

**WAKISSHA JOINT MOCK EXAMINATIONS 2015**  
**UGANDA ADVANCED CERTIFICATE OF EDUCATION**  
**MARKING GUIDE**  
**HISTORY P210/5**  
**Theory of Government and Constitutional**  
**Development and Practice in East Africa.**  
**AUGUST 2016**



**MARK RANGES/ SCORE BOARD**

- 00 - 05 (Very, Poor, Almost Irrelevant Essay).  
- The candidate does not understand the question.  
- The interpretation of the question is poor.
- 06 – 09 (Just to the point essay / boarder time line).  
- The candidate demonstrate little understanding of the question.  
- The work is sketchy, mere outline and mere mentioning of points.  
- Very few points / facts are given and no analysis presented.
- 10 - 12 (Generalized essay, O' level type of essay.)  
- Very narrative, mixed up points without supportive historical evidence and examples.  
- The essay does not commit / reflect the time frame.  
- No stand point where necessary.
- 13 - 15 (Fairly good essay).  
- Correct interpretation of the question.  
- The candidate does not present the essay in a logical sequence.  
- Limited examples are provided.  
- Little use of historical vocabulary.  
- Communication and style of presentation is quite good.  
- Fair coverage of the expected facts.  
- The essay reflects the correct time frame.
- 16 - 18 (A good essay).  
- Correct interpretation of the question.  
- Well developed arguments with supportive example.  
- Good coverage of the expected facts.  
- The essay reflects the correct time frame.  
- A clear stand point where necessary.
- 19 - 21 (Very good essay).  
- Correct interpretation of the question.  
- Good analysis and quality of argument and reasoning with clear choice of words.  
- Good flow of ideas and presentation style remains good.  
- Adequate and specific examples are given.  
- The essay reflects the current and specific time frame.  
- Wide coverage of the expected points.  
- A clear stand point where necessary.
- 22 - 25 (Excellent essay).  
- Correct interpretation of the question.  
- The work is well analyzed and in a systematic way.  
- Chronological flow of facts and ideas.  
- High level of originality and creativity  
- Wide range of relevant and specific examples are given.  
- Time frame is highly respected.  
- Avery clear stand point where necessary.  
- Masterly and knowledge of facts.

**1. Examine the common features of the independence constitutions of the three East African states?**

**Answer plan:**

- A student is required to define a constitution and identify the features of independence constitutions of the three East African countries i.e. Uganda, Kenya and Tanzania that cut across these constitutions.

**Points to consider:**

- A constitution is a supreme law of the country that spells out rules and regulations governing it.
- Uganda, Kenya and Tanzania because British areas of influence after 1920s. Therefore by the time of influence they were under British rule.
- Tanganyika was the first to get independence on 9<sup>th</sup> Dec. 1961, Uganda Oct. 9<sup>th</sup> 1963. They were all given independence constitutions that had similar features and the following should be noted:
  - They were all made in a foreign Britain after talks of independence carried out in constitutional conferences in Lancaster house in London.
  - They were accepted constitutional documents made in London on the eve of independence to hasten the attainment of independence in respective countries.
  - They did not reflect the popular demands of the masses and the manifestations of the indigenous culture of the people of E. Africa.
  - They lacked meaningful people's participation as the few who participated lacked in depth and foresight which placed their acceptability in doubt.
  - They were all based on the standard of "Lancaster Home template" that was used for former British colonies in Africa.
  - They provided for a bicameral parliament, National Assembly that consisted of senate and House of representatives of the respective states.
  - They provided that every individual could enjoy the fundamental human rights i.e. freedom conscience, association, Assembly.
  - They brought the concept of multiparty democracy in all the three states.
  - They gave each respective state or nation a head of state who was ceremonial
  - They also provided a constitutional presidency and a executive prime ministry.
  - They provided that the parliament consisted of her majesty the Queen of England and the National Assembly.
  - The parliament did not have the mandate to make laws of the country.
  - The House of representatives could only proceed upon a bill with the recommendations of the Governor general.
  - The governor General were responsible for the appointment of the chief justice and judges.
  - The executive authority of the government was in the hands of the prime minister who was the head of government.
  - The function of the cabinet was simply to implement the decisions of the National Assembly.
  - The British Queen only remained Head of state and appointed a governor general until 1963 when the constitution was to be amended to install a president.
  - The governor general had the authority to remove the Prime Minister from office if a resolution of no confidence in the government was passed.
  - The prime minister had powers to constitute offices for the state make appointments to an office and terminate them.
  - The prime minister had the authority to pardon any convict of any office either force or subject to lawful conditions.
  - They institutionalised inequalities isolated some parts of the respective countries e.g. Buganda and Zanzibar.
  - They merely endorsed the historical difference in the treatment of different parts of the respective states e.g. Buganda was given a privileged status.

