no harm to anyone’s Independence*
- **To report with NO propaganda**
- **Fake news Impartiality**
- **To tell all sides of the story Responsibility**

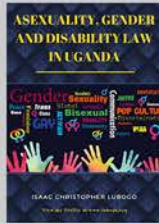
There is a need to outset the common and erroneous belief that journalism is free speech. Journalism is not free speech, free expression, it is constrained expression, and it works in a framework of

values and ethics, in the framework of professional standards given in the Press Code/Code of Ethics for journalists. Journalism has a public purpose and it has to be done in public interest. Therefore, this calls for the specific education of all media personnel for the sake of ethical and quality work. The ethics of journalism and this idea of self-regulation is affected by the onset of blogging; the adaptation of “*social media influencers*” who have taken up the role of providing uncredited, unverified and unauthentic information on *Facebook, Instagram, Twitter, TikTok* among others since these people are usually not trained at all. Indeed, the emergence of new journalism in the form of bloggers, twitterers, YouTube commentators and others have certainly added important eyewitness accounts, but the communicators behind these are not always trained and fully aware of the extent of their responsibilities.

Blanket internet shutdowns, along with blocking or throttling certain communications apps and platforms, contravene international human rights law and standards including the International Covenant on Civil and Political Rights (*ICCPR*) which all of the above states have either signed or ratified. In 2020, the Human Rights Council strongly condemned in its Resolution 44/12 the use of internet shutdowns to “intentionally and arbitrarily prevent or disrupt access to or dissemination of information online” and called on states to refrain from such practices.

Many states should stop blocking access to the internet, including social media platforms and messaging apps, before, during, and after national elections. Instead, we encourage governments to look into less intrusive, specific, legitimate, necessary, proportionate, and proven measures to prevent exam leaks and cheating, while ensuring high-quality, secure, and unrestricted internet access for all people.

It is clear that the government policy and legislation relating to internet shutdowns in Uganda should be reviewed and measures put in place to ensure that there is respect for human rights both in the international sphere and domestic sphere. ■



**FIFTEEN**

**ASEXUALITY, GENDER  
AND DISABILITY LAW  
IN UGANDA**



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# ASEXUALITY, GENDER AND DISABILITY LAW IN UGANDA

## ABOUT THE BOOK

The book covers the different ideologies of gender which is defined to mean the economic, social, political and cultural attributes and opportunities associated with being women and men, the concept of feminism, the different laws adopted in combating gender discrimination, its role, gender equality, the effective law and policy on gender equality and protection from sexual and gender-based violence highlighting gender inequality, the status, causes and effects.

The book provides the concept of sex versus gender exploring many fascinating and controversial legal issues including issues of transgender rights, equal pay and equality at workplaces, the international and legal challenges, the discriminatory laws against the LGBT and transgender, the human rights violations of sex workers in Uganda including the different laws governing prostitution in Uganda relating to incidents of prostitution not leaving out the concept of miss curvy.

The concept of asexuality which is commonly understood as not being sexually attracted to anyone is a concept looked at covering its history, highlighting the concept of the different types of sexuality, exploring the various definitions and debates around asexuality from the perspectives of asexual communities, especially from the western communities. The different branches therein, classification and characterization of asexuality, key distinctions, and intersections by comparing identity categories.

Also the asexual law and our sexual law that is asexuality interactions with law, the legal requirement of sexual activity, legal exceptions to shield sexuality, the legal protections from others sexual expression, legal protections for sexual identity.

And lastly, this book explores the long-standing issues such as the psychological, interpersonal, social, political and cultural barriers to sexual access that disabled people face and their struggle for sexual rights and participation.

□

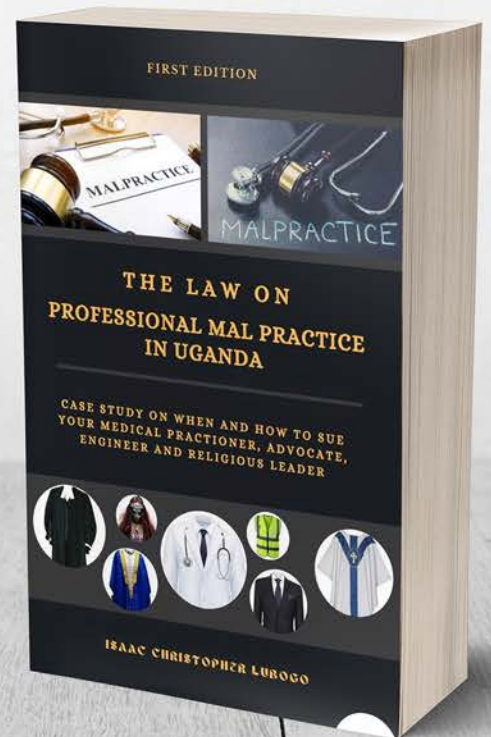


# THE LAW ON PROFESSIONAL MALPRACTICE IN UGANDA

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## AN APPRAISAL ON **WHEN AND HOW TO SUE** YOUR MEDICAL PRACTITIONER, ADVOCATE, ENGINEER AND RELIGIOUS LEADER

This book unveils the answer on the *\*how, what and who\** to sue and of course *\*when\** to sue my lawyer, personal doctor, engineer, pastor or priest, sheikh, To err is human of course but certain errors though forgivable, the effect therefrom can be unbearable, regrettable and nothing could make good the resultant harm.

This book does not instruct you to claim against every harm, or give "a *tooth for a tooth*" but it makes known to you the legalis Operandi of knowing and claiming what is yours. Thenceforth, you learn how and when to sue your professional for the bad they do. Trite it is that various authors and case law talk about professional negligence which is well quoted for its "duty of care" but: There are instances where the duty of care is non-existent but the ethics of being humane, demand particular action or omission. Whereas the present-day professional malpractice has been so bent and litigated mostly on tortious negligence which demands a duty of care, a continuous operation under this synthesis of law has left so many an issue unsolved in addition to a bulging impunity by professionals, a thing which has occasioned a lacuna not only in law but also a profound want in ethical conduct.

The acts and omissions of a "neighbour" in the words of Lord Atkin have in the present time faded between and betwixt the arguments of "no duty of care" and as a result, professionals escape being held liable for the bad acts they do or omit amidst a professional-client relationship. For the fact that I don't know *\*if I can sue, how to sue, who to sue and when or why can I sue\** occasions a handicapped situation to one who so being naive and yet dealing with another so qualified, ...





... experienced and hyper positioned to influence the quality and reasonableness of a weakling's actions.

This book unveils the answer on the \*how, what and who\* to sue and of course \*when\* to sue my lawyer, personal doctor, engineer, pastor or priest, sheikh, traditional healers etc... regarding their bad actions both in exercise of their profession and when not. In discussing Professional malpractice let's not just bubble about negligence, rather on misdeeds by many professionals, such as doctors, dentists, chiropractors, optometrists, nurses, lawyers, architects, accountants, engineers and so forth. When you have faith in a pastor, lawyer or traditional healer, you expect them to exhibit the highest professionalism when so performing, but what if they don't perform up to standard?