- The local governments were not allowed to elect their leaders to carry out development or administrator social services.
- They could not harmonise republicanism and monarchism in East African states.
- They gave different territories different states.

**Mark as a whole 25marks**

**2. To which extent has the principle of separation of power been observed in the East African States?**

**Answer plan:**

- A student is required to explain what the principle of separation of powers, the extent to which it has been observed.
- A clear stand point is required.

**Points to consider**

- Separation of powers means that the three organs of government (i.e. Executive, legislature and judiciary) should be kept in three separate compartments.
- ❖ The separation of powers has been observed / practiced in the following ways:-
  - The responsible people who belong to the legislature do not hold posts in other organs of government such as executive and judiciary.
  - The parliament does not exercise the functions of the executive or judiciary as it involves in its work of law making.
  - Neither the judiciary nor the legislature has extreme powers to control the other organs of the government.
  - The executive does not control the legislature or the judiciary in executing its duties.
  - The judicial service commission makes its own appointments which are also approved by the commission.
  - The judiciary is the only organ of government which does the adjudication through its courts.
  - The legislature is recognised as the only supreme law making organ in the country.
  - The powers of government are separated according to the three organs of government.
  - Each organ of government is confined with its area of jurisdiction generally.
  - Parliament is able to pass a bill without the assent of the president.
  - Separation of powers has not been observed in the following ways.
  - The president who is the head of executive approved all the bill of parliament before they became operational laws.
  - The legislature approves the national budget prepared by the executive.
  - Powers struggles between organs of government e.g. the powers of prerogative of mercy by the president affect decision making of the judiciary.
  - Some members of the executive again double as legislators e.g. cabinet ministers are at times MPs.
  - Legislators at times interfere with the work of the executive e.g. high profile cases.
  - At times when MPs are called by police due to record statements about certain cases, they hide in parliament and are protected.
  - Salaries of the judicial officers come from the national treasury which is controlled by the executive.
  - Sometimes/ All times the executive is responsible for the coordination of all the affairs of the judiciary and legislature.
  - High profile cases like abuse of office, corruption are always settled through administrative tribunals but not courts of law.
  - It's the executive that is responsible for formulation of the foreign policy and parliament does not directly participate.
  - Legislators also get interpretation of the laws by the judiciary.

**Mark as a whole 25Marks**

**3. With reference to any one country of East Africa, Analyse the duties and responsibilities of the speaker of parliament?**

**Answer Plan:**

- A student is required to identify and explain the duties and responsibilities of the speaker.
- Conclusion.

**Points to consider**

- The speaker of parliament is elected from amongst the MPs or may be any other person deemed qualified for the post. he/she is required to be impartial and authoritative during conducting parliament any business / deliberations and subscribes to an oath of constitutionally. Has the following duties and responsibilities.
- The speaker has a duty to enforce the rules of the parliament to ensure order during parliamentary business.
- The speaker acts as the spokesperson of the entire parliament.
- The speaker proclaims and appoints the time when the parliamentary session is to be held.
- The speaker presides over all debates in the National Assembly with a duty of enforcing the rules of the house.
- The speaker also receives all items of debate and ensures that they are arranged in order in which they are to be communicated.
- The speaker swears in all MPs at the beginning of a new session before they begin parliamentary business.
- The speaker guides the debates and controls the order in which debates take place.
- The speaker suspends an MP who violates parliamentary rules or fail to withdraw remarks when asked to do so.
- The speaker keeps attendance records of MPs and failure to attend sessions may lead to declaring an MP's seat vacant by the speaker.
- The speakers also declares a seat vacant incase an MP is recalled from the parliament due to physical disability or misconduct.
- The speaker all certifies all bills to be send in the president for endorsement.
- The speaker gives special leave as stipulated by the constitution.
- The speaker summons parliament to meet within the required 21 days after receipt of the request of atleast 3 of MPs.
- The speaker also prolongs parliament i.e. ends parliamentary session with consultation from the president.

**Mark as a whole 25Marks**

**4. Account for the adoption of a one party system of government in Tanzania in1965?**

**Answer plan:**

- A student is required to give reasons for Tanzania's adoption of a one party system of government in 1965.

**Points to consider**

- One party system of government refers to that system where there is only one party existing in a country and ruling with no opposition parties.
- Tanzania got united on 26 / 02 / 1964 to form the united republic of Tanzania after the independence of both Tanzania and Zanzibar. TANU was a single party system in Tanzania.
- Over whelming popularity of the TANU that left a limited opposition.
- Continual prevention of the formation of other political parties by the ruling party leadership.
- Colonial legacy i.e. the colonial government did not tolerate opposition.
- The declaration of the one – party philosophy in the Arusha programs.
- The absorption of other political parties by TANU e.g. UCP
- Desire by the Tanzania leaders to create a new kind of democracy.
- The self consciousness of Nyerere who believed that his views were accurate and needed no opposition or alternatives.

- The emulation of socialist states e.g. Soviet Union that had extended support during the struggles for independence.
- It enabled fighting social problems like poverty, ignorance and diseases by enhancing the Ujama policy.
- The need to promote socialism where all the masses were to share the resources of the country equally.
- Desire to promote non-sectarianian politics because all the entire population would be represented by one party.
- Need to eliminate corruption as the ruling party would arguably punish its members since there was no fear of defection to opposition.
- The interview constitution of 1965 stipulated that T.Z would be a one-party state to evaluate unity and peace.
- One party system would release the extent influence and would allow government to be independence in its decisions.
- Need to promote and enhance elective leadership where the masses would be allowed to elect leaders of their choice from one party.
- Desire to promote peace, unity and stability because of the intra – party elections where people would be mobilised around one party.
- Desire to promote African culture because few people traditionally took decisions on behalf of the rest.
- Need to have ample time and freedom by government to make long term plans because their would be no rival party.
- Desire to eliminate the various classes of people who subscribed to the capitalised ideology.

**Mark as a whole: 25 marks**

#### **5. Why did Kenya adopt multi-party democracy in 1990?**

##### **Answer plan:**

- A student is required to give reasons for adoption multi-party system of government in Kenya in the 1990s.

##### **Points to consider:**

- Kenya got her independence in 1963 under the leadership of Mzee Jomo Kenyatta and was ruled as a single party state under KANU until 1990s when the then President Daniel Arap Moi restored multi – party political system in 1990.
- Increased influence of the executive in judicial affairs by KANU party especially the appointment of judges on tribal basis.
- Abuse of the electoral process by KANU leadership e.g. 1988 elections were rigged by KANU members.
- Interference in the legislative by the KANU leadership created aloud notary from the masses.
- The strict censorship of the press by the KANU government e.g. between 1988 and 1989 critical publications were banned and editors arrested.
- Tribal dominance in KANU party and the intimidation of the Kikuyu tribe by KANU officials.
- Tribal discrimination in the economic field under KANU government.
- The extent pressure on KANU government under Moi especially from USA.
- The public pronouncement of Smith Hampstone the USA ambassadors to Kenya that was in support of multi - partism.
- The criticisms from civil society organisations and multi-party activities in 1991 that mounted pressure on Moi's government.
- Discrimination against Kenyans of Somali origin requiring them to carry special identification – cards to show that they were also Kenyans.
- The denial of freedom of assembly by the government of KANU under Moi.
- Declining level of Human rights under KANU'S one party e.g. Arresting and torturing multi-party activities.