This book is traced on a background that every profession has a professional code of conduct which in my opinion is the first safeguard to any client and in absence of such, then human ethics would demand a particular way of conduct from such a professional whereby in an event of failure to so conduct oneself, this book provides you with how to proceed on suing your lawyer, pastor, witch-doctor, sheikh, priest or doctor, etc...

If today you learn your rights, then harden not your attitudes or fears of what happens when I sue. Africans today have mild oblivions and court phobia in the preserve of their "humility", good relations and keeping a good talk about them in people, has left us aggrieved numerously, yet fearing to sue somebody as of right.

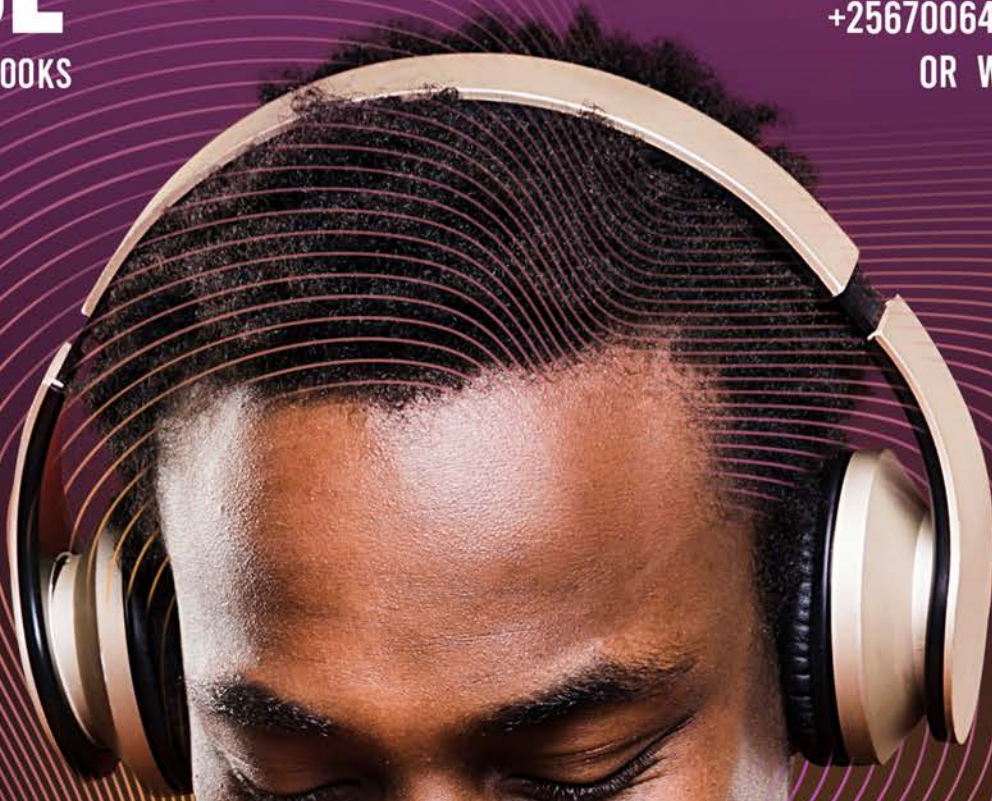
Be blessed to find your rights and the agitation procedure therefore in this book.

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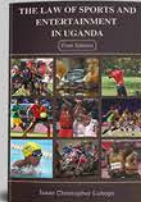
# PLAY & LISTEN

ISAAC CHRISTOPHER LUBOGO  
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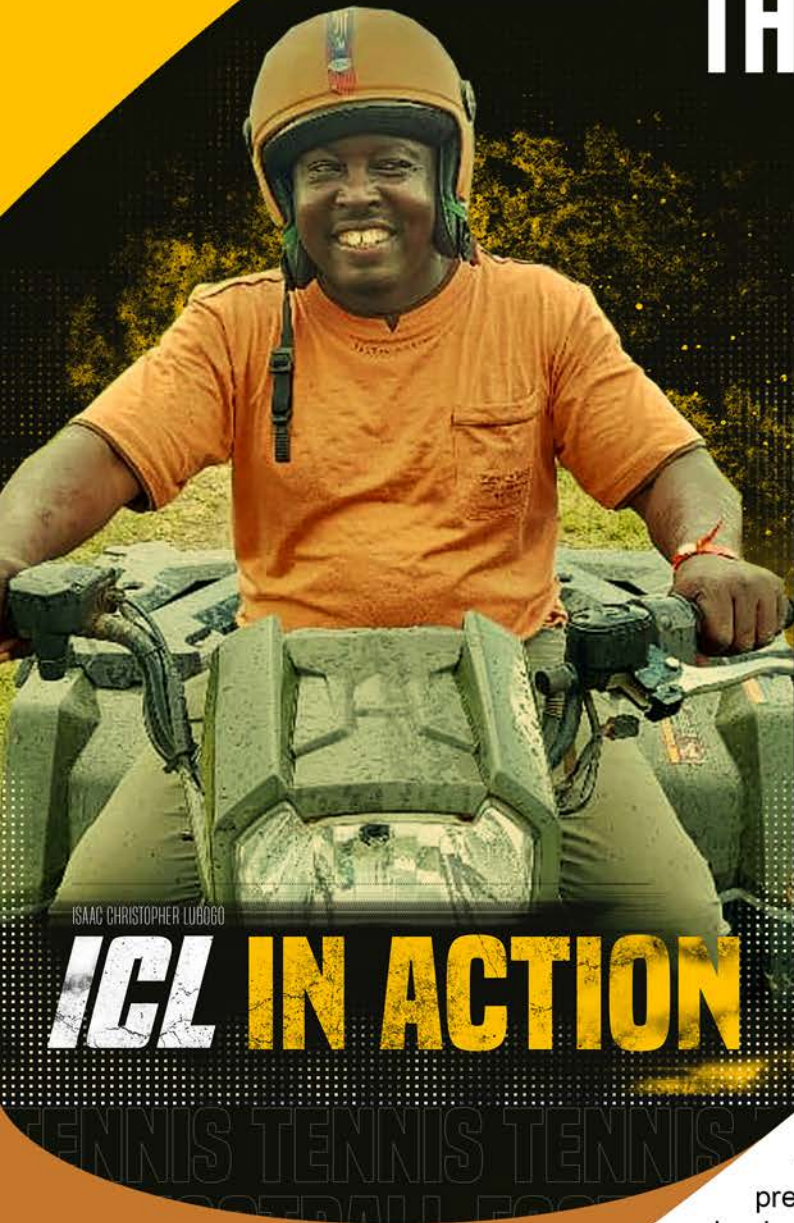
**A TREATISE TO MY LEARNED  
FRIEND & THE ATTORNEY AT LAW**

**HISTORY OF BUSOGA  
WITH Y.K LUBOGO**



**SEVENTEEN**  
**THE LAW OF SPORTS  
AND ENTERTAINMENT  
IN UGANDA**

# THE LAW OF SPORTS AND ENTERTAINMENT IN UGANDA



ISAAC CHRISTOPHER LUBOGO

## IGL IN ACTION

Uganda today has experienced tremendous global growth and awareness of sports, the sports industry has increasingly become very popular for both entertainment and livelihood and Uganda can no longer be able to be left behind.