- Pressure from the international donors e.g. Germany that recalled its ambassadors due to KANU'S brutality.
- Western donors demanded reforms before they could extend more aid to Kenya e.g. suspension of Aid from 1990 – 1993.
- Emergency of numerous political parties like the form for the restoration of democracy (FORD) as a leading challenger of KANU.
- Defection of KANU strong men to other parties especially those that were designed posed at least to KANU e.g. Kenneth Matiba.
- The Saitoti review committee that collected people's opinions and opened up ground for debate and reform.
- Influence of the leading politicians in Kenya e.g. Oginga Odinga who formed the KPU.
- End of cold war politics that removed the western powers from Kenya's politics which mode Kenyans to Pressurise themselves.
- Democratization process that was sweeping across the continent since 1980
- The 1985 riots staged by the Kenyans in demand for multiparty system.
- Constitutional amendments of Dee 1991 when parliament repealed the one party system.
- Desire by the Kenya's to fully participate in the governance of their country.

**Mark as a whole 25 marks**

### SECTION B

#### 6. Describe the centralised system of government in any one Pre – colonial society in East Africa?

##### **Answer plan:**

- A student is required to identify and give the features (characteristics) of any centralised system of government in any state in East Africa in pre-colonised times.

##### **Points to consider**

- Centralised states are those states that had centralised political systems e.g. In Uganda, Bunyoro, Toro, Kingdoms; In Kenya, the Nandi.
- They were highly centralised and had a king as the political head of the society.
- The family and clan institutions were bond together politically as they were led by a single king.
- Political powers were entrusted to only the monarchs by their divine right and were unquestionable.
- No democracy in centralised states due to the autocratic nature of rule exercised by the monarchs.
- The kings / rulers exercised their power through traditional administrators who were stationed in all divisions of the states.
- The kings had full powers to decide for the people in the state especially on matters of inter-state relation, social and administration.
- The local people never took part in decision making and did not have any representative to discuss matters on their behalf.
- The kings had absolute and ultimate power on the society's major aspects e.g. land resource and its distribution declaration of war, life and death of their subjects.
- There was no respect for human rights at all as the king had authority over everything and was not questioned like right to life, political participation and property ownership.
- The local people (subjects) never enjoyed their democratic rights because of the king's absolute powers.
- There was nothing like power sharing as everything concerning power and authority were vested in the king's lands.
- No separation of power as the king played all the rules of other organs of the government.
- Leadership was hereditary i.e. Head of state was not elected but became leader by virtue of his birth rights.

- Leadership could not be challenged at all because it was autocratic and not answerable to any institution like National Assembly.
- Had a standing army that was charged with maintaining and keeping law and order in the society.
- The king was the commander in chief of the armed forces and was responsible for the society's defense and security.
- The king was a source of policies and programmes in the society and were implemented by local chief in their divisions of jurisdiction.
- The king was the highest chief of appeal and handled high profile cases like murder.
- Local chiefs handled only minor cases like theft and the victim could always be caned in front of a gathering

**Mark as a whole: 25Marks**

**7. “The making of the 1995 Ugandan constitution was inevitable.” Discuss**

**Answer plan:**

- A student is required to identify and give reasons why there was need for the 1995 constitution in Uganda.

**Points to consider:**

- A constitution is a set rules, principles and regulations that seek to establish duties, powers and functions of the institutions of government and the relationship between the state and its masse.
- It can also refer to the guidelines to the government and the population on how to promote law and order in the society.
- The frequent suspensions of the 1967 constitution by the in coming regimes claiming it had loopholes.
- Divergent public on matters of the country's constitution especially on how Uganda should be governed.
- Wide spread discussions of the constitutional proposals both in the media and in the National Assembly.
- Failure by Ugandans to agree on the socio-political frame work that could act as a basis of National governance.
- The failure by the 1962 constitution to harmonise republican and monarchial systems as political systems applicable in Uganda.
- Few Ugandan participated in the 1962 constitution formulation and lacked in depth knowledge and foresight since it was done in London.
- Ugandans had not discussed common national interests for all the Ugandas before 1995.
- Need to consolidate political power e.g. local governments were not allowed to elect their leaders to carry out development by earlier constitutions.
- General desire for a political system in Uganda because of the drastic changes that had taken place in the country since 1962.
- Global changes that were taking place further made Uganda to make the 1995 consultation e.g. democratic changes.
- Need for social – economic and political transformation that could be possible as directed by a constitution that provided the institutional framework.
- Colonial wrongs continued to exist in the 1962 and 1967 constitutions e.g. dictatorship.
- The failure by the 1967 and 1967 constitutions to promote development in Ugandan.
- There was need for a constitution that would decampaign neo-colonialism in the country and all its firms.
- The need to respect the doctrine of the separation of power in Uganda
- The 1967 constitution limited the democratic practices in Uganda e.g. Elections of the president.
- Many national interests were not catered for in the 1962 constitution because it was influenced by the whites.

- There was no consultations of the majority stake holders especially the masses in the 1962 and 1967 constitutions.
- The 1967 made several fundamental changes on major issues of national concern without involving the affected persons e.g. abolition of kingdom.
- The failure to enhance peace, stability and general security in Uganda by the 1962 and 1967 constitutions.

**Mark as a whole: 25 marks**

**8. Describe the Powers and functions of Human rights commission in EastAfrica?**

**Answer plan:**

- A student is require to identify and give the functions and powers of human rights commission in E. Africa.

**Points to consider:**

- Following the creation of East Africa nations i.e. Uganda, Kenya and Tanzania, these states have suffered massive human rights abuse where their innocent nationals have been harassed, detained without trial or even killed. The lucky ones who are few have been either displaced or forced to exile.
- Examples of human rights bodies are; UHRC, (Uganda), KNCHR (Kenya) and CHRGG (T.Z) and their functions and powers are:
- To carryout an investigation at their own initiation on the complaint made by any person(s) against violation of human rights.
- To open up a complaint where human rights violation is identified.
- To visit places of detention or related facilities with view of assessing the conditions of prisoners.
- To establish a continuing programme of research education and information to enhance respect for human rights.
- To recommend to parliament effective measures to promote human rights including provision of compensation to victims and families of violation of human rights.
- To educate and encourage the public to defend the constitution of a respective country at all times against all forms of abuse and violations.
- To create and sustain with the society awareness of the provisions of the constitution as the fundamental law of the people of the respective commissions country.
- To commit any person (s) for contempt of its orders in respect of any subject matter under its investigation.
- To order any person(s) to disclose any information with his / her knowledge relevant to any investigation by the commission.
- To order payment of compensation once the commission is satisfied that there has been violation of Human rights or freedoms.
- To monitor government's compliance with the international treaty and convention obligation on human rights.
- To set hearing of cases forwarded to Human rights commission tribunal from the security institutions like police upon completed investigations.
- To summon any person(s) to attend before it in respect of any subject matter under investigation.
- To formulate over see and implement any programme intended to inculcate with citizens awareness of their civic responsibilities.
- To order release of a detainee or restricted person(s) once the commission is satisfied that there has been violation of human rights and freedoms.
- To order any other legal remedy or redress in respect of any subject matter under its investigation.
- To review cases of any person(s) who are detained or restricted under the emergency laws.
- To refer other complaints to other institutions i.e. high court, police for redress like matters of land disputes, criminal and assault cases.

**Mark as a whole: 25 Marks**

**9. With reference to anyone East African Country, Assess the role of the police in maintaining law and orders?**

**Answer plan:**

- A student is required to explain the role of the police in maintenance of law and order and also show the other institutions /factors that contributed to law and order.