The need to regulate and legally facilitate the smooth running of sports has caused a growing demand for qualified sports law professionals in other jurisdictions. This need is very much apparent in Uganda like never before and hence the need to teach sports law as a course unit in law schools as we prepare our nation to approach legal issues in sports. The book surveys several areas of the law that intersect with sports. The diverse nature of sports requires lawyers to have specific expertise in the specialized nature of sports law to effectively represent their clients whether they are professionals or amateur athletes, leagues or clubs, sports venues and stadium owners, operators or businesses and sports organizations or Associations.

The book intends to enhance Understanding of the fundamental legal principles common to the professional sports industry and summarize significant sports industry case law and discuss the ramifications for practitioners in Uganda and Internationally. To also help Explain the essence of labour law, tort law, constitutional law and sports law and how these bodies of law coexist and understand the roles and interaction of sports leagues, clubs, sponsors, sports unions, agents, and arbitrators and the laws that govern them. The book will shed light on the process of contract bargaining in professional sports and the interplay of agents and free agency in sports law and practically negotiate a standard sportsman's Contract in compliance with the terms and conditions of the governing legal regimes from other fields of the law and sports law.

The book also further enhances an Understanding in the Licensing processes of sports organizations and Associations in Uganda and Internationally and have a better understanding of how to make ethical decisions and solve problems with an eye towards the relevant legal and ethical issues in sport.

Lastly, I intend to help develop an understanding of the Anti-Doping Movement in Sports, the legal framework thereof and understand the Dispute Resolution Mechanisms in Sports both national and internationally with a specific understanding of the legal framework and working of the International Court of Arbitration for Sport.



## Summarized Introduction to Sports



The African Union Policy Framework for the Sustainable Development of Sport in Africa (2008-2018) defines Sports as a physical activity that is governed by a set of rules or customs involving specific administration, governing body, organization and an historical background and often engaged in Sports can be defined as institutionalized competitive activity which involves two or more opponents and stresses physical exertion by serious competitors who represent or are part of formally organized associations.<sup>1</sup>



According to the Oxford Dictionary, sport is an amusement, diversion, fun, pastime and game. Sports have been differentiated from games on the basis of the high physical skill factor they involve, and a sociologist has defined sport as institutionalized competitive activity which involves two or more opponents and stresses physical exertion by serious competitors who represent or are part of formally organized associations. Others define, sport, as a combination of physical and mental activity, governed by a set of rules or customs with social, educational and cultural dimensions.



According to Bellis Mary<sup>2</sup>, The documented history of sports goes back to at least 3000 years. In the beginning, sports often involved preparation for war or training as hunters which explain why so many early games involved throwing of spears, stones and rocks and sparring one on one with opponents.



The physical activity that developed into sports had early links with ritual, warfare and entertainment. As far back as the beginning of sport, it was related to military training. For example, competition was used as a means to determine whether individuals were fit and useful for services. With the first Olympic Games in 776 BC that included events such as foot and chariot races, wrestling, jumping, discus and javelin throwing-the ancient Greeks introduced formal sports to the world.



<sup>1</sup> Kitaka Aziz (LLB. Makerere University) - Sports And the law in Uganda pg. 1  
<sup>2</sup> "A brief History of Sports". Thought co. Accessed on August 31st 2021.



# SPORTS AND ENTERTAINMENT LAW IN UGANDA

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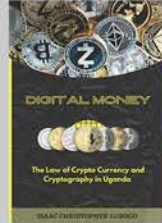
## THE LAW OF SPORTS AND ENTERTAINMENT IN UGANDA

First Edition



Isaac Christopher Lubogo

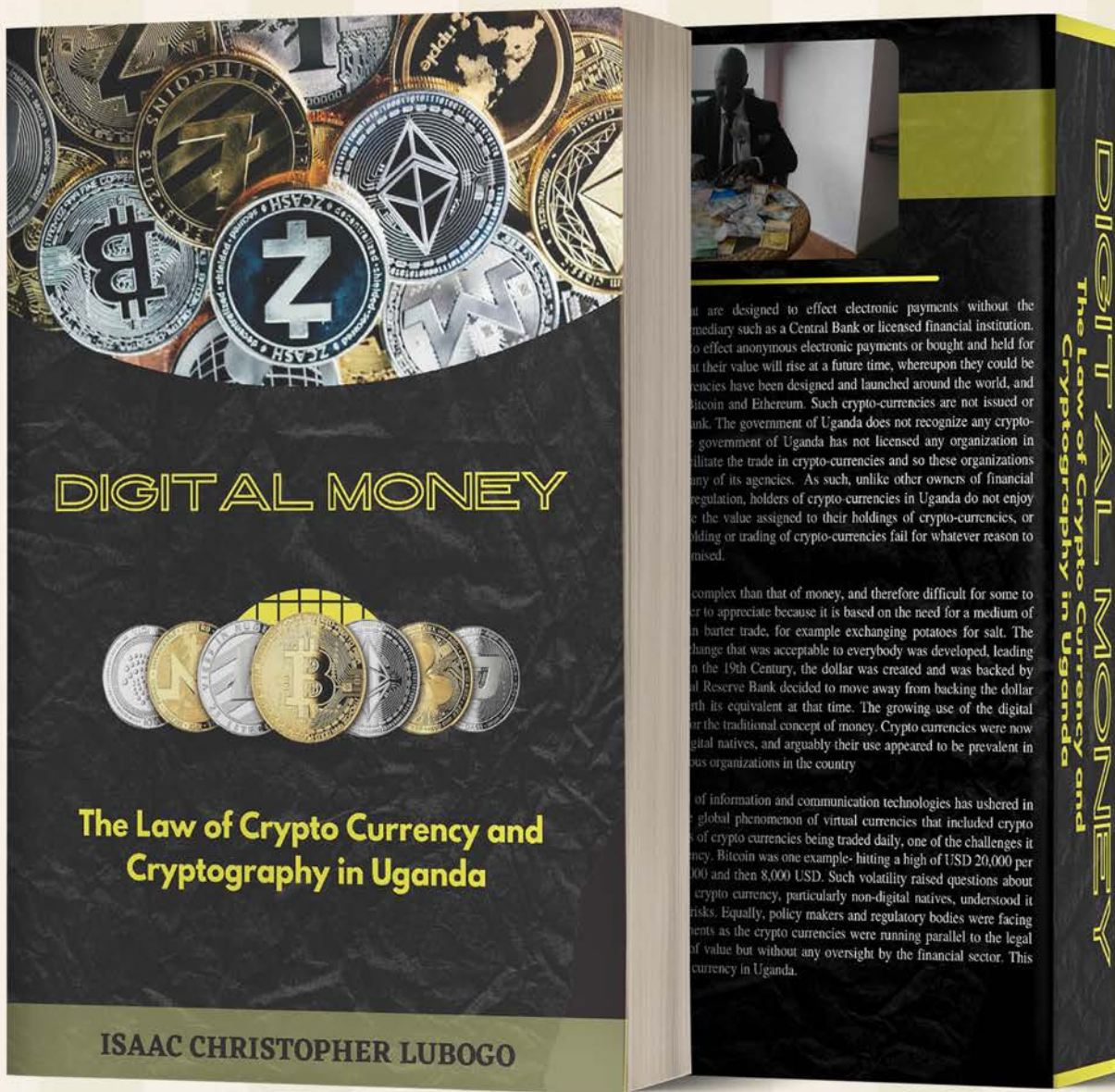




**EIGHTEEN**

**DIGITAL MONEY**

THE LAW OF CRYPTO CURRENCY  
AND CRYPTOGRAPHY IN UGANDA



## HISTORICAL BACKGROUND OF CRYPTO-CURRENCIES



Cryptocurrencies are digital assets that are designed to effect electronic payments without the participation of a central authority or intermediary such as a Central Bank or licensed financial institution.

Crypto-currencies may therefore be used to effect anonymous electronic payments or bought and held for speculative purposes in the expectation that their value will rise at a future time, whereupon they could be sold for a profit. Hundreds of crypto-currencies have been designed and launched around the world, and the most well-known examples include Bitcoin and Ethereum. Such crypto-currencies are not issued or regulated by any government or central bank.

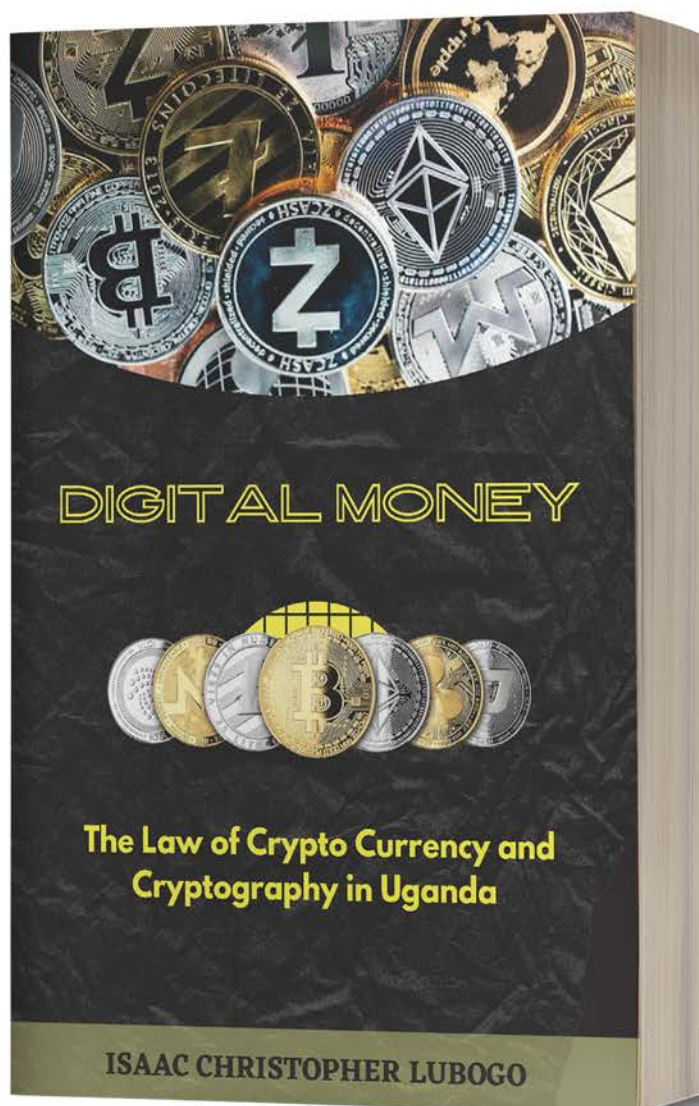
The government of Uganda does not recognize any cryptocurrency as legal tender in Uganda. The government of Uganda has not licensed any organization in Uganda to sell crypto-currencies or to facilitate the trade-in crypto-currencies and so these organizations are not regulated by the Government or any of its agencies. As such, unlike other owners of financial assets who are protected by Government regulation, holders of crypto-currencies in Uganda do not enjoy any consumer protection should they lose the value assigned to their holdings of crypto-currencies, or should organizations facilitating the use, holding or trading of crypto-currencies fail for whatever reason to deliver the services or value they have promised.



The concept of cryptocurrencies is more complex than that of money and therefore difficult for some to understand. The concept of money is easier to appreciate because it is based on the need for a medium of exchange. Historically, people engaged in barter trade, for example exchanging potatoes for salt. The system was imperfect so a medium of exchange that was acceptable to everybody was developed, leading to the creation of money. For example, in the 19th Century, the dollar was created and was backed by gold, but later on, the United States Federal Reserve Bank decided to move away from backing the dollar with gold. The dollar today was not worth its equivalent at that time. The growing use of digital currency for trade now posed challenges for the traditional concept of money.

Cryptocurrencies were now manifest among those youth who were digital natives, and arguably their use appeared to be prevalent in trade between individuals and among various organizations in the country. The upsurge in modernization in the field of information and communication technologies has ushered in the digital revolution that has birthed the global phenomenon of virtual currencies that included cryptocurrencies. Even so, despite large volumes of cryptocurrencies being traded daily, one of the challenges it faced was the volatility of the cryptocurrency. Bitcoin was one example- hitting a high of USD 20,000 per Bitcoin at one point before falling to 11,000 and then 8,000 USD.

Such volatility raised questions about whether those investing in or buying the cryptocurrency, particularly non-digital natives, understood it sufficiently to appreciate its benefits and risks. Equally, policy-makers and regulatory bodies were facing challenges in coping with these developments as the cryptocurrencies were running parallel to the legal tender, functioning as a sort of measure of value but without any oversight by the financial sector. This book circumnavigates the adage of cryptocurrency in Uganda.