**Points to consider:**

- Law and order are terms used to refer to a situation in which people obey the law and behave in a peaceful way.
- The police is a state institution that is charged with the duty of maintaining law and order. It's under the ministry of internal affairs headed by the inspector general of police. Its roles are:
- Protection of life through the provision of armed security personnel to protect high profile meetings and assemblies.
- Protects property through the provision of armed security guards to keep safe cash in transit, premises, house holds institutions like banks e.t.c
- Controls riots that are engaged in activities that disrupts order in the community.
- Detects and prevents crimes to maintain law and order.
- Promotes fundamental human rights through its Human rights and complaints desk.
- Summons crime suspects for interrogation and investigation before further action is taken.
- Arrests and detains crime suspects under emergency regulations provided by government.
- Searches any premises(s) that are believed on reasonable grounds to have things necessary for an investigation.
- Police gives permission for public address that is deemed not to breach peace.
- Executes the production warrant accordingly to authority of the judge or magistrate authorising police to keep law and order.
- Gives conditions for use of any apparatus in public processions and assemblies.
- Institutes criminal proceedings before a magistrate and can issue a warrant of arrest against any criminal suspect.
- Provides protection services for the community through its communication systems e.g. Toll free line.
- Facilitates community policing programs in partnership with the public to enhance laws and order
- Determines elections in order to be accepted by all parties through provision of law and order throughout the electoral process.
- Organises stake holders meetings and workshops throughout the Liaison officers to sensitise the communities on security matters.

**Other institutions / agencies / factors:**

- The army controls law breakers with army and protect the country against aggression.
- The prisons who provide reasonable, safe and humane custody and rehabilitation services to law offenders in jail.
- The judiciary that administer justice.
- The National Assembly / parliament that makes laws of a state.
- The public that cooperates with all the agencies to maintain law and orderliness in the community.
- The government ministers that make policies and programs to establish orderliness
- The local council who implement the various government policies properly.
- The president who make right presidential pronouncements.

**Mark as a whole: 25marks**

**10. To what extent was President Idi Amin of Uganda responsible for the collapse of the East African Community?**

**Answer plan:**

- A student is required to identify and explain the role of President Idi Amin towards the collapse of the E. Africa community and the clearly bring out the other factors. A clear stand point is necessary.

**Points to consider:**

- The E.A.C was a social and Economic integration between the three countries i.e. Uganda, Kenya and Tanzania.  
It was establish in 1967 and signed on 6<sup>th</sup> June 1967 by the leaders of the three countries i.e. Obote (Uganda), Nyerere (Tanzania) and Kenyatta (Kenya) in the presence of UNO expert K'jiel Phillip.
- ❖ President Amin's responsibility:-
- Amin had personal grudge with Nyerere that created disharmony in E.A.C.
- Amin's use of improper language to describe Nyerere soiled the relationship between the two statesmen
- Amin's coup of 1971 that desposed Obote off power one of the original founder of E.A.C
- Amin's armed boarder conflicts between Uganda and Kenya.
- Amin's 1972 economic war declaration that led to the expulsion of Asians from Uganda.
- Amin's none-commitment to required integration since he was not a signatory to the E.A.C treaty.
- Amin's boarder conflicts with Tanzania over the ownership of Kagera basin.
- Amin's was pre-occupied with personal and national matters that made hi reluctant to the E.A.C

**Other factors:**

- Poverty of individual member states
- Economic differences.
- Influence of cold war politics.
- Exclusion of the private sector and dependence on politicians an government to implement activities.
- Strong cultural attachments humiliated E.A.C e.g. Buganda rejected the federation
- Differences in the collection of customs duties.
- None involvement of the local people through either a referendum of other means.
- Political power struggles in member states.
- Limited political commitment of leaders.
- Imposition of protectionism policies
- Lack of public awareness about the importance of the integration.
- Un even distribution of common services.
- Countries were only committed to their respective national policies and programs.
- Negative attitude of Uganda and Tanzania towards foreign investors.

**Mark as a whole: 25 marks**

**END**