**“Despite the skepticism surrounding Bitcoins, some countries have endorsed it. El Salvador was the first country to use bitcoin as legal tender, alongside the US dollar.<sup>1</sup> Japan and the U.K have also gone miles in promoting the using of bitcoins. Bitcoins being virtual and secured by cryptography, gives another important bypass to common day challenges in the money market like counterfeiting and double spending. They fall under a decentralized system based on block chain technology.”**



UGANDA LAW SOCIETY

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## ISAAC CHRISTOPHER LUBOGO DONATES BOOKS TO THE UGANDA LAW SOCIETY LIBRARY

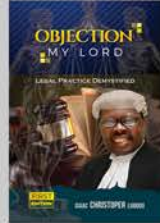


Isaac Christopher Lubogo one of the distinguished legal scholars in Uganda and Lecturer at the Uganda Christian University Faculty of Law on 20th September 2021 donated some of his authored books to the ULS Library.

The books were received by officials at the ULS Secretariat in Ntinda, Kampala who thanked Dr. Lubogo for his generous contribution.

### **BOOKS DONATED:**

- **The Executive Mandate**  
Demystifying The Fountain of Honor.  
Presidential Powers Over Reach in Uganda
- **Intelligent Design**  
And the African Ontological And Epistemological  
Aesthetics: A Legal Philosophical Discourse
- **Freedom Through Law**
- **The Law of Forensics in Uganda**  
A Proof Beyond The Shadow of Doubt
- **Obuntu Bulamu And The Law**  
An Extra Textual Aid Interpretation Tool
- **A Treatise To My Learned Friend The Attorney At Law**
- **The History of Busoga**



**NINETEEN**

**OBJECTION MY LORD!**  
LEGAL PRACTICE DEMYSTIFIED



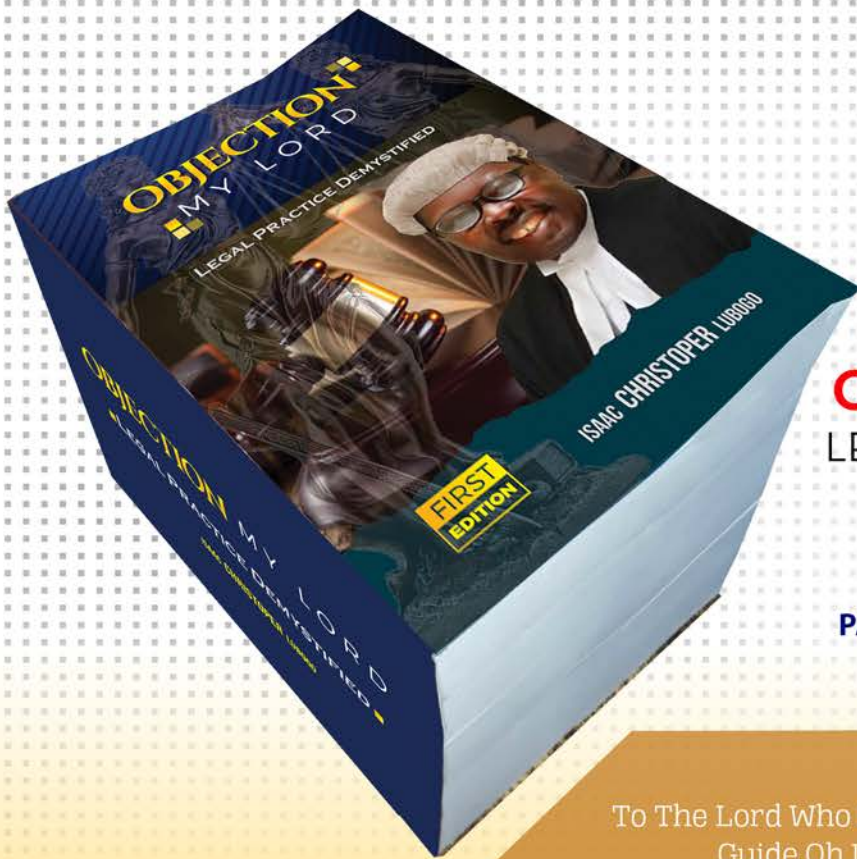
Author Isaac Christopher Lubogo holds a copy of his **Objection My Lord** at the Katende, Ssempebwa & Advocates Chambers in Kampala

## OBJECTION MY LORD! - ABOUT THE BOOK

“**Objection My Lord**” is a phrase often used in court. This book covers all the nitty-gritty for one to practice law in the best and legal way possible within limits of good conduct and professionalism. Charles Dickens in “The Old Curiosity Shop” has spoken this of lawyers, “If there were no bad people, there would be no good lawyers.” I have already listed how good lawyers conduct themselves in my former book, “*Professional Malpractice in Uganda*,” this book will thence equip the reader with the practical tools of the legal profession, making them grasp these basic skills in addition to mastering legal professionalism.

This is a package to my Learned Friends, to know the must know and learn to practice within the legal limits and more so, discover the legal exceptions and present such in a legal manner; to distinguish precedents tactically and persuade intellectually where no such exist. It is a summary of legal principles requisite for one to properly establish their case before the court. This book is a one-stop masterpiece for a reader to grasp the other more practical duties of a lawyer apart from litigation and drawing deeds. By training consistency yet with honest dealings, this book navigates along the professional to the moral and most practical situations encountered by a lawyer while furnishing one with the gist and nothing less. It is a training for every “officer of the court” to make use of their greatest tool “the tongue” to not only persuade but also assist court and the state in ensuring justice.

Be blessed to find all you seek and be gifted a package, so much more than you expect in this book.



THE TOME  
**OBJECTION MY LORD**  
LEGAL PRACTICE DEMYSTIFIED  
*By: Isaac Christopher Lubogo*

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### DEDICATION

To The Lord Who Breathes Life And Spirit On Me ...Be My Guide Oh Lord Of The Entire Universe.

### ACKNOWLEDGEMENT

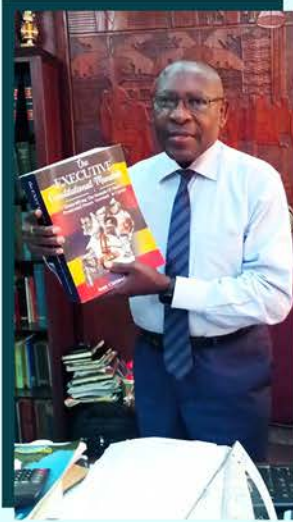
Great thanks to Doya, whose material has inspired me to abridge this tome into a formidable book. I offer distinctive recognition and thanks to my team of researchers whose tireless effort in gathering and adding up material has contributed to this great manuscript. Blessings upon you .

## PICTORIAL



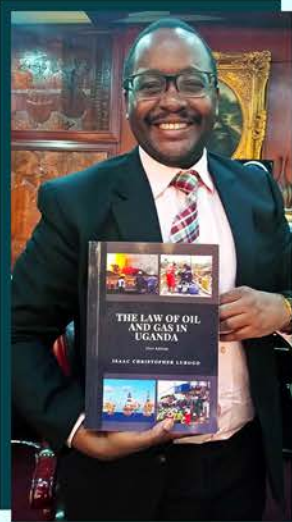
Author Isaac Christopher Lubogo writes a dedication *"To The Greatest Legal Mind Magnum Opus Senior Counsel J.W Katende,"* of Katende, Ssempebwa Advocates (KATS) as he presented him a copy of his book **Objection my Lord**. (SC) Katende is one of the two Founding and Senior Partners of KATS. His experience spans over fifty (50) years practice in Uganda and the East and Central African region. On the same occasion, various legal books authored by Isaac Christopher Lubogo were presented to various distinguished persons, advocates and contributors of the legal profession.

# PICTORIAL



## Executive Constitutional Mandate

Professor Ssempebwa has practiced law both within and outside the courtrooms with distinction for over fifty (50) years and he is a leading consultant in several areas of practice in Uganda. As a celebrated Professor of Law at Makerere University in Uganda as well as the Universities of Dar-es-Salaam and Zambia, he has reached the pinnacle in the academic field.



## The Law of Oil & Gas in Uganda

Partner Sim Katende is a partner at the firm and heads the firm's banking & finance, corporate & commercial, energy, oil & gas, M&A and telecom, media and technology practice. Sim is widely acknowledged and internationally recognised as one of the leading transactional lawyers in East Africa. He boasts over 19 years' multi-jurisdictional practice experience, having worked in New York, South Africa and Uganda.

Presenting ICL Audio-books of History of Busoga and A treatise to My Learned Friend the Attorney at Law



See more on: [www.lubogo.org](http://www.lubogo.org)

## Sim K. Katende

Sim is also certified as a Commercial Arbitrator and Mediator by the Ugandan Center for Arbitration and Alternative Dispute Resolution (CADER).



## Samuel S. Serwanga

He has been involved in the practice of law for almost 45 years, primarily as a litigator and has been a significant force to contend with at the Bar in Uganda.

His primary areas of expertise lie in the areas of Civil, Commercial and Criminal Litigation and Family law particularly matters relating to Succession.



## Presenting The Law of Forensics



Isaac C. Lubogo signs a copy of his book  
More on: [www.lubogo.org](http://www.lubogo.org)

## Presenting Ubuntu Bulamu & the Law

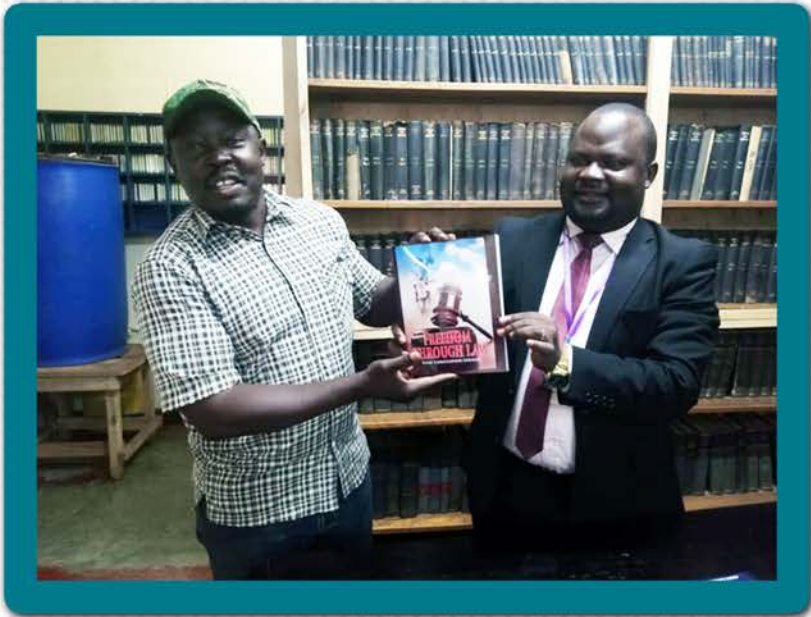
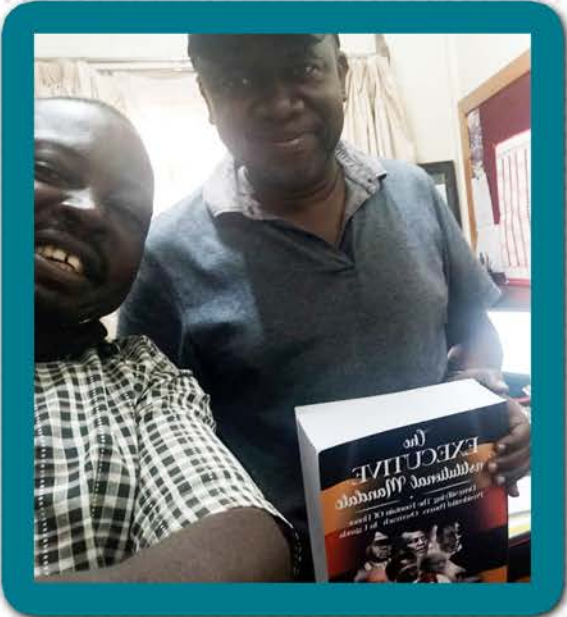


## History of Busoga and Freedom Through Law

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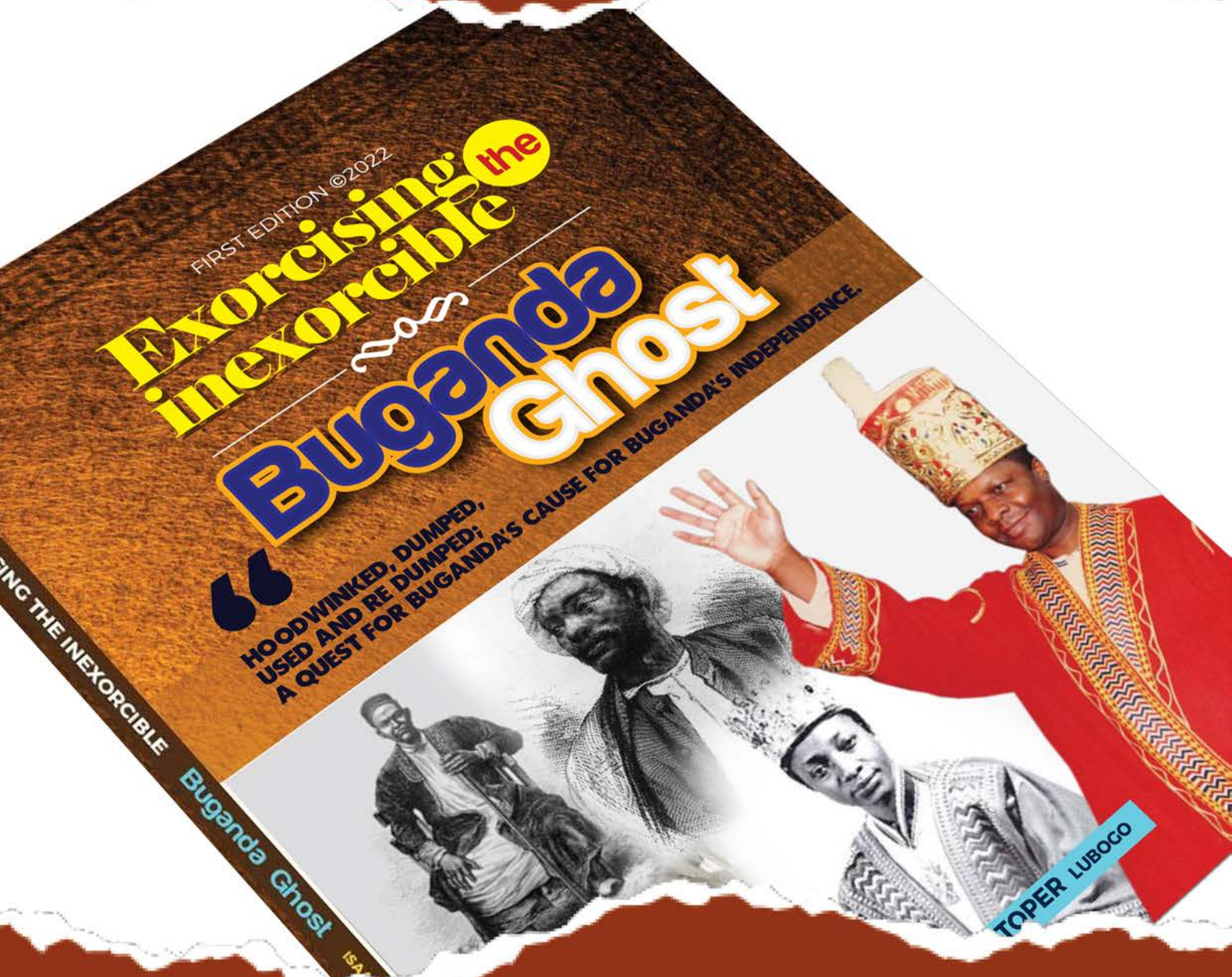




**TWENTY**  
**EXORCISING THE INEXORCIBLE**  
**BUGANDA GHOST**



COMING  
SOON



# Exorcising the Inexorcible Buganda Ghost

By: Isaac Christopher Lubogo

## ABOUT THE BOOK

Buganda In response to their proposals, were invariably faced either cynical deception or lies after lies, what went wrong? Where did this insolent manner of talking down from the height of their exceptionalism, infallibility and all-permissiveness come from? What is the explanation for this contemptuous and disdainful attitude to Buganda interests and absolutely legitimate demands? Buganda has grown weaker and subsequently broken apart. That experience should serve as a good lesson for Buganda because it has shown us that the paralysis of power and will is the first step towards complete degradation and oblivion. Buganda lost confidence for only one moment, but it was enough to disrupt the balance of forces in the Uganda.

As a result, this book will argue that the old treaties and agreements are no longer effective. Entreaties and requests do not help. Anything that does not suit the dominant state, the powers that be, is denounced as archaic, obsolete and useless, this redivision of the world, and the norms of international law were adopted following WWII and largely formalized its outcome came in the way of those who declared themselves the "bread servers" under the scramble and partition of Africa of course, practice, international relations and the rules regulating them had to take into account the changes that took place in the world and in the balance of forces, especially the 1900 Buganda agreement, should have been done professionally,



**COMING  
SOON**

smoothly, patiently, and with due regard and respect for the interests of all states and one's own responsibility. Instead, we see a state of euphoria created by the feeling of absolute superiority, a kind of modern absolutism, coupled with the low cultural standards and arrogance of those who formulated and pushed through decisions that suited only themselves. The situation takes different turn. These Western colleagues (and their cronies) prefer to forget what they did, and when we mention the event, they prefer to avoid speaking about international law, instead emphasizing the circumstances which they interpret as they think necessary. This so called 1900 Buganda agreement has pushed Uganda towards a humanitarian catastrophe and into the vortex of a civil war, which has continued up today, the type of colonial con-artist behavior was contrary not only to the principles of international relations but also and above all to the generally recognised norms of state sovereignty they used divide and rule.

This book offers no illusions in this regard and is extremely realistic in my assessment, further expansions of the Chinese influence deepens the Buganda question even more, for the colonialist it was obvious geopolitical dividends, For our country, it is a matter of life and death, a matter of our historical future as a nation.



The book also address the loss of military force of the Bambowa, reducing the once best naval force in the inter lacustrine area into mere "**Byoya bya nswa**" The Buganda fathers, grandfathers and great-grandfathers did fight the occupiers and did defend their common Motherland to allow today's continued neocolonialism to seize power in Buganda is to hoodwink, use, dump, use re-dump Buganda.

The Buganda question is not an exaggeration; this is a fact. It is not only a very real threat to our interests but to the very existence of our state Uganda and to its sovereignty. no doubts several red lines have been stepped over on numerous occasions.

The cause and effect is that there should be no "staged coup" like the backfired "coffin cake " saga and third Kabaka crisis only and only ornamental election procedures towards the path of peace should be pursued. Buganda all must and should be done by peaceful political means. It is Buganda's it is their aspirations, the feelings and pain of the people that is the main motivating force behind their decision to recognize the independence of Buganda. Although Buganda may have accepted the new geopolitical territorial gains and loses, it should never lose its sovereignty and independence. We need to respect the will sovereignty of Buganda, Buganda has faced tragic events and a challenge in terms of its statehood and integrity. Buganda cannot feel safe, develop, and exist while facing a permanent threat of its territorial rights and sovereignty.



Hoodwinked, Dumped,  
Used and Re Dumped;

**A Quest for Buganda's  
Cause For Buganda's  
Independence.**

The purpose of this book is to protect and remind the people of Buganda who, for over 700(seven hundred) years now, have been facing humiliation and genocide perpetrated by colonial legacy, To this end, they as a people will seek to redeem, find and take back their " righteous God given sovereignty " It is not my desire plan to advocate for a Buganda territory. I do not intend to impose anything on anyone by force. At the same time, but history has it of a number of statements coming that whatever " documents" particularly the 1900 agreement was a mere puff from the colonialist and there is no need any more to abide by the documents setting forth the outcomes of World War I and II, as signed by the totalitarian western fascist, racial regimes, this book asks that magic question... How can Buganda respond to that?

A nation like Buganda should enjoy the right to self-determination, which is enshrined in Article 1 of the UN Charter, Freedom guides our policy, the freedom to choose independently our future and the future of Buganda's children, Buganda must be able to enjoy this right to make a free choice. In this context I would like to address the unsettled Buganda question, Buganda is obliged to protect her sovereignty from those who stole it from them; their choice is in favor of being with their historical homeland, a sovereign independent Buganda.

**Exorcising the  
inexorcible**

# Buganda Ghost



The current events in Buganda and Uganda generally have every thing to do with a desire to expel and cast out this unsettled "Buganda ghost" in quest for its independence which has existed for over 700(seven hundred) years. Those who took Buganda hostage and used it against them and Uganda, played a very unfair "game" used legal social contracts like the order in council, inception clauses, reception clauses and particularly the 1900 Buganda agreement which for all intent and purposes were done with a Minor, ( Daudi Chwa) and compromised reagents with no legal authority and therefore no contractual capacity, biased, tainted with malafide, frivolous and vexatious only to serve their own selfish ends

To use Kabaka Frederick Mutesa words "we are acting to defend ourselves from the threats created for us and from a worse peril than what is happening now" (emphasis added), By allowing Buganda to be used as a staging force to coerce Uganda and align British interest along the Nile basin valley lead to interfere in Buganda's affairs while strengthens Buganda from within as a single whole, but weakening Buganda from outside, the British exploited Buganda's best weakness " expansionist " tendency and preyed on Buganda's desire to extend its borders from mere three counties to its present almost 20 but at the expense of its sovereignty and independence.



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# ISAAC CHRISTOPHER LUBOGO

“Animis optimum legalis  
who thrives under animis  
opibusque parati.”

## FORESIGHT

### A NEW WAVE IS COMING

“...The dilemma we face demands to note that the times have changed and the tides clearly show winds of change blowing to which every good lawyer must adopt. This, coupled with an influx of lawyers to the already flooded field. The challenge we have is that our services shall no longer be required based on what university we attended BUT by how good the services we are providing and the application of obuntu bulamu (humaneness).

–Extract from *A treatise to My learned Friend The Attorney at Law* by Isaac C. Lubogo

## ICL PROFILE

### AUTHOR | LECTURER OF LAW

Isaac is a committed and practising Christian with excellent writing, public speaking and interpersonal skills. He is a highly motivated person with the ability to work as a part of a team. He is knowledgeable about Constitutional law, Mercantile law, Business Associations law, Human rights issues including; conflict and environmental issues. Isaac is valued by his strong entrepreneurship skills which are complemented by his ability to work in a multicultural environment and adjust easily to a new culture and environment having travelled experience in Botswana, Zimbabwe, Kenya and Malawi.



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# ISAAC CHRISTOPHER LUBOGO MEETS AUTHOR MAHIR BALUNYWA AT THE CENTER FOR CRITICAL THINKING & ALTERNATIVE ANALYSIS(CCTAA)



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**1 MARCH 2022  
10 AM - 2 PM**

AT THE CENTER FOR CRITICAL THINKING &  
ALTERNATIVE ANALYSIS(CCTAA)



# SCHOLARISM VS INTELLECTUALISM



It was a pleasant moment to interact with the Burgeoning academic Mahir Balunywa- The Senior research Fellow at the Center for Critical Thinking and Alternative Analysis (CCTAA). He observed that the world has read most of my recent publications, but most importantly read about my ground breaking works. In response he said: "In the home of academia we have two models of scholarship: Offensive scholarship and defensive scholarship. Offensive scholarship focuses on developing and teasing out new thoughts, ideas, concepts and theories, which, specifically, shape people's ways of thinking and reasoning, as well as decision-making abilities. Defensive scholarship, on the other hand, reacts to offensive scholarship through criticisms, dialogue and discussions. Intellectuals should accept to live with the binary of the two models in order to sustain rational reasoning". He added that on the shoulders of those who critique gives you chance to improve on your intellectual pieces, one should therefore not combatively respond or necessarily respond to who ever critiques. Good critiques responds by writing better pieces, not shouting- He adds, "Let them not shout but debate constructively, that's what we do here at the CENTRE" where you are a fellow.

Mahir further exclaimed, "Keep it up, Keep it up! Some of us have become your students, busy reading your works about the law on sports and entertainment law of fashions, design and the law, forensic law, digital money and cryptology, penolgy and criminology, The excorsing the inexcorcible Buganda ghost, cyber law, demystifying the fountain of honor: Executive constitutional mandate, demystfying the order from above: Uganda versus the Attorney General, the law of malpractice, Asexuality, gender and disability law, obuntu bulamu and the law, History of Busoga, treatise to my learned friend, intelligence design and the African ontology and epistemological aesthetics, freedom through law, Objection my Lord, the law on oil and gas,etc, even those commenting are busy reading, for you cannot comment what you have not read, but the best way of doing it is to write your own book, this then shall give us the opportunity to compare and contrast, but most importantly increase knowledge generation and consumption in society.

Isaac c lubogo what you must understand is what benerd shaw once said " most men see things as they are and ask why...I see things that are not and ask why not".. In life we have what we call the law of the negation of the negation where one moves from a thesis to an anti thesis to a synthesis that only would be my constructive critisim adopt that and all will be well, remember your audience we have certificate holders who are raw material, diploma holders who are a liability to knowledge, degree holders are a loss to knowledge, master holders are generators of knowledge and doctrate holders who are custodians of knowledge, and professors who are phillosophers of knowledge....To which class do you belong he challenged me....and left me speechless for a moment but then I remembered what in men of Good hope, 1951 author Daniel Aaron quoted American religious leader Theodore parker warning " if powerful men will not write justice with black ink, on white paper, ignorant and violent men will write it on the soil in letters of blood and illuminate their rude legislation with burning castles, palaces and towns"

This is I must say is not to be complacent in our writing but as we dare to break ground we will be faced with a lot of criticism some constructive and others out of malafide, frivolous and vexexious, but in the words of Steven Bako " I write what I feel like" and in doing doing so I am mindful of the poem by Mario de Andrade, "My soul has a hat" be blessed and never give up be willing to learn and relearn, James Russell Lowell wrote " they are slaves those who fear to speak for the fallen and weak, they are slaves who will not choose hatred, scoffing, and abuse, rather than in silence shrink from the truth their needs most shrinking, they are slaves those who dare not to be in the right with two or three" Alvin joffer once said the illiterate of the 21 century will not be the individual who cannot read but one who cannot lean, unlearn and relearn.my encouragement to you is in the words of orison swett Marsden " deep within you dwells those slumbering powers that would astonish you, that which you have never dreamed of possessing, that which will revolutionize your life if aroused and put into action " because in the very end its those small moments of integrity, compassion, rationality, and even self sacrifice... Be the best that God wants you to be. Your sincerely Isaac Christopher lubogo. Find all my books at [lubogo.org](http://lubogo.org) and at [subgenerislawapp.com](http://subgenerislawapp.com) and at the Centre for critical thinking and alternative analysis.





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## THE AUTHOR ISAAC .C LUBOGO

Ralph Waldo Emerson at a lecture in 1871 said ***“if a man can write a better book or preach a better sermon or make a better mousetrap than his neighbour, even if this man built his house in the woods, the world will make a beaten path to his door.”*** The author Isaac Christopher Lubogo is such an author. He is an indie person who believes as Bernard Shaw best put it... ***“most men see things as they are and ask why?... I dream of things that are not and ask why not!”***

Mr Isaac .C Lubogo is what one would best describe as an animis optimum legalis who thrives under animis opibusque parati.

